

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2026 Legislative Session

Legislative Day No. 11

Bill No. 54 -2026

Introduced by the Chairperson at the request of the County Executive

SHORT TITLE: Amendments - Howard County Code – conforming the Code to the new Classification Plan and Pay Plan.

AN ACT amending County Code provisions related to the repeal and reenact of the Classification Plan for Howard County and amendments to the Pay Plan for Howard County; updating position titles and experience requirements for certain County positions; clarifying certain Human Resource processes such as promotions and reclassifications; providing for an Administrator of the Local Children’s Board; changing references to the Animal Control Division to be the Office of Animal Control; removing certain obsolete provisions; defining certain terms; making certain technical corrections; and generally related to position titles and Human Resources provisions of our code.

Introduced and read first time _____, 2026. Ordered posted and hearing scheduled.

By order _____
Michelle Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2026.

By order _____
Michelle Harrod, Administrator

This Bill was read the third time on _____, 2026 and Passed ___, Passed with amendments _____, Failed _____.

By order _____
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2026 at ___ a.m./p.m.

By order _____
Michelle Harrod, Administrator

Approved by the County Executive _____, 2026

Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the Howard County Code is amended as follows:

By amending:

Title 1. Human Resources

1. Section 1.100. Definitions.

2. Section 1.101. Personnel officer.

3. Section 1.102. Office of Human Resources.

4. Section 1.103. Employee manual.

5. Section 1.111. Scope of merit system.

6. Section 1.112. Filling positions in the classified service

7. Section 1.113. Work hours for employees

8. Section 1.114. Performance appraisal of employees

9. Section 1.115. Performance-related dismissal, dismissal for cause, and discipline of employees in the classified service.

10. Section 1.117. Procedures for dismissal from the classified service

11. Section 1.118. Appeal to Personnel Board.

12. Section 1.119. Non-disciplinary separations.

13. Section 1.120. Personnel Board

14. Section 1.121. General prohibitions

15. Section 1.122A. Hiring preference for individuals with disabilities

16. Section 1.200. Scope and administration of classification plan

17. Section 1.202. Official copy of classification plan; general review of classification plan; position reclassifications

18. Section 1.203. Interpretation of position classification descriptions

19. Section 1.300. Scope of pay plan

20. Section 1.302. Starting rate of pay; promotion, demotion, and reclassification rates; pay adjustments for purposes of pay equity.

21. Section 1.303. Fringe benefits

22. Section 1.304. Employee performance award

23. Section 1.305. State-authorized exempt positions.

24. Section 1.306. Executive exempt

- 1 25. Section 1.307. Grant-funded position
2 26. Section 1.308. Part-time benefited position
3 27. Section 1.309. Contingent employment
4 28. Section 1.455. Retirement Plan Committee
5 29. Section 1.455A. Retirement Plan Committee
6 30. Subsection (h) of Section 1.601. Definitions
7 31. Section 1.700. Whistleblower protection.

8
9 *Title 6. County Executive And The Executive Branch*

- 10 32. Section 6.200. Department and office heads; powers, duties and responsibilities
11 generally.
12 33. Section 6.201. Department of County Administration.
13 34. Section 6.202. Department of Community Resources and Services.
14 35. Section 6.205. Department of Fire and Rescue Services.
15 36. Section 6.208. Department of Police.
16 37. Section 6.209. Department of Public Works.
17 38. Section 6.401. Department of County Administration.
18 39. Section 6.404. Office of Public Information.
19 40. Section 6.405. Office of Procurement and Contract Administration.
20 41. Section 6.406. Office of Workforce Development.
21 42. Section 6.407. Office of Community Sustainability.
22 43. Section 6.408. Office of Transportation.

23
24 *Title 11. Finance.*

- 25 44. 11.101. Department of Finance -pending decisions.

26
27 *Title 12. Health and Social Services.*

- 28 45. Section 12.205. Office of Human Rights and Equity
29 46. Section 12.300. Local Children's Board established; staffing; purpose; general
30 provisions.
31 47. Section 12.500. Office on Aging and Independence

1 48. Section 12.1500. Office of Children and Families.

2 49. Section 12.1900. Office of Community Partnerships.

3
4 *Title 13. Housing and Community Development.*

5 50. Section 13.101. Department of Housing and Community Development

6
7 *Title 17. Public Protection Services.*

8 51. Section 17.109. Emergency management

9 52. Section 17.200A. Department of Police

10 53. Section 17.300. Definitions.

11 54. Section 17.301. Rabies vaccinations; licenses and tags; fees.

12 55. Section 17.302. Nuisances.

13 56. Section 17.303. Dangerous and potentially dangerous animals.

14 57. Subsection (b) and (c), both of Section 17.304, Threat to public safety.

15 58. Subsection (a) of Section 17.305A. Outdoor shelter and water requirements for dogs.

16 59. Section 17.305C. Animal safety alerts.

17 60. Subsections (e) and (f), both of Section 17.307, Other regulated activities.

18 61. Section 17.308. Destruction of animals.

19 62. Section 17.309. Enforcement

20 63. Section 17.310. Impoundment and redemption.

21 64. Section 17.311. Adoption

22 65. Section 17.312. Animal Control

23 66. Section 17.313. Notification procedures.

24 67. Subsection (a) of Section 17.314, Contractual services.

25 68. Section 17.315. Interfering with enforcement

26 69. Section 17.316. Reporting animal bites; investigation

27 70. Section 17.317. Quarantine.

28 71. Section 17.318. Civil penalties and other remedies for violations.

29 72. Section 17.319. Criminal penalties for violations.

30 73. Subsections (a) and (b), both of Section 17.320, Animal Matters Hearing Board.

31 74. Section 17.321. Appeals.

1 75. Section 17.322. Private animal shelter license; standards of care for private animal
2 shelters.

3 76. Section 17.401. Office of Consumer Protection.

4
5 Title 18. Public Works.

6 77. Section 18.100. Metropolitan Commission personnel, functions and property transferred
7 to County.

8 78. Section 18.1001. Department of Public Works.

9
10 Title 22. General Provisions

11 79. Subsection (e) of Section 22.101. County Seal.

12 80. Section 22.302. Applicability and form of compliance.

13 81. Section 22.400A. Office of Budget.

14 82. Subsection (d) of Section 22.403, Public notice of capital projects; public hearing by
15 Planning Board.

16
17 Title 27. Technology and Communications.

18 83. Section 27.101. Department of Technology and Communication Services.

19
20 **Title 1. Human Resources.**

21 **Subtitle 1. Human Resources Administration.**

22 **Part I. Definitions; Human Resources System.**

23
24 **Section 1.100. Definitions.**

25 (a) *In General.* In this title, the following terms AND PHRASES SHALL have the meanings
26 indicated:

27 (1) *APPOINTING AUTHORITY* MEANS A DIRECTOR OF A COUNTY DEPARTMENT OR AS
28 SPECIFICALLY DESIGNATED BY COUNTY CHARTER OR CODE.

29 (2)[[b]]*Classified [[employee]]EMPLOYEE* means an employee who:

30 ([[1]])i) Is appointed to a position in the merit system that is not in the Exempt Service;

31 and

1 ([[2]]II) Has successfully completed the employee's probationary period.

2 (3) CLASSIFIED SERVICE MEANS ALL EMPLOYEES IN THE MERIT SYSTEM THAT ARE NOT IN THE
3 EXEMPT SERVICE.

4 (4) *EXEMPT SERVICE* MEANS ALL POSITIONS SPECIFICALLY DESIGNATED AS EXEMPT IN THE
5 COUNTY CHARTER, OR DESIGNATED AS EXECUTIVE EXEMPT, GRANT-FUNDED, PART-TIME
6 BENEFITTED OR CONTINGENT EMPLOYEES AS PROVIDED IN THIS TITLE.

7 (5)[[(c)]] *Position* means a combination of duties and responsibilities, which are currently
8 assigned, and which require the full-time or part-time employment of one person. A
9 "position" may be occupied or vacant.

10 (6)[[(d)]] *Position classification* means a group of positions or one position that:

11 [[1]]I) Have similar duties and responsibilities;

12 [[2]]II) Require similar qualifications; and

13 [[3]]III) Based on rules adopted for administration of the pay plan, are compensated
14 within the same salary grade.

15
16 **Section 1.101. Personnel officer.**

17 (a) *Personnel Officer*. The Chief Administrative Officer is the Personnel Officer of the County.

18 (b) *Duties of Personnel Officer*. The Personnel Officer or the Personnel Officer's designee shall:

19 (1) Perform such duties as the County Executive may direct, or as may be prescribed by law;

20 (2) Prepare a classification plan to be submitted to the Personnel Board for its approval;

21 (3) Maintain the classification plan on a current basis, and submit proposed changes to the
22 Personnel Board for its approval and to the County Council for legislative action;

23 (4) Prepare a pay plan and allocate each class of positions to the appropriate pay grade, as
24 shown in the pay plan, to be submitted to the Personnel Board for its approval;

25 (5) In accordance with subsection 706(e) of the Charter, submit to the Personnel Board and
26 the County Council, recommendations for changes in the pay plan;

27 (6) Prepare and submit to the County Executive annually, a proposed pay plan for the
28 officers and employees in the [[exempt service]]EXEMPT SERVICE of the County;

29 (7) In accordance with subsection 704(a) of the Howard County Charter, prepare and
30 maintain on a current basis, to be submitted to the Personnel Board for its approval, rules

1 that provide for the appointment, promotion, demotion and separation of employees
2 solely on the basis of merit;

3 (8) In accordance with section 1.103 of this subtitle, prepare and maintain on a current basis,
4 to be submitted to the Personnel Board for its review and comment, an employee manual;

5 (9) In accordance with section 708 of the Howard County Charter:

6 (i) Approve and certify the payment of all payrolls for employees in the [[classified
7 service]]CLASSIFIED SERVICE; and

8 (ii) Withhold authorization for payment for personnel services to any person or position
9 in the [[classified service]]CLASSIFIED SERVICE unless:

10 a. The persons named therein have been appointed and employed in accordance with
11 the provisions of the Charter, the Laws of Maryland, and applicable personnel
12 rules and regulations; and

13 b. There has been a budgetary provision or supplemental appropriation for the
14 payment;

15 (10) Serve as Executive Secretary to the Personnel Board;

16 (11) Deal with certified employee organizations, including negotiating matters related to
17 wages, hours, working conditions and other terms and conditions of employment;

18 (12) Counsel, advise, and consult with other offices and Departments on personnel matters;

19 (13) Provide training programs for employees;

20 (14) Administer all provisions of this title and the personnel rules not specifically reserved to
21 the Personnel Board or to other agencies of County Government;

22 (15) Recruit new employees, and develop and implement programs for the retention of
23 qualified, existing employees;

24 (16) Subject to section 22.1000 of the County Code, submit to the County Council on or
25 before May 1, an annual report on any positions filled by current County employees
26 during the previous year; and

27 (17) Subject to section 22.1000 of the County Code, submit to the County Council on or
28 before May 1, an annual report on new positions created by the Personnel Officer during
29 the previous year.
30

1 **Section 1.102. Office of Human Resources.**

2 (a) *General Provisions.* There is an Office of Human Resources within the Department of
3 County Administration. General provisions applicable to the Office of Human Resources are set
4 forth in subtitle 2, "Administrative Departments and Offices" of title 6, "County Executive and
5 the Executive Branch" of the Howard County Code.

6 (b) CHIEF Human Resources [[Administrator]]OFFICER. The CHIEF Human Resources
7 [[Administrator]]OFFICER is the head OF the Office of Human Resources. The Chief
8 Administrative Officer shall exercise general supervision over the Office of Human Resources.

9 (c) *Qualifications of* CHIEF Human Resources [[Administrator]]OFFICER. The Human Resources
10 Officer shall have comprehensive knowledge of the principles and practices of public human
11 resources management, including familiarity with THE AREAS OF classification and
12 COMPENSATION SYSTEMS [[pay plans]], employee benefits packages, and employee recruitment
13 AND[[,]] selection, [[and]] employee [[training]] RELATIONS, INTERNAL WORKFORCE
14 DEVELOPMENT, PENSION, HUMAN RESOURCES INFORMATION SYSTEMS, AND RISK MANAGEMENT
15 AND SAFETY. The CHIEF Human Resources [[Administrator]]OFFICER shall have AT LEAST TEN
16 (10) YEARS [[had]] of increasingly responsible experience in human resources management,
17 including AT LEAST FIVE (5) YEARS OF MANAGERIAL EXPERIENCE [[supervisory or administrative
18 experience]].

19 (d) *Duties and Responsibilities of* CHIEF Human Resources [[Administrator]]OFFICER . The
20 CHIEF Human Resources [[Administrator]]OFFICER shall perform the functions as assigned by
21 the Chief Administrative Officer, the Personnel Officer or as prescribed by law.

22
23 **Section 1.103. Employee manual.**

24 (a) *Personnel Officer to Prepare.* In accordance with subsection 1.101(b)(8) of this subtitle, the
25 Personnel Officer shall prepare and maintain on a current basis, an employee manual, which
26 shall include rules established under subsection 1.101(b)(7) of this subtitle, and which shall
27 establish County policy and procedure concerning matters the Personnel Officer deems
28 necessary for the proper administration of the [[classified service]] CLASSIFIED SERVICE.

29 (b) *Updates to the Employee Manual.* The Personnel Officer shall update the employee manual
30 as necessary for the proper administration of the [[classified service]]CLASSIFIED SERVICE. The
31 Personnel Officer shall submit to the Personnel Board for its approval, and to the Council for

1 legislative action thereon, an update to a rule in the employee manual that provides for the
2 appointment, promotion, demotion, or separation of employees in the [[classified service]]
3 CLASSIFIED SERVICE.

4 (c) *Annual Submission to the Personnel Board.* No later than the first day of October of each
5 year, the Personnel Officer shall submit to the Personnel Board for its review and comment the
6 current version of the employee personnel manual.

7 8 **Part II. Merit System.**

9 10 **Section 1.111. Scope of merit system.**

11 (a) *In General.*

12 (1) The merit system shall include all officers and employees of the County.

13 (2) The merit system does not include:

14 (i) The Officers and employees of the Board of Education;

15 (ii) Employees covered by the State merit system; or

16 (iii) Employees in State-authorized exempt positions, as defined in section 1.305 of this
17 title.

18 (3) A position in the merit system shall be in the [[exempt service]] EXEMPT SERVICE or the
19 [[classified service]] CLASSIFIED SERVICE.

20 (b) *Exempt Service.* The [[exempt service]] EXEMPT SERVICE includes THE FOLLOWING positions,
21 ALL OF WHICH SERVE AT THE PLEASURE OF THEIR RESPECTIVE APPOINTING AUTHORITY:

22 (1) Designated as exempt in the Howard County Charter;

23 (2) Designated as Executive [[exempt]] EXEMPT in section 1.306 of this title;

24 (3) Designated as grant-funded in section 1.307 of this title; or

25 (4) Designated as part-time benefited positions in section 1.308 of this title; or

26 (5) That are contingent employees as provided in section 1.309 of this title.

27 (c) *Classified Service.* All positions in the merit system that are not in the [[exempt
28 service]] EXEMPT SERVICE are in the [[classified service]] CLASSIFIED SERVICE.

29 (d) *Probationary employee.*

30 (1) Unless otherwise indicated in a position [[classification]] description, and unless
31 terminated earlier, upon initial appointment to a position in the [[classified

1 service]]CLASSIFIED SERVICE, an employee shall serve a probationary period of six
2 months.

3 (2) An employee serving a probationary period is not a member of the [[classified
4 service]]CLASSIFIED SERVICE and no rights under the [[classified service]]CLASSIFIED
5 SERVICE accrue to the employee until the [[appointing authority]]APPOINTING
6 AUTHORITY recommends and the Personnel Officer approves that the employee be placed
7 in the [[classified service]]CLASSIFIED SERVICE.

8 (e) *Employees Governed by Collective Bargaining Agreements.*

9 (1) The provisions of this title and the employee manual apply to employees governed by a
10 collective bargaining agreement approved under [[subtitle]]SUBTITLE 6 of this title,
11 except that where provisions of a collective bargaining agreement are in conflict with
12 provisions of this title or the employee manual, the collective bargaining agreement
13 applies.

14 (2) The County Executive shall submit to the County Council for legislative action the
15 provisions in ratified and signed collective bargaining agreements which are in conflict
16 with provisions of this title or the employee manual. A record of these provisions and a
17 copy of each collective bargaining agreement in effect shall be maintained by the Office
18 of Human Resources.

19
20 **Section 1.112. Filling positions in the [[classified service]]CLASSIFIED SERVICE.**

21 (a) *Appointments Made on the Basis of Merit.* Appointments to positions in the [[classified
22 service]]CLASSIFIED SERVICE shall be made on the basis of merit from an [[eligibility
23 list]]ELIGIBILITY LIST that shall include internal applicants or a combination of both external and
24 internal applicants. For purposes of this section, an internal applicant is an applicant who is
25 employed by Howard County Government at the time of application and an external applicant is
26 an applicant who is not employed by Howard County Government at the time of application.

27 (b) *Vacancies.* An [[appointing authority]]APPOINTING AUTHORITY who wishes to fill a
28 budgeted vacant position in the [[classified service]] CLASSIFIED SERVICE shall submit an
29 employee requisition form to the Personnel Officer.

30 (c) *Job Announcements.*

1 (1) The CHIEF Human Resources [[Administrator]]OFFICER shall give public notice of the
2 intent to:

- 3 (i) Fill one or more positions; or
4 (ii) Accept applications for future vacancies.

5 (2) When an application deadline is established, the notice under paragraph (1) of this
6 subsection shall be given at least two weeks in advance of the application filing deadline.

7 (3) Notice may be given by means of announcements posted on THE COUNTY'S
8 RECRUITMENT WEBSITES [[official County bulletin boards in County facilities, in police
9 and fire stations, in any courthouse,]] and any other [[place]] METHOD the CHIEF Human
10 Resources [[Administrator]]OFFICER deems proper. When deemed appropriate by the
11 CHIEF Human Resources [[Administrator]]OFFICER, a notice may be advertised in local
12 newspapers or other media.

13 EXCEPTIONS ON NOTICE REQUIREMENTS ARE ONLY PERMITTED WHEN AUTHORIZED BY THE
14 PERSONNEL OFFICER TO ADDRESS MATTERS OF TRANSFERS, DEMOTIONS, OR RESOLUTION
15 OF PERSONNEL MATTERS.

16 (4) A job announcement shall state:

- 17 (i) The title, grade, and the range for pay for the position for which applications are
18 sought;
19 (ii) The nature of the work to be performed;
20 (iii)The education and work experience requirements of the position;
21 (iv)The examination requirement, if any;
22 (v) Any prerequisites for eligibility; and
23 (vi)Any limitations on criteria for the position, including any criteria that limit
24 consideration to current employees of Howard County Government.

25 (5) Applications shall be made on forms prescribed by the CHIEF Human Resources
26 [[Administrator]]OFFICER, and shall contain information relating to the education, work
27 experience, training, and residence of the applicant, and shall contain a certification by
28 the applicant of the accuracy of the statements made therein.

29 (d) *Duration of Active Application.* If an applicant meets the minimum qualifications of the
30 position classification, the CHIEF Human Resources [[Administrator]]OFFICER shall maintain the
31 application until the vacancy is filled.

1 (e) *Eligibility List.*

2 (1) If the Personnel Officer approves an employee requisition request, the CHIEF Human
3 Resources [[Administrator]]OFFICER shall provide the [[appointing
4 authority]]APPOINTING AUTHORITY with an alphabetical eligibility list based on:

- 5 (i) The results of open, competitive examinations;
6 (ii) The results of an internal promotion exam; or
7 (iii)An examination of an application, resume, or other information provided by the
8 applicant.

9 (2) Except as provided in paragraph (10) of this subsection, the eligibility list shall consist of
10 at least three and up to ten names of applicants who are most qualified for the position
11 plus:

- 12 (i) Up to an additional five names of applicants who:
13 a. Were among the next five most highly qualified applicants;
14 b. Qualified for a DISABILITY HIRING ELIGIBILITY preference under section 1.122A of
15 this subtitle; and
16 (ii) Up to an additional five names of applicants who[:
17 a. Are federal employees who meet the definition of a surplus or displaced employee
18 and received official notice that their jobs are no longer needed, or notice they
19 will lose their jobs, as a result of the 2025 federal reduction in force; or federal
20 contractors whose contracts with the federal government have been terminated or
21 suspended due to the 2025 federal reduction in force; and
22 b. Meet]]MEET the qualifications and other requirements of the job they are applying
23 for.

24 (3) Unless extended, an eligibility list shall expire one year after it is established. The
25 expiration date for an eligibility list may be extended at the request of the [[appointing
26 authority]]APPOINTING AUTHORITY OR THE CHIEF HUMAN RESOURCES OFFICER, and upon
27 approval of the Personnel Officer.

28 (4) If multiple vacancies occur in the same position classification, the CHIEF Human
29 Resources [[Administrator]]OFFICER may place the name of one additional candidate on
30 the eligibility list for each additional vacancy authorized to be filed.

1 (5) A current employee in the same position classification as the vacant position who applies
2 shall be considered eligible for the position, and the CHIEF Human Resources
3 [[Administrator]]OFFICER shall add the employee's name to the eligibility list IF
4 QUALIFIED FOR THE POSITION, regardless of the number of other names on the list.

5 (6) After conducting an interview of all available applicants, the [[appointing
6 authority]]APPOINTING AUTHORITY shall select a candidate from the eligibility list. The
7 [[appointing authority]]APPOINTING AUTHORITY shall forward justification for the
8 selection to the CHIEF Human Resources [[Administrator]]OFFICER.

9 (7) If the [[appointing authority]]APPOINTING AUTHORITY does not select a candidate from
10 an eligibility list, the [[appointing authority]]APPOINTING AUTHORITY shall provide a
11 written justification for the rejection of the list to the CHIEF Human Resources
12 [[Administrator]]OFFICER.

13 (8) *INTRA-DEPARTMENTAL TRANSFER.* An [[appointing authority]]APPOINTING AUTHORITY
14 may fill a position by transferring an employee from one position to another in the same
15 position classification within the Department, or from one position to another in a
16 different position classification in the same or lower grade within the Department if:

17 (i) The [[Personnel Officer]]CHIEF HUMAN RESOURCES OFFICER determines that the
18 individual is qualified for the position; and

19 (ii) Except as provided in subsection 1.115(c)(2) of this subtitle, the employee agrees to
20 the transfer.

21 (9) *INTER-DEPARTMENTAL TRANSFER.* An [[appointing authority]]APPOINTING AUTHORITY
22 may fill a position by transferring an employee from a position in one Department to a
23 position in another Department in the same position classification or in a different
24 position classification in the same or lower grade if:

25 (i) The [[Personnel Officer]]CHIEF HUMAN RESOURCES OFFICER determines that the
26 individual is qualified for the position; and

27 (ii) The appointing authorities of both Departments and, EXCEPT AS PROVIDED IN
28 SUBSECTION 1.115(c)(2) OF THIS SUBTITLE, the employee agree to the transfer.

29 (10) [[A]]AN eligibility list may have fewer than three applicants if the Office of Human
30 Resources has determined that a reasonable search has been conducted.

31 (f) *Offer of Employment.*

1 (1) After receipt of the name of an individual selected under subsection (e)(6) of this section,
2 the CHIEF Human Resources [[Administrator]]OFFICER [[shall forward the name to the
3 Personnel Officer, who]] shall extend an offer of employment to the individual.

4 (2) An offer of employment may be subject to the selected individual passing a [[physical]]
5 BACKGROUND SCREENING AND MEDICAL examination as specified by the Personnel
6 Officer OR AS OTHERWISE REQUIRED BY STATE OR FEDERAL LAW.

7 (g) *Probationary Period.*

8 (1) Upon initial appointment to a position in the [[classified service]]CLASSIFIED SERVICE, an
9 employee is a probationary employee. Time spent in a designated trainee class is
10 considered a probationary period.

11 (2) An [[appointing authority]]APPOINTING AUTHORITY may terminate a probationary
12 employee:

13 (i) Upon giving up to two weeks' notice of termination; or

14 (ii) Upon payment of up to two weeks' severance pay in-lieu-of notice of termination.

15 (3) At the end of the probationary period, the [[appointing authority]]APPOINTING
16 AUTHORITY shall notify the CHIEF Human Resources [[Administrator]]OFFICER that the
17 [[appointing authority]]APPOINTING AUTHORITY recommends:

18 (i) That the employee be placed in the [[classified service]]CLASSIFIED SERVICE;

19 (ii) That the employee's probationary period be extended for a period not to exceed six
20 months; or

21 (iii) That the employee be terminated because the employee's performance does not meet
22 the required performance standards for the position or job assignment.

23 (4) A termination under paragraph (2) or under paragraph (3)(iii) of this section is not
24 appealable.

25 (5) (i) A [[classified]]CLASSIFIED employee who is promoted shall serve a probationary
26 period equal to the length of the probationary period for that position.

27 (ii) If a [[classified]]CLASSIFIED employee is promoted and, during the probationary
28 period, the [[appointing authority]]APPOINTING AUTHORITY determines that the
29 employee's performance does not meet the required performance standards for the
30 new position, the [[appointing authority]]APPOINTING AUTHORITY may dismiss the
31 employee.

(iii) If a ~~[[classified]]~~ CLASSIFIED employee is dismissed under this paragraph, the ~~[[appointing authority]]~~ APPOINTING AUTHORITY shall make a good faith effort to place the employee in a vacant position FOR WHICH THEY ARE QUALIFIED before the employee is terminated.

(iv) Movement from a designated trainee class to a full performance class is not a promotion.

Section 1.113. Work hours for employees.

(a) *Work Hours for Employees.*

(1) Unless the Personnel Officer approves, in writing, a different schedule, the regularly scheduled hours of work for County employees are 40 hours per week exclusive of a lunch period.

(2) Each Department Head shall establish and distribute to employees of the Department a written policy governing work hours, lunch periods, flexible scheduling, and any other issue relating to work hours for employees. Each Department Head shall forward to the CHIEF Human Resources ~~[[Administrator]]~~ OFFICER a copy of the policy under this paragraph.

(3) If justified in writing by the appointing authority, the Personnel Officer may approve a work schedule of 35 hours per week for an employee who was appointed to the classified service before September 29, 1997. In such case, the employee shall receive fringe benefits as if the employee worked the standard work week, except that accrual of leave shall be on the basis of 35 hours per week.

(b) *Work Schedules for Fire and Rescue Services Employees.* The Chief of Fire and Rescue Services shall establish the work schedule of the career firefighter personnel and shall provide adequate supervision for career personnel when they are on duty.

Section 1.114. Performance appraisal of employees.

(a) *Appraisal of Probationary employee.* A probationary employee shall receive a performance appraisal by the employee's immediate supervisor during the probationary period.

(b) *Appraisal of Classified employee.* An employee in the ~~[[classified service]]~~ CLASSIFIED SERVICE shall receive a performance appraisal at least once a year by the employee's immediate

supervisor, and the results of the appraisal shall be discussed with and signed by the employee being appraised. The purpose of the appraisal is to encourage employee growth and development and to implement the employee [[performance award]] PERFORMANCE-BASED COMPENSATION program AS REFERENCED IN SECTION 1.304 IN THIS TITLE.

(c) *Included in Personnel File.* The appraisal by the supervisor and any comments of the employee being appraised shall be forwarded to the Personnel Officer by the Department Head for inclusion in the employee's personnel file.

(d) *Appraisal Forms.* The Personnel Officer shall develop appropriate appraisal forms to accomplish employee performance appraisals.

Section 1.115. Performance-related dismissal, dismissal for cause, and discipline of employees in the [[classified service]]CLASSIFIED SERVICE.

(a) *Dismissal from the Classified Service for Unsatisfactory Performance.* An [[appointing authority]]APPOINTING AUTHORITY may dismiss a [[classified]]CLASSIFIED employee if:

- (1) The employee's work performance is unsatisfactory;
- (2) In accordance with procedures in the employee manual, the [[appointing authority]]APPOINTING AUTHORITY has issued a written warning to the employee;
- (3) After receiving the warning, the employee has an opportunity to meet the performance standards for the position; and
- (4) The employee's performance continues to be unsatisfactory.

(b) *Immediate Dismissal for Cause.* An [[appointing authority]]APPOINTING AUTHORITY may immediately dismiss a [[classified]]CLASSIFIED employee if the employee engages in conduct within the following categories:

- (1) Dishonesty, including misuse of money or property, theft, or making false statements;
- (2) Insubordination, including failure or refusal to follow legitimate or lawful directions or orders;
- (3) Violation of County policy, including any policy to which an employee is made subject as a corollary of employment;
- (4) Misconduct, including negligence, tardiness, unauthorized absence, illegal activities, conviction of a felony or crime of moral turpitude, or any behavior which endangers other employees or County property; or

(5) Accepting for personal use any fee, gift, or other thing of value in connection with or during the course of County employment if given to the employee by any person with the hope or expectation of receiving a favor or better treatment than that accorded to other persons, and other conduct that violates the County's ethics law.

(c) *Discipline in Lieu of Dismissal*. In lieu of dismissal, an [[appointing authority]] APPOINTING AUTHORITY may take any or all of the following disciplinary actions against a [[classified]] CLASSIFIED employee:

(1) Give the employee a written reprimand;

(2) With the approval of the Personnel Officer, demote the employee to a lower pay grade or to a reduced level of pay in the same grade;

(3) Direct the suspension of the employee's accrual of annual or personal leave for a period not to exceed one year; or

(4) Suspend the employee without pay.

Section 1.117. Procedures for dismissal from the [[classified service]] CLASSIFIED SERVICE.

(a) *Charges for Dismissal*. An action for dismissal from the [[classified service]] CLASSIFIED SERVICE may be initiated by an [[appointing authority]] APPOINTING AUTHORITY or the Personnel Officer by filing charges for dismissal.

(b) *Charges Signed and Delivered*. Charges for dismissal shall be in writing, signed by the person initiating the action for dismissal, and filed with the Personnel Officer, who shall, after review, deliver one copy to the employee in person or by certified mail.

(c) *Contents of Charges*. Charges for dismissal shall contain:

(1) Reasonable notice of the proposed action;

(2) The reasons or charges leading to the proposed dismissal;

(3) Specific information as to why the dismissal is proposed; and

(4) A citation to the applicable rule under which the dismissal is sought.

(d) *Reply to Charges*. The person initiating the action for dismissal shall give fair and objective consideration to an employee's reply to any charges for dismissal, and the employee shall have the right to appear before the person initiating the action for dismissal in person to answer the charges after first making AN answer in writing.

(e) *Removal From Job; Notice of Right to Appeal.* If, after any meeting with the employee and considering any written answer, the person initiating the dismissal determines that dismissal is appropriate, the Personnel Officer shall notify the employee, in writing, of the effective date of the dismissal. The notification of dismissal shall include notice that the employee may appeal the dismissal to the Personnel Board by filing an appeal with the Executive Secretary of the Personnel Board in writing within 15 calendar days of the day the dismissal takes effect. After an employee is dismissed, the person initiating the action shall forward the employee's personnel file to the Personnel Officer.

Section 1.118. Appeal to Personnel Board.

An employee who is dismissed from the [[classified service]]CLASSIFIED SERVICE under section 1.117 of this subtitle may appeal the dismissal to the Personnel Board under the procedures in section 1.500 of this title.

Section 1.119. Non-disciplinary separations.

(a) *Resignation.*

(1) An employee who plans to resign from the [[classified service]]CLASSIFIED SERVICE shall notify his or her immediate supervisor at least ten working days prior to the employee's last day of work. The [[appointing authority]]APPOINTING AUTHORITY may deduct the equivalent in hours of one day from the employee's accrued annual leave for each day that the notice given is less than required under this section.

(2) Except as provided in paragraph (1) of this subsection, an employee who resigns shall be paid for all leave credit for which the employee is eligible under procedures contained in the employee manual.

(3) The Personnel Officer shall note in the employee's employment record, a failure to comply with a condition in this subsection.

(b) *Layoff.*

(1) An [[appointing authority]]APPOINTING AUTHORITY may lay off an employee in the [[classified service]]CLASSIFIED SERVICE when the position to which the employee has been assigned is abolished. A [[classified]]CLASSIFIED employee may not be laid off if

1 there is a contingent employee in the same Department performing duties for which the
2 [[classified]]CLASSIFIED employee is qualified.

3 (2) The [[appointing authority]]APPOINTING AUTHORITY shall determine the order of lay off
4 of employees on the basis of their relative proficiency and length of service to the
5 County.

6 (3) The [[appointing authority]]APPOINTING AUTHORITY shall, when practicable, give a
7 [[classified]]CLASSIFIED employee at least ten working days' notice of a layoff or ten
8 days' pay in lieu of notice.

9 (c) *Furlough.*

10 (1) An employee in the [[classified]]CLASSIFIED or [[exempt service]]EXEMPT SERVICE who
11 is entitled to accrue annual leave may be furloughed if:

12 (i) The County Executive determines that an ascertained shortfall in revenue, based upon
13 available projections during any fiscal year, requires a reduction in the amount
14 approved for salaries, wages, and fringe benefits for a Department, Agency or Office;

15 (ii) A reduction is made in the amount approved for salaries, wages, and fringe benefits
16 for a Department, Agency, or Office in the County's adopted current expense budget;
17 or

18 (iii)An [[appointing authority]]APPOINTING AUTHORITY requests, and the County
19 Executive approves, furloughs for employees under the [[appointing
20 authority]]APPOINTING AUTHORITY 's jurisdiction in order to meet the amount
21 approved for salaries, wages, and fringe benefits for the Department, Agency or
22 Office in the County's adopted current expense budget.

23 (2) When a furlough is required under any of the circumstances described in paragraph (1) of
24 this subsection, the County Executive shall submit a furlough plan to the County Council
25 for its approval by resolution. The furlough plan shall contain:

26 (i) The circumstances requiring the furlough;

27 (ii) The number of employees to be affected by the furlough, identified by agency, salary,
28 grade, and salary schedule;

29 (iii)The number of furlough days and hours the affected employees will be required to
30 take;

31 (iv)The period of time over which furlough days and hours will be required; and

- 1 (v) The dollar amount of savings expected from the furlough plan.
- 2 (3) Except as provided in paragraph (4) of this subsection, the furlough plan shall not require
3 an employee to take more than one furlough day or eight furlough hours of regularly
4 scheduled work time, whichever is greater, in any given two-week period.
- 5 (4) The furlough plan may provide that an employee be required to take more than one
6 furlough day or more than eight furlough hours in a two-week period if:
- 7 (i) The County Executive determines that closing County Government Offices for a
8 specified period of time, not to exceed five consecutive business days, will be the
9 most efficient method of realizing the needed salary savings, and
- 10 (ii) The furlough plan provides that, unless the employee requests otherwise, no more
11 than one of these furlough days may be charged to an employee during any two-week
12 period.
- 13 (5) While on furlough an employee continues to accrue leave as though not on furlough.
14 Being furloughed does not affect an employee's health insurance coverage.
- 15 (d) *Dismissal for Inability to Perform Essential Functions.* Except as provided in subsection (e)
16 of this section, an [[appointing authority]]APPOINTING AUTHORITY may dismiss a
17 [[classified]]CLASSIFIED employee if:
- 18 (1) A health care provider has determined that the employee is not physically or mentally
19 able of performing the essential duties of the employee's position. For the purposes of this
20 section, health care provider means a licensed doctor of medicine or osteopathy who is
21 authorized to practice medicine or surgery as well as licensed podiatrists, dentists, clinical
22 psychologists, clinical social workers and optometrists;
- 23 (2) The County has determined that there are no reasonable accommodations, including other
24 available vacant positions for which the employee would qualify; and
- 25 (3) The employee has been given the opportunity to pursue retirement or disability options
26 which may be available to the employee.
- 27 (e) *Option for Second Evaluation of Inability to Perform Essential Functions.*
- 28 (1) Before an employee is dismissed under subsection (d) of this section, the employee may
29 obtain a second evaluation by a health care provider of the employee's ability to perform
30 the essential duties of the employee's position. If the second evaluation finds that the
31 employee has the ability to perform the essential duties, the County may accept the

1 second evaluation or the County may seek a third evaluation in accordance with
2 subsection (f) of this section.

3 (2) The County shall pay for all costs incurred for the second evaluation if:

4 (i) The cost of the second evaluation is not covered by the employee's health insurance;
5 and

6 (ii) The employee demonstrates that the employee cannot afford the cost of the second
7 evaluation.

8 (f) *Third Evaluation.* If the County determines that a third evaluation is necessary, the County
9 shall obtain a third evaluation from an independent, board certified health care provider:

10 (1) Who shall be mutually agreed to by the employee and the County;

11 (2) Whose costs shall be paid by the County; and

12 (3) Whose opinion shall be binding on the parties.

13 (g) *Employees Covered by Collective Bargaining Agreements.* A dismissal under this section is
14 subject to the grievance procedure for a termination under an applicable Collective Bargaining
15 Agreement or the appeal process provided in section 1.500 of the Howard County Code and the
16 appeals section of the Howard County Employee Manual, as applicable.

17 (h) *Employees Not Covered by Collective Bargaining Agreements.* A dismissal under this
18 section is subject to the appeal process provided in section 1.500 of the Howard County Code
19 and the appeals section of the Howard County Employee Manual, as applicable.

20 21 **Part III. General Provisions.**

22 23 **Section 1.120. Personnel Board.**

24 (a) *In General.* As provided in section 703 of the Howard County Charter, there is a Personnel
25 Board. The Personnel Board annually shall select a Chairperson and a Vice-Chairperson from its
26 membership. The Board shall establish procedures for the conduct of its meetings, and shall meet
27 at such times as specified in the Charter.

28 (b) *Duties of Personnel Board.* The Personnel Board shall:

29 (1) Advise and consult, as appropriate, with the County Executive, the Personnel Officer, and
30 other County Officials and employees, on matters concerning the administration of the
31 merit system, the Charter, this title and the personnel rules and procedures;

- (2) As directed by the Personnel Officer, conduct investigations or inquiries concerned with administration of the merit system and, in this capacity, the Board is authorized to administer oaths, to compel the attendance of witnesses and to require the production of records and other materials in connection with said investigation or inquiry, and to advise the County Officials concerned with the Board's findings and recommendations;
- (3) Subject to the provisions of article VII of the County Charter and procedures set forth in this title, hear and decide appeals filed by [[classified]]CLASSIFIED employees and applicants. In this capacity the Board may administer oaths, compel the attendance of witnesses, and require the production of records and other material;
- (4) Render a written report to the County Executive and, subject to section 22.1000 of the County Code, forwarding a copy of such report to the County Council on or before January 31 of each year, discussing administration of the merit system for the preceding year and summarizing developments and progress made in meeting the objectives and purposes of article VII of the Charter and of this title;
- (5) Except for the duty to hear and decide appeals taken under this title, delegate any of its duties to the Personnel Officer; and
- (6) Perform such other duties as may be requested by the County Executive.

Section 1.121. General prohibitions.

(a) *Discrimination.* No person may be appointed or promoted to, or demoted or dismissed from any position in the [[classified service]]CLASSIFIED SERVICE, or in any way favored or discriminated against with respect to employment in the [[classified service]]CLASSIFIED SERVICE in violation of any County, State, or Federal law.

(b) *Political Endorsements.* No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the [[classified service]]CLASSIFIED SERVICE.

(c) *Influence.* No person may use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the [[classified service]]CLASSIFIED SERVICE, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration. No person, directly or indirectly, may give, render, pay, offer, solicit or accept any money, service or

1 other valuable consideration for securing or providing any appointment, proposed appointment,
2 promotion or proposed promotion to, or any advantage in a position in the [[classified
3 service]]CLASSIFIED SERVICE.

4 (d) *Political Activity*. An Officer or employee of the County may not be prohibited from
5 participating in politics or political campaigns. No Officer or employee may engage in political
6 activity while on the job during working hours, or advocate the overthrow of the government by
7 unconstitutional or violent means. No Officer or employee may be obligated to contribute to an
8 election campaign, political party, or political club, or to render political service.

9 (e) *Fraud*. No person may make any false statement, certificate, mark, rating or report with
10 regard to any test, certification or appointment made under any provision of this subtitle or in
11 any manner commit or attempt to commit any fraud preventing the impartial execution of this
12 subtitle and the rules promulgated thereunder.

13 (f) *Rendering Personal Services*. No Officer or employee of the County, elected or appointed,
14 shall detail or cause any Officer or employee of the County to do or perform any service or work
15 outside of his public office or employment.

16 (g) *Improper Administration*. No employee administering the merit system, examiner or other
17 person may defeat, deceive or obstruct any person in his right to examination, eligibility,
18 certification or appointment under this subtitle, or furnish to any person any special or secret
19 information for the purpose of affecting the rights or prospects of any person with respect to
20 employment in the [[classified service]]CLASSIFIED SERVICE.

21
22 **Section 1.122A. Hiring preference for individuals with disabilities.**

23 (a) *In General*.

24 (1) The Personnel Officer shall issue policies to establish a preference for the initial
25 appointment of a qualified individual with a disability into a [[classified
26 service]]CLASSIFIED SERVICE position.

27 (2) The policies shall define "individual with a disability" as:

28 (i) An individual with a developmental disability, a severe physical disability, or a
29 psychiatric disability, that has been medically proven in accordance with 5 C.F.R.
30 213.3102(U)(2); and

(ii) A veteran rated by the Department of Veterans Affairs with compensable service-connected disability of 30 percent or more.

(3) The policies shall include measures to educate appointing authorities about the preference required by this section.

(b) *Preference.*

(1) The preference shall only be applied when establishing an eligibility list.

(2) The policies shall give a higher preference to a veteran described under subsection (a)(2)(ii) of this section.

Subtitle 2. Classification Plan.

Section 1.200. Scope and administration of classification plan.

(a) *Scope.*

(1) The classification plan for Howard County shall consist of the occupational groups, class families, and the qualifications, GENERAL duties[[,]] and [[general]] requirements for each position classification contained in the plan.

(2) If a position incumbent is a member of a collective bargaining unit on September 28, 1997, the position classification specification for that employee's position shall be the specification in effect on September 28, 1997, until amended as agreed to under collective bargaining. Such position classification specifications are adopted as part of the classification plan.

(b) *Administration.* The CHIEF Human Resources[[Administrator]]OFFICER, under the general supervision of the Personnel Officer, shall administer the classification plan.

Section 1.202. Official copy of classification plan; general review of classification plan; position reclassifications.

(a) *Official Copy.* The Personnel Officer shall maintain the official copy of the classification plan on a current basis in order that it may properly reflect the minimum qualifications required for each position classification in the [[classified service]]MERIT SYSTEM.

1 (b) *General Review*. The Personnel Officer shall establish procedures under which a general
2 review of the classification plan shall be accomplished every five years TO SEVEN YEARS OR AS
3 DEEMED NECESSARY.

4 (c) *Position Reclassifications*. The Personnel Officer shall establish procedures under which a
5 position may be reviewed for allocation to a different position classification within the
6 classification plan.

7
8 **Section 1.203. Interpretation of position classification descriptions.**

9 (a) *Determination of Equivalency*. Position classification descriptions are intended to be
10 descriptive and not restrictive. Position classification descriptions are subject to final
11 interpretation by the Personnel Officer and shall be interpreted and administered in a manner
12 consistent with the requirements of applicable State and Federal law, including the Americans
13 [[With]]WITH Disabilities Act. In those cases where "any equivalent combination of education
14 and experience" is specified with the minimum qualifications, or in defining the area of a class
15 family, the determination of equivalency will be made by the CHIEF Human Resources
16 OFFICER[[Administrator]].

17 (b) *G.E.D. Equivalent*. In all cases where completion of the 12th school grade or high school
18 graduation is required, possession of a G.E.D. OR OTHER EQUIVALENCY as approved or
19 recognized by the Maryland Department of Education will be accepted as equivalent.

20 (c) *Driver's License*.

21 (1) If a position classification DESCRIPTION requires an employee to possess a driver's
22 license, the employee's Maryland driver's license, or, for employees living out-of-State,
23 an equivalent license issued by the employee's State of residence, must be valid AND
24 COMPLY WITH ALL COUNTY POLICIES at all times during the employee's tenure of
25 employment.

26 (2) If a position classification requires an employee to possess a [[Maryland Class A or Class
27 B]] COMMERCIAL DRIVER'S license, the employee shall obtain and maintain A VALID
28 commercial driver's license (CDL) [[validation]] as required by Maryland OR FEDERAL
29 law OR REGULATIONS in order to operate assigned equipment.

30
31 **Subtitle 3. Pay Plan.**

1
2 **Section 1.300. Scope of [[pay plan]]PAY PLAN.**

3 The [[pay plan]]PAY PLAN for Howard County AND THIS SUBTITLE INCLUDE [[includes]]:

- 4 (1) Pay grades, expressed as a minimum rate, a maximum rate, and intermediate rates of pay;
5 (2) The allocation of each position classification in the classification plan to a pay grade; and
6 (3) Rules for the administration of the pay plan, including:
7 (i) The payment of an employee performance [[award]] ADJUSTMENTS OR STEP
8 INCREMENTS AS APPLICABLE;
9 (ii) [[The payment of a step increment]]PAY ADJUSTMENTS RELATED TO PROMOTIONS,
10 RECLASSIFICATIONS, TRANSFERS;
11 (iii)The payment of specialty pays;
12 (iv)The payment of acting duty pay;
13 (v) The payment of involuntary separation pay;
14 (vi)The payment of overtime and compensatory time; and
15 (vii) The process for conducting an annual market review to establish the minimum
16 and maximum rates of pay in the pay plan.
17 (4) If a position incumbent is a member of a collective bargaining unit on September 28,
18 1997, the rate of pay for that employee's position shall be the rate of pay in effect on
19 September 28, 1997, until amended as agreed to under collective bargaining. Salary
20 schedules for such employees are adopted as part of the pay plan.
21

22 **Section 1.302. Starting rate of pay; promotion, demotion, and reclassification rates; pay**
23 **adjustments for purposes of pay equity.**

24 (a) *Starting Rate of Pay.*

- 25 (1) Except as provided in paragraphs (2) and (3) of this subsection, upon initial appointment
26 to the [[classified service]]CLASSIFIED SERVICE, an employee shall receive AT LEAST the
27 minimum rate of pay for the position classification to which the employee is appointed.
28 (2) Upon appointment to the [[classified service]]CLASSIFIED SERVICE, a new employee may
29 receive a rate of pay [[at step 2, 3, or 4,]] COMMENSURATE WITH THE CANDIDATE'S
30 RELEVANT QUALIFICATIONS AND EXPERIENCE, [[if]]IF such pay is recommended and
31 justified in writing by the [[appointing authority]]APPOINTING AUTHORITY and approved

1 in writing by the CHIEF Human Resources [[Administrator]] OFFICER. THE CHIEF
2 HUMAN RESOURCES OFFICER MAY APPROVE A RATE OF PAY UP TO THE MIDPOINT OF THE
3 RELEVANT PAY GRADE CONSISTENT WITH THE AUTHORIZED BUDGET. ALL RATES OF PAY
4 EXCEEDING THE MIDPOINT MUST ALSO HAVE THE AUTHORIZATION OF THE PERSONNEL
5 OFFICER.

6 (3) Upon appointment to the [[classified service]] CLASSIFIED SERVICE, a new employee may
7 receive a rate of pay [[at step 5 up to]] ABOVE THE MIDPOINT OF THE RELEVANT PAY
8 GRADE CONSISTENT WITH THE AUTHORIZED BUDGET [[and including step 14,]] if such pay
9 is AUTHORIZED IN WRITING BY THE PERSONNEL OFFICER FOLLOWING A REVIEW OF A
10 WRITTEN JUSTIFICATION FROM THE CHIEF HUMAN RESOURCES OFFICER AND THE
11 APPOINTING AUTHORITY [[recommended and justified in writing by the appointing
12 authority and approved in writing by the Personnel Officer]].

13 [[(4) Upon appointment to the classified service, a new employee may receive a rate of pay
14 at step 15 or above (not to exceed the maximum rate for the grade), if such pay is
15 recommended and justified in writing by the [[appointing authority]] APPOINTING
16 AUTHORITY and approved in writing by the Personnel Officer and the County
17 Executive.]]

18 (b) *Recruiting Bonus.* The Personnel Officer may authorize the payment of a recruiting bonus of
19 a flat dollar amount, not to exceed 20 percent of the approved annualized rate offered to a
20 candidate, as an incentive for the candidate to accept an employment offer for a position that
21 otherwise could not be filled due to:

- 22 (1) Labor market conditions;
- 23 (2) Specialized skill requirements; or
- 24 (3) Competitor compensation offers.

25 (c) *Promotion.*

26 (1) Except as provided in paragraphs (2) and (3) of this subsection, if a position in the
27 [[classified service]] CLASSIFIED SERVICE is filled by the promotion of a current
28 employee to a different position classification OF A HIGHER GRADE, the base hourly rate of
29 pay SHALL BE ADJUSTED [[for the employee in the new position classification shall be the
30 higher of:]] AS STATED BELOW IN SECTIONS (I) AND (II). IN ALL CASES, THE RESULTING

PAY FOLLOWING THE PROMOTIONAL ADJUSTMENT SHALL NOT EXCEED THE MAXIMUM OF THE NEW PAY GRADE.

(i) RECLASSIFICATIONS TO POSITION CLASSIFICATIONS ASSIGNED TO STEP PAY PLANS:

THE BASE PAY SHALL BE ADJUSTED TO THE HIGHER OF THE ~~[[THE]]~~ minimum ~~[[base]]~~ hourly rate of ~~[[pay of]]~~ the new grade ~~[[;]]~~ and ~~[[(ii) The]]~~ THE base hourly rate of a step of the new grade which most closely corresponds ~~[[to]]~~TO, but is not less than the employee's current hourly rate plus two steps, not to exceed the maximum base hourly rate of pay for the new grade.

(ii) RECLASSIFICATIONS TO POSITION CLASSIFICATIONS ASSIGNED TO A DEFINED SALARY RANGE PAY PLAN, INCLUDING THE GENERAL SALARY SCHEDULE AND EXECUTIVE & SENIOR LEADERSHIP SALARY SCHEDULE:

THE BASE PAY SHALL BE ADJUSTED TO THE HIGHER OF EITHER THE MINIMUM HOURLY RATE OF THE NEW GRADE OR THE AMOUNT OF THE EMPLOYEE'S CURRENT PAY RATE INCREASED BY FIVE (5) PERCENT FOR EACH PAY GRADE ADVANCED, UP TO A MAXIMUM ADJUSTMENT OF TEN (10) PERCENT.

(2) If an employee is promoted and the promotion results in a change in the number of hours in the employee's standard workweek, the employee's new pay rate shall FOLLOW THE PROVISIONS OUTLINED IN PARAGRAPH (1) OF THIS SUBSECTION ~~[[be the step in the new grade that most closely corresponds to, but is not less than, a two-step increase from the employee's former salary on an annual basis]]~~.

(3) If an employee is promoted and the promotion results in the employee being paid in accordance with the FM scale or PM scale, the employee shall be slotted into the rate and step in the new range which correlates to the length of the employee's creditable service.

(4) The Personnel Officer may approve a higher rate of pay for an employee who is promoted.

(d) *Demotion.* If an employee in the ~~[[classified service]]~~CLASSIFIED SERVICE is demoted, the employee's base hourly rate of pay in the new position shall:

(1) Be set by the appointing authority with the approval of the Personnel Officer; and

(2) Not exceed the maximum base hourly rate for the grade to which the new position classification is assigned.

(e) *Reclassification*. If an occupied position is reclassified under subsection 1.202(c) of this title, the position incumbent shall be paid at the rate of pay as follows:

(1) If the employee's position is reclassified to a higher grade, the employee's new base hourly rate of pay shall BE ADJUSTED AS FOLLOWS:

(I) PROMOTIONS TO POSITION CLASSIFICATIONS ASSIGNED TO STEP PAY PLANS:

THE BASE PAY SHALL BE ADJUSTED TO THE HIGHER OF THE MINIMUM HOURLY RATE OF THE NEW GRADE AND THE BASE HOURLY RATE OF A STEP OF THE NEW GRADE WHICH MOST CLOSELY CORRESPONDS TO, BUT IS NOT LESS THAN THE EMPLOYEE'S CURRENT HOURLY RATE PLUS TWO STEPS, NOT TO EXCEED THE MAXIMUM BASE HOURLY RATE OF PAY FOR THE NEW GRADE.

(II) PROMOTIONS TO POSITION CLASSIFICATIONS ASSIGNED TO A DEFINED SALARY RANGE PAY PLAN, INCLUDING THE GENERAL SALARY SCHEDULE AND EXECUTIVE & SENIOR LEADERSHIP SALARY SCHEDULE:

THE BASE PAY SHALL BE ADJUSTED TO THE HIGHER OF EITHER THE MINIMUM HOURLY RATE OF THE NEW GRADE OR THE AMOUNT OF THE EMPLOYEE'S CURRENT PAY RATE INCREASED BY FIVE (5) PERCENT FOR EACH PAY GRADE ADVANCED, UP TO A MAXIMUM ADJUSTMENT OF TEN (10) PERCENT.

[[(i) Be the base hourly rate of the step within the new grade which most closely corresponds to, but is not less than, the employee's former base hourly rate, plus two steps; and

(ii) Not exceed the maximum base hourly rate of pay for the new grade.]]

(2) If the employee's position is reclassified to a lower grade for non-disciplinary reasons:

(i) The employee's base hourly rate shall be at a level within the new grade that is closest to, but not less than, the employee's base hourly rate in the employee's former grade; and

(ii) If the base hourly rate at which the employee was paid in the former grade is more than the maximum base hourly rate for the new grade, the employee's new base hourly rate shall remain the same as the employee's base hourly rate in the employee's former grade; and

1 (3) The [[personnel officer]] PERSONNEL OFFICER may approve a rate of pay for an employee
2 whose position is reclassified that is higher than the rate otherwise provided for by this
3 subsection.

4 (f) *Pay Adjustments For Purposes of Pay Equity.*

5 (1) This subsection shall apply to employees in the [[classified service]] CLASSIFIED
6 SERVICE.

7 (2) To ensure pay equity while upholding the County's compensation system, the Personnel
8 Officer may authorize an adjustment to a [[classified]] CLASSIFIED employee's base hourly
9 rate of pay as follows:

10 (i) An adjustment under this subsection may be considered when there is pay inequity
11 resulting from an employee with comparable relevant skills, knowledge, experience,
12 being paid significantly lower than other employees within the same position
13 classification. If the classification is specialized or technical, the Personnel Officer
14 may authorize a broader review of relevant related positions for purposes of
15 conducting an assessment.

16 (ii) Pay equity adjustments require approval by the County's Personnel Officer following
17 an assessment and supporting recommendation by the CHIEF Human Resources
18 [[Administrator]] OFFICER. Pay equity adjustments may only be made through the
19 adjustment of established pay steps OR PERCENTAGE OF SALARY. The resulting base
20 hourly rate of pay, after the pay equity adjustment, must remain within the salary
21 range of the employee's current position grade and any adjustment is subject to
22 funding availability. Pay equity adjustments are made through the adjustment of the
23 employee's pay step within the grade. In no instances shall the pay equity adjustment
24 be used to move the employee to a higher classification.

25 (3) The Personnel Officer shall establish a program governing the review of pay equity
26 issues.

27
28 **Section 1.303. Fringe benefits.**

29 The Personnel Officer, with the approval of the County Executive, shall establish fringe
30 benefits for positions in the [[classified]] CLASSIFIED, [[exempt]] EXEMPT, and State-authorized
31 [[exempt services]] EXEMPT SERVICES.

1
2 **Section 1.304. Employee performance [[award]]ADJUSTMENTS.**

3 (a) *ADJUSTMENT[[Award]] Authorized.* In a fiscal year, an eligible employee may be paid an
4 employee performance [[award]]ADJUSTMENT if:

5 (1) The County Executive provides funding for employee performance

6 ADJUSTMENTS[[awards]] in the proposed annual expense budget;

7 (2) The employee performance [[award]] ADJUSTMENT funding is approved by the County

8 Council as part of the expense budget; and

9 (3) The employee's performance appraisal rating qualifies the employee for an employee
10 performance ADJUSTMENT [[award]].

11 (b) *Procedures.*

12 (1) The Personnel Officer shall establish procedures for payment of an employee
13 performance ADJUSTMENT [[award]] and shall include the procedures in the pay plan.

14 (2) Procedures under this subsection shall establish:

15 (i) The maximum employee performance ADJUSTMENT [[award]];

16 (ii) The performance appraisal rankings for which an employee shall be paid an employee
17 performance ADJUSTMENT [[award]]; and

18 (iii)Level of employee performance ADJUSTMENT [[award]]paid for each appraisal
19 ranking.
20

21 **Section 1.305. State-authorized exempt positions.**

22 (a) *Positions Defined.* State-authorized exempt positions are those positions which are required
23 or authorized by State law to be funded by Howard County, or are necessary to support the
24 functions of State Agencies which are required or authorized by the State to be supported by
25 Howard County.

26 (b) *Not Employees of the County.* An individual in State-authorized exempt position is not an
27 employee of Howard County Government. An individual in a State-authorized exempt position
28 serves in accordance with the provisions of State law governing the position.

29 (c) *Pay is in Accordance with the County Employee Schedule.* A State-authorized exempt
30 employee receives the fringe benefits under section 1.301 of this subtitle and is paid according to
31 the salary schedule adopted as part of the pay plan, UNLESS OTHERWISE EXPRESSLY REQUIRED BY

STATE LAW. The starting salaries for a State-authorized exempt employee shall be set by the [[appointing authority]]APPOINTING AUTHORITY and may not exceed the maximum base hourly rate of pay for the position.

(d) *Employee Performance* [[Award]]ADJUSTMENT. A State-authorized exempt employee is eligible for an employee performance [[award]]ADJUSTMENT AS DETERMINED BY THE EMPLOYEE'S SUPERVISOR [, provided that the employee's supervisor complies with all procedures for participation in the employee performance award program]].

(e) *Pay Grades*. Class Codes and pay grades for State-authorized exempt positions are established or amended by legislative action of the County Council. The Class Codes and pay grades are established or amended as attachments to the Council bill on which the legislative action is taken, and are not reprinted in this Code, but are maintained by the Office of Human Resources.

Section 1.306. Executive exempt.

(a) *Positions Defined.*

(1) The positions listed in this section shall be in the Executive [[exempt]]EXEMPT service.

An Executive [[exempt]]EXEMPT employee serves at the pleasure of the [[appointing authority]]APPOINTING AUTHORITY. Appointing [[authorities]]AUTHORITIES for Executive [[exempt]]EXEMPT positions are established as provided in this section.

(2) (i) An Executive [[exempt]]EXEMPT employee receives fringe benefits as provided by the Personnel Officer.

(ii) The starting salary for an Executive [[exempt]]EXEMPT employee shall be set by the [[appointing authority]]APPOINTING AUTHORITY and may not exceed the maximum base hourly rate of pay for the position.

(iii) An EXECUTIVE [[exempt]]EXEMPT employee is paid an annual salary based on the hourly rates established in the pay plan. An Executive [[exempt]]EXEMPT employee shall perform the duties assigned and shall work the hours necessary to perform those duties.

(3) [[An]]ALL Executive [[exempt employee]]EXEMPT EMPLOYEES[, excluding the Inspector General and Deputy Inspector General, is]]ARE eligible for [[an employee performance award]] A PERFORMANCE ADJUSTMENT.

1 (4) The County Executive shall determine the level of education and experience necessary
2 to meet the minimum qualifications for Executive [[exempt]]EXEMPT positions IN THE
3 CLASSIFICATION PLAN for which the County Executive is the [[appointing
4 authority]]APPOINTING AUTHORITY.

5 (b) *Appointing Authorities*. Appointing [[authorities]]AUTHORITIES for Executive exempt
6 employees are as provided in this subsection:

7 (1) *County Executive*. The County Executive is the [[appointing authority]]APPOINTING
8 AUTHORITY for the:

9 Executive [[Assistant I]]ASSISTANTS, serving the Office of the County Executive;

10 [[Executive Assistant II, serving the Office of the County Executive;]]

11 Administrative [[Assistant]]ASSISTANTS, serving the Office of the County Executive;

12 Administrative [[Analyst II]]ANALYSTS serving the Office of the County Executive;

13 Chief Administrative Officer;

14 Chief of Staff;

15 Deputy Chief of Staff;

16 CHIEF OF COMMUNICATION AND COMMUNITY ENGAGEMENT;

17 Director of Community Resources and Services;

18 Director of Corrections;

19 Director of Finance;

20 Chief of Fire and Rescue Services;

21 Director of Housing and Community Development;

22 Director of Inspections, Licenses and Permits;

23 Director of Planning and Zoning;

24 Chief of Police;

25 Director of Public Works;

26 Director of Recreation and Parks;

27 Director of Technology and Communication Services[[: and]]

28 Director of General Services[[:.]];

29 COORDINATOR OF EXECUTIVE CONSTITUENT SERVICES AND COMMUNITY PARTNERSHIPS;

30 COORDINATOR OF EXECUTIVE POLICY AND PROGRAMS; AND

31 COORDINATOR OF EXECUTIVE GOVERNMENT AFFAIRS AND STRATEGIC PARTNERSHIPS.

(2) *County Executive and County Council.* The County Executive, with the concurrence of the County Council is the [[appointing authority]] APPOINTING AUTHORITY for: [[Technical Services Supervisor, serving as]] the Cable [[Administrator]] ADMINISTRATION MANAGER [[:]] and THE County Solicitor.

(3) *Chief Administrative Officer.* The Chief Administrative Officer, with the approval of the County Executive, is the [[appointing authority]] APPOINTING AUTHORITY for the following positions:

Administrative [[Assistant]] ASSISTANTS, SUPPORTING [[serving]] the Office of the Chief Administrative Officer;

Administrative [[Analyst II]] ANALYSTS, SUPPORTING [[serving]] the [[Office of the]] Chief Administrative Officer;

[[Administrative Manager, serving as the]] Administrator of the Office of Agriculture; Administrator of the Office of Community Sustainability;

[[Human Services Manager II, serving as the]] ADMINISTRATOR OF THE OFFICE OF Consumer Protection [[Administrator]];

Administrator of the Office of Transportation;

Executive [[Assistant I]] ASSISTANTS, serving the [[Office of the]] Chief Administrative Officer;

[[Executive Assistant II, serving the Office of the Chief Administrative Officer;]]

[[Budget Administrator;]]

Deputy Chief Administrative Officer;

CHIEF BUDGET OFFICER;

CHIEF HUMAN RESOURCES OFFICER;

ASSISTANT CHIEF ADMINISTRATIVE OFFICER

[[Human Services Manager II, serving as the]] ADMINISTRATOR OF THE OFFICE OF Workforce Development [[Administrator]];

[[Human Resources Administrator;]]

[[Human Services Manager II, serving as the]] Administrator of the Office of Human Rights and Equity;

Labor relations coordinator; [[and]]

Public Information MANAGER [[Administrator.]]; AND

COORDINATOR OF LEGISLATIVE AFFAIRS.

(4) *Chief of Police*. The Chief of Police, with the approval of the County Executive, is the

[[appointing authority]]APPOINTING AUTHORITY for the:

POLICE COLONEL;

Police Major;¹

Assistant Administrator;

Police Information Specialist; and

[[Police Services Support Supervisor III, serving as the]] ANIMAL CONTROL MANAGER,

OVERSEEING THE OFFICE OF Animal Control [[Administrator]].

(5) *Fire and Rescue Services*. The Fire Chief (also sometimes referred to in County law as the

Director of Fire and Rescue Services or the Chief, Fire and Rescue Services), with the

approval of the County Executive, is the [[appointing authority]]APPOINTING AUTHORITY for

the:

Deputy Chief;¹

[[the]] Medical Director[.];

[[the]] Administrator of the Office of Emergency Management[.]; and

[[the]] Assistant Administrator.

(6) *Community Resources and Services*. The Director of Community Resources and Services,

with the approval of the County Executive, is the [[appointing authority]]APPOINTING

AUTHORITY for the:

[[Human Services Manager II, serving as the]]Deputy Director of Community Resources
and Services;

Human Services Manager [[II]]III, serving as the Administrator OVERSEEING THE OFFICE
on Aging and Independence;

Human Services Manager [[I]]II, serving as the Administrator [[of]]OVERSEEING the
Office of Children and Families[.]; and]]

Human Services Manager [[I]]II, serving as the Administrator [[of]]OVERSEEING the
Office of Community Partnerships[.]; AND

HUMAN SERVICES MANAGER II, OVERSEEING THE LOCAL CHILDREN'S BOARD.

(7) *Public Works*. The Director of Public Works, with the approval of the County Executive,

is the [[appointing authority]]APPOINTING AUTHORITY for the:

Deputy Director of Public Works;
[[Engineering Manager II,]] ASSISTANT DIRECTOR OVERSEEING [[serving as]] the
[[Chief,]] Bureau of Engineering;
[[Engineering Manager II,]] ASSISTANT DIRECTOR OVERSEEING [[serving as]] the
[[Chief,]] Bureau of Environmental Services;
[[Engineering Manager II,]] ASSISTANT DIRECTOR OVERSEEING [[serving as]] the
[[Chief,]] Bureau of Highways; and
[[Engineering Manager II,]] ASSISTANT DIRECTOR OVERSEEING [[serving as]] the
[[Chief,]] Bureau of Utilities.

(8) *County Solicitor*. The County Solicitor, with the approval of the County
[[Executive]] EXECUTIVE, is the [[appointing authority]] APPOINTING AUTHORITY for the:
[[Deputy Attorney, serving as the]] Deputy County Solicitor;
[[Principal Attorney]] ATTORNEY IV, serving as a Senior Assistant County Solicitor
[[I]]I;
[[Senior Attorney]] ATTORNEY III, serving as a Senior Assistant County Solicitor [[II]]I;
[[Attorney]] ATTORNEY II, serving as an Assistant County Solicitor II;
[[Entry Level Attorney]] ATTORNEY I, serving as an Assistant County Solicitor I; and
[[Administrative Assistant,]] EXECUTIVE ASSISTANTS AND ADMINISTRATIVE ASSISTANTS
SUPPORTING [[serving as Secretary to]] the County Solicitor.

(9) *INSPECTIONS, LICENSES, AND PERMITS*. THE DIRECTOR OF INSPECTIONS, LICENSE, AND
PERMITS, WITH THE APPROVAL OF THE COUNTY EXECUTIVE, IS THE APPOINTING
AUTHORITY FOR THE DEPUTY DIRECTOR OF INSPECTIONS, LICENSE, AND PERMITS.

([[9]]10) *Planning and Zoning*. The Director of Planning and Zoning, with the approval of
the County Executive, is the [[appointing authority]] APPOINTING AUTHORITY for the
Deputy Director of Planning and Zoning.

([[10]]11) *Finance*. The Director of Finance, with the approval of the County Executive, is
the [[appointing authority]] APPOINTING AUTHORITY for the Deputy Director of Finance.

([[11]]12) *Technology and Communication Services*. The Director of Technology and
Communication Services, with the approval of the County Executive, is the [[appointing
authority]] APPOINTING AUTHORITY for the Deputy Director, Technology and
Communication Services; AND THE CHIEF INFORMATION SECURITY OFFICER.

1 ([[12]]13) *County Council*. The County Council is the [[appointing authority]]APPOINTING
2 AUTHORITY for the:
3 Administrator to the County Council; and
4 County Auditor.

5 ([[13]]14)*Housing and Community Development*. The Director of Housing and Community
6 Development, with the approval of the County Executive, is the [[appointing
7 authority]]APPOINTING AUTHORITY for the [[Human Services Manager II, serving as
8 the]] Deputy Director of Housing and Community Development.

9 ([[14]]15)*County Council Member*. The County Council Member is the [[appointing
10 authority]]APPOINTING AUTHORITY for the [[Special Assistant]] SENIOR DISTRICT
11 ADVISOR and District Aide serving that Member.

12 ([[15]]16)*Administrator to the County Council*. The Administrator to the County Council,
13 with the approval of the County Council, is the [[appointing authority]]APPOINTING
14 AUTHORITY for the:
15 Deputy Administrator to the County Council;
16 Executive [[Assistant I]]ASSISTANTS, serving as the [[Assistant]]ASSISTANTS to the
17 Administrator to the County Council; and
18 Public Information MANAGER [[Administrator, serving as the Public Information
19 Officer]] to the County Council.

20 ([[16]]17)*County Auditor*. The County Auditor, with the approval of the County Council, is
21 the [[appointing authority]]APPOINTING AUTHORITY for Deputy County Auditor.

22 ([[17]]18)*Corrections*. The Director of Corrections, with the approval of the County
23 Executive, is the [[appointing authority]]APPOINTING AUTHORITY for the:
24 Deputy Director of Corrections; and
25 Custody and Security Chief^l.

26 ([[18]]19)*The Inspector General Advisory Board*. The Inspector General Advisory Board is
27 the [[appointing authority]]APPOINTING AUTHORITY for the Inspector General.

28 ([[19]]20)*Inspector General*. The Inspector General is the [[appointing
29 authority]]APPOINTING AUTHORITY for the Deputy Inspector General.

30 ([[20]]21)*General Services*. The Director of General Services, with the approval of the
31 County Executive, is the [[appointing authority]]APPOINTING AUTHORITY for the:

1 Deputy Director of General Services; AND

2 ASSISTANT DIRECTOR, SERVING AS THE CHIEF, BUREAU OF FACILITIES.

3 (22) *RECREATION AND PARKS*. THE DIRECTOR OF RECREATION AND PARKS, WITH THE
4 APPROVAL OF THE COUNTY EXECUTIVE, IS THE APPOINTING AUTHORITY FOR THE:
5 DEPUTY DIRECTOR OF RECREATION AND PARKS; AND
6 ASSISTANT DIRECTOR OF RECREATION AND PARKS.

7 (c) *Pay Grades*. Class Codes and pay grades for Executive exempt positions are established or
8 amended by legislative action of the County Council on the pay plan. The pay plan adopted or
9 amended as an attachment to the Council bill on which the legislative action is taken, and is not
10 reprinted in this Code, but is maintained by the Office of Human Resources.

11
12 *Note:*

13 ¹ A Howard County [[classified employee]]CLASSIFIED EMPLOYEE appointed to this position
14 automatically reverts to the employee's prior rank in the [[classified service]] CLASSIFIED
15 SERVICE upon removal from the position, unless the removal is based upon such cause as would
16 justify the termination of a [[classified employee]]CLASSIFIED EMPLOYEE.

17
18 **Section 1.307. Grant-funded position.**

19 (a) *Positions Defined*. A grant-funded position is a position that is equivalent in job content to a
20 position in the [[classified service]] CLASSIFIED SERVICE, the [[exempt service]]EXEMPT
21 SERVICE, or the State-authorized [[exempt service]] EXEMPT SERVICE, but is funded by grants.

22 (b) *Serves at the Pleasure*. An employee in a grant-funded position serves at the pleasure of the
23 [[appointing authority]]APPOINTING AUTHORITY and may ALSO be terminated if the grant
24 funding that pays the employee's salary ends.

25 (c) *Minimum Qualifications*. The minimum qualifications for a grant-funded position shall be as
26 established in the classification plan.

27 (d) *Starting Pay*. The provisions of subsection 1.300(b) of this title, concerning starting rate of
28 pay, applies to a grant-funded position.

29 (e) *Pay Grades; Employee Performance [[Award]]ADJUSTMENT*.

30 (1) Class Codes and pay grades for grant-funded positions are established or amended by
31 legislative action of the County Council on the pay plan. The pay plan is adopted or

1 amended as an attachment to the Council bill on which the legislative action is taken, and
2 is not reprinted in this Code, but is maintained by the Office of Human Resources.

- 3 (2) An employee in a grant-funded position is eligible for an employee performance
4 [[award]]ADJUSTMENT, SUBJECT TO ADEQUATE GRANT FUNDING.
5

6 **Section 1.308. Part-time benefited position.**

7 (a) *Position Defined.* A part-time benefited position is a position that is equivalent in job content
8 to a position in the [[classified service]] CLASSIFIED SERVICE, the State-authorized [[exempt
9 service]]EXEMPT SERVICE, or designated as Executive [[exempt]]EXEMPT or grant-funded
10 exempt in the [[exempt service]]EXEMPT SERVICE; and

11 (1) Includes a regular work schedule of 20 hours or more per week, but less than 40; or

12 (2) Includes a regular work schedule of 17½ hours or more per week, but less than 40, if the
13 position incumbent was appointed on or before July 1, 1997 and continued to work at
14 least 17½ hours after July 1, 1997.

15 (b) *Serves at the Pleasure.* An employee in a part-time benefited position serves at the pleasure
16 of the [[appointing authority]]APPOINTING AUTHORITY.

17 (c) *Minimum Qualifications.* The minimum qualifications for a part-time benefited position shall
18 be as established in the classification plan.

19 (d) *Starting Pay.* The provisions of subsection 1.302(a) of this title, concerning starting rate of
20 pay, applies to a part-time benefited position.

21 (e) *Employee Performance [[Award]]ADJUSTMENT.* A part-time benefited employee is eligible
22 for an employee performance ADJUSTMENT [[award, which shall be paid in the proportion that the
23 employee's work week compares to the standard work week for classified employees]].
24

25 **Section 1.309. Contingent employment.**

26 (a) *Positions Defined.* An employee who is engaged in contingent employment includes an
27 employee who:

28 (1) Provides staffing support for unanticipated, unusual, or seasonal needs of the County;

29 (2) Fills in for employees who are absent for an extended period of time; or

30 (3) Is a part-time, non-benefited employee, as provided in the annual expense budget.

31 (b) *Wages and Hours.* A contingent employee:

1 (1) Shall be paid an hourly wage as specified under subsection (f) of this section; and

2 (2) May work a varying number of hours per week.

3 (c) *Fringe Benefits*. A contingent employee is only eligible for fringe benefits required by State
4 or Federal law, and is not entitled to other benefits awarded to other County employees, or to an
5 employee performance [[award]]ADJUSTMENT UNLESS SPECIFICALLY AUTHORIZED BY COUNTY
6 POLICY.

7 (d) *No Service Benefits*. A contingent employee does not accrue County service credit for
8 purposes of calculating any service benefit.

9 (e) *Categories*. The categories of work under contingent employment are as provided in this
10 subsection.

11 (1) *Administrative support* includes general office work such as data entry, clerical, word
12 processing, cashier, registration processing, and hearing reporting.

13 (2) *Paraprofessional* includes recreation program instruction, day camp operation, day care
14 program operation, grant administration, and any position that requires some education or
15 training beyond high school graduation.

16 (3) *Professional* includes day care center management, interpreters for the deaf, special
17 project coordination, and any position that requires knowledge attained through college
18 training or higher education.

19 (4) *Protective service* includes firefighter, security guard, dispatcher, school crossing guard,
20 inspector, or other position related to public safety, code enforcement, or security.

21 (5) *Service/maintenance* includes lawn/ground maintenance, general custodial, basic upkeep
22 and care of buildings, facilities, or parks, drivers of busses and vans, road maintenance
23 and construction, and snow removal.

24 (6) *Special projects* includes positions requiring unique or specialized skills that are of
25 limited duration and typically under Executive direction, such as the base realignment
26 coordinator and other special project positions.

27 (f) *Pay Rates*. Pay rates for contingent employees are established or amended by legislative
28 action of the County Council on the pay plan. The pay plan is adopted or amended as an
29 attachment to the Council bill on which the legislative action is taken, and is not reprinted in this
30 Code, but is maintained by the Office of Human Resources.

(2) A candidate for the position of general employee representative shall be an employee in the general population who is:

(i) Not represented by Local 3080 or Local 3085 of the American Federation of State, County and Municipal employees; and

(ii) A participant in the plan.

(3) The general employee representative shall serve a five-year term or until a successor is appointed, and may be appointed to successive terms. A vacancy shall be filled in the same manner as the original appointment or for an unexpired term.

(c) *General Employee Representative Attendance.* The general employee representative shall attend regularly scheduled meetings. If the general employee representative misses more than 50 percent of the regularly scheduled meetings held in any calendar year or more than three consecutive regularly scheduled meetings, the representative is deemed to have resigned from the Committee and shall be replaced by a new general employee representative who shall be appointed in the manner described in subsection (b) of this section.

(d) *Compensation; Acceptance of Duties and Responsibilities.* Subject to his/her right to resign at any time, each member of the Committee shall serve without compensation at the pleasure of the County, and the County may appoint, and may revoke the appointment of, additional members to serve with the Committee as may be determined to be necessary or desirable from time to time. Each member of the Committee, by accepting his/her appointment to the Committee, shall thereby be deemed to have accepted all of the duties and responsibilities of such appointment, and to have agreed to the faithful performance of his/her duties thereunder.

(e) *Organization; Voting.*

(1) The Committee shall adopt such formal organization and method of operation as it shall deem desirable for the conduct of its affairs.

(2) The Committee shall act as a body, and the individual members of the Committee shall have no powers and duties as such, except as provided herein.

(3) The Committee shall act by vote of a majority of its members at the time in office (other than those disqualified from voting pursuant to subsection 1.454(g) of this subtitle), either at a meeting or in writing without a meeting.

(f) *Decisions Final.* Except as set forth in section 1.461 of this subtitle, the determination of the Committee on any matter pertaining to the plan within the powers and discretion granted to it

1 shall be final and conclusive on the employer, the trustees, all participants and beneficiaries and
2 all those persons dealing in any way or capacity with the plan.

3
4 **Subtitle 4A. Police and Fire Employees' Retirement Plan.**

5 **Article VA. Trustee and Beneficiaries.**

6
7 **Section 1.455A. Retirement Plan Committee.**

8 There shall be a Committee, to be known as the Retirement Plan Committee, which in the absence
9 of any designation to the contrary by the County, shall serve as Administrator. Except to the extent that
10 the County has retained any power or authority, or allocated duties and responsibilities to another
11 Administrator or other fiduciary, said Committee shall have full power and authority to administer and
12 operate the plan in accordance with its terms and in particular the authority contained in sections
13 1.453A—1.461A, and, in acting pursuant thereto, shall have full power and authority to deal with all
14 persons in any matter directly connected with the plan, including, but not limited to, the trustees, other
15 fiduciaries, insurance companies, investment advisors, other advisors and specialists, participants,
16 Beneficiaries and their representatives, in accordance with the following provisions:

17 (a) *Individuals Serving on the Committee.* The Committee shall consist of those individuals who hold the
18 following positions:

19 (1) Chief Administrative Officer or designee;

20 (2) Director of Finance or designee;

21 (3) CHIEF Budget [[Administrator]]OFFICER or designee;

22 (4) CHIEF Human Resources [[Administrator]] OFFICER OR DESIGNEE as [[chairman]]CHAIRPERSON;

23 (5) Representative of Lodge 21 of the Howard County Police Officers' Association;

24 (6) Representative of Local 2000 International Association of Firefighters;

25 (7) Representative of the Howard County Police Department supervisory employees who shall be
26 entitled to vote only during fiscal years which end in an even number; and

27 (8) Representative of Howard County Fire and Rescue Services supervisory employees who shall be
28 entitled to vote only during fiscal years which end in an odd number.

29 (b) *Compensation, Acceptance of Duties and Responsibilities.* Subject to his or her right to resign at any
30 time, each member of the Committee shall serve without compensation at the pleasure of the County, and
31 the County may appoint, and may revoke the appointment of, additional members to serve with the
32 Committee as may be determined to be necessary or desirable from time to time. Each member of the
33 Committee, by accepting appointment to the Committee, shall thereby be deemed to have accepted all of

1 the duties and responsibilities of such appointment, and to have agreed to the faithful performance of his
2 or her duties thereunder.

3 (c) *Organization; Voting.*

4 (1) The Committee shall adopt such formal organization and method of operation as it shall deem
5 desirable for the conduct of its affairs.

6 (2) The Committee shall act as a body, and the individual members of the Committee shall have no
7 powers and duties as such, except as provided herein.

8 (3) The Committee shall act by vote of a majority of its members at the time in office (other than
9 those disqualified from voting pursuant to subsection 1.454A(g), either at a meeting or in writing
10 without a meeting.

11 (d) *Decisions Final.* Except as set forth in section 1.461A, the determination of the Committee on any
12 matter pertaining to the plan within the powers and discretion granted to it shall be final and conclusive
13 on the County, the trustees, all participants and beneficiaries and all those persons dealing in any way or
14 capacity with the plan.

15
16 **Subtitle 6. Employee Relations.**

17
18 **Section 1.601. Definitions.**

19 (h) *County officials* means the County Executive, the [[County Administrator]]CHIEF
20 ADMINISTRATIVE OFFICER and all Department and office heads appointed in accordance with the
21 Charter and laws of Howard County.

22
23 **Subtitle 7. - Disclosure Protection.**

24
25 **Section 1.700. Whistleblower protection.**

26 (a) *Authority to Report.* Unless the disclosure is specifically prohibited by law, an employee of
27 Howard County, acting in good faith and on reasonable belief, may disclose to the County
28 Auditor or to the Inspector General:

29 (1) A violation of a law, rule, or regulation by a County officer, employee, or contractor
30 while conducting County business or using County property;

31 (2) A waste of County funds;

32 (3) An abuse of authority by a County official or employee; or

(4) A specific and substantial danger to public health or safety due to an act or omission of a County official, employee, or contractor.

(b) *Prohibited Acts.*

(1) A supervisor, [[appointing authority]]APPOINTING AUTHORITY, or head of an office or department may not threaten or in fact take or refuse to take any personnel action as a reprisal against an employee to restrain, influence, or prevent an employee from making a disclosure under subsection (a) of this section.

(2) (i) For purposes of this paragraph, "retaliate" means to take an adverse employment action against an employee including, but not limited to, threats of retaliation, discharge, discrimination in compensation, or discrimination in conditions of employment.

(ii) A supervisor, [[appointing authority]]APPOINTING AUTHORITY, or head of an office or department may not retaliate against an employee because the employee makes a disclosure under subsection (a) of this section.

(c) *Complaints.*

(1) An employee who seeks relief for a violation of subsection (b) of this section may file a complaint with the CHIEF Human Resources [[Administrator]]OFFICER or, if the subject of the complaint is the CHIEF HUMAN RESOURCES OFFICER[[Administrator]], the Chief Administrative Officer.

(2) The CHIEF Human Resources [[Administrator]]OFFICER or the Chief Administrative Officer shall investigate the complaint and the Chief Administrative Officer shall report the findings to the Howard County Council, the County Auditor, the Inspector General, and the County Executive.

(d) *Confidentiality.* To the extent allowed by law, the identity of a person who makes a disclosure under this section shall be kept confidential.

(e) *Penalties.* Violation of subsection (b) of this section is grounds for dismissal under the personnel rules of Howard County.

Title 6. County Executive and the Executive

Subtitle 2. Administrative Department and Offices

1 **Section 6.200. - Department and office heads; powers, duties and responsibilities generally.**

2 The Executive Branch of County Government has several Departments. Some Departments have
3 offices which function under the general supervision of Directors of Departments.

4 (a) *Appointment:*

5 (1) *Departments.* Each Department shall be headed by a Director appointed by the County
6 Executive and serving at the pleasure of the County Executive. Departments may have
7 Deputy Directors.

8 (2) *Offices.* Except for offices which are designated by law to be headed by an Administrator
9 who is a ~~[[classified]]~~CLASSIFIED employee OR AS OTHERWISE DESIGNATED BY LAW, each
10 office shall be headed by an Administrator appointed by the Director of the Department
11 supervising that office and with the concurrence of the County Executive. Except for an
12 Administrator who is a ~~[[classified]]~~CLASSIFIED employee OR AS OTHERWISE DESIGNATED
13 BY LAW, Administrators shall serve at the pleasure of the supervising Director and the
14 County Executive.

15 (b) *Qualifications.* Directors and Administrators shall be selected on the basis of professional and
16 administrative knowledge and experience and shall have additional qualifications as provided by
17 law.

18 (c) *Salary; Staff.* Directors and Administrators shall receive a salary within the range provided by
19 law and shall have the assistants, employees, and professional consultants provided in the budget
20 for their assigned functions.

21 (d) *Duties and Responsibilities:*

22 (1) Subject to the general supervision of the County Executive and, in the areas of personnel,
23 budget, and purchasing, the Chief Administrative Officer, Directors shall:

24 (i) Carry out duties and responsibilities as specified by law.

25 (ii) Carry out the policies of the County Executive regarding their Departments.

26 (iii) Administer their Departments in an efficient and orderly fashion.

27 (iv) Comprehensively plan the programs and services within the jurisdiction of their
28 Departments.

29 (v) Initiate, review and recommend the plans, organizations, and budgets of their
30 Department.

1 (vi) Make recommendations to the County Executive regarding the duties and
2 responsibilities and powers of County Boards relating to their Departments and
3 provide necessary staff support for the Boards.

4 (vii) Be the [[appointing authority]] APPOINTING AUTHORITY for personnel of their
5 Departments.

6 (2) Subject to final approval by their supervising Department Directors, except as expressly
7 provided otherwise by law, Administrators shall:

8 (i) Carry out duties and responsibilities as specified by law;

9 (ii) Carry out the policies of the County Executive and their supervising Department
10 Directors regarding their offices;

11 (iii) Administer their offices in an efficient and orderly fashion;

12 (iv) Comprehensively plan the programs and services within the jurisdiction of their
13 offices;

14 (v) Initiate, review and recommend the plans, organization, and budget of their offices;

15 (vi) Make recommendations to the County Executive regarding the duties and
16 responsibilities and powers of County Boards relating to their offices; and

17 (vii) Interview candidates for employment within their offices and submit to their
18 Director's recommendations of persons for appointment.

19 (e) *Rules and Regulations.* Directors shall have full authority and responsibility for the
20 promulgation of all rules and regulations of their Department, except as otherwise provided by
21 law. Rules and regulations in force on July 1, 1989, shall continue until they are altered or
22 abolished under provisions of this subtitle.

23 (f) *Grants.* Directors and Administrators may prepare applications for grants, contributions or
24 loans of funds, property or other aid in any form from the State or Federal Government or other
25 public or private source. Upon approval of the County Executive, Directors and Administrators
26 are authorized to do all things necessary to qualify for any grant, contribution or loan under any
27 program. Applications for grants, contributions or loans shall require the signature of the County
28 Executive before they can be submitted. Subject to applicable provisions of law, Director's and
29 Administrators may accept and use any grant, contribution or loan of funds, property or other aid
30 in any form from the State or Federal Government or other public or private source.

Section 6.201. - Department of County Administration.

(a) *Department of County Administration.* There is a Department of County Administration. The qualifications of its Director and the nature of its duties and responsibilities are set forth in subtitle 4, "Department of County Administration," of this title 6, "County Executive and the Executive Branch," of the Howard County Code.

(b) *Office of Budget.* There is an Office of Budget. The qualifications of its [[Administrator]] CHIEF BUDGET OFFICER and the nature of its duties and responsibilities are set forth in section 22.400A, "Office of Budget," of subtitle 4, "Budget Procedures," of title 22, "General Provisions, Penalties, etc.," of the Howard County Code.

(c) *Office of Human Rights and Equity.* There is an Office of Human Rights and Equity. The qualifications of its Administrator and the nature of its duties and responsibilities are set forth in subtitle 2, "Human Rights," of title 12, "Health and Human Services," of the Howard County Code.

(d) *Office of Human Resources.* There is an Office of Human Resources. The qualifications of its [[Administrator]] CHIEF HUMAN RESOURCES OFFICER and the nature of its duties and responsibilities are set forth in subtitle 1, "Human Resources Administration" of title 1 "Human Resources," of the Howard County Code.

(e) *Office of Public Information.* There is an Office of Public Information. The qualifications of its [[Administrator]] MANAGER AND OF THE CHIEF OF COMMUNICATION SERVICES AND COMMUNITY ENGAGEMENT and the nature of [[its]] THE OFFICE'S duties and responsibilities are set forth in subtitle 4, "Department of County Administration," of this title 6, "County Executive and the Executive Branch," of the Howard County Code.

(f) *Office of Procurement and Contract Administration.* There is an Office of Procurement and Contract Administration. The qualifications of its CHIEF PROCUREMENT Administrator and the nature of its duties and responsibilities are set forth in subtitle 4, "Department of County Administration," of title 6, "County Executive and the Executive Branch," of the Howard County Code.

(g) *Office of Community Sustainability.* There is an Office of Community Sustainability. The qualifications of its Administrator and the nature of its duties and responsibilities are set forth in subtitle 4, "Department of County Administration" of this title of the Howard County Code.

(h) *Office of Transportation*. There is an Office of Transportation. The qualifications of its Administrator and the nature of its duties and responsibilities are set forth in subtitle 4, "Department of County Administration" of this title of the Howard County Code.

(i) *Office of Workforce Development*. There is an Office of Workforce Development. The qualifications of its Administrator and the nature of its duties and responsibilities are set forth in subtitle 4, "Department of County Administration" of this title of the Howard County Code.

(j) *Office of Consumer Protection*. There is an Office of Consumer Protection. The qualifications of its Administrator and the nature of its duties and responsibilities are set forth in subtitle 4, "Consumer Protection," of title 17, "Public Protection Services," of this Code.

(k) *Office of Agriculture*. There is an Office of Agriculture. The qualifications of its Administrator and the nature of its duties and responsibilities are set forth in subtitle 5, "Agricultural Preservation," of title 15, "Natural Resources," of this Code.

Section 6.202. - Department of [[community resources and services]]COMMUNITY RESOURCES AND SERVICES.

(a) *Department of Community Resources and Services*. There is a Department of Community Resources and Services. The qualifications of its Director and the nature of its duties and responsibilities are set forth in subtitle 9, "Department of Community Resources and Services," of title 12, "Health and Social Services," of this Code.

(b) *Office on Aging and Independence*. There is an Office on Aging and Independence. The qualifications of its Administrator and the nature of its duties and responsibilities are set forth in subtitle 5, "Older Howard Countians Act," of title 12, "Health and Social Services," of this Code.

(c) There is an Office of Children and Families and the nature of its duties and responsibilities are set forth in title 12, subtitle 15 of this Code.

(d) There is an Office of Community Partnerships and the nature of its duties and responsibilities are set forth in title 12, subtitle 19 of this Code.

(E) THERE IS A HOWARD COUNTY LOCAL CHILDREN'S BOARD AND THE NATURE OF ITS DUTIES AND RESPONSIBILITIES ARE SET FORTH IN TITLE 12, SUBTITLE 3 OF THIS CODE.

Section 6.205. - Department of Fire and Rescue Services.

1 There is a Department of Fire and Rescue Services. The qualifications of its Director and the
2 nature of its duties and responsibilities are set forth in subtitle 1, "Fire [[Protection]]AND RESCUE
3 SERVICES," of title 17, "Public Protection Services," of the Howard County Code.

4
5 **Section 6.208. - Department of Police.**

6 (a) *Department of Police.* There is a Department of Police. The qualifications of its Director and
7 the nature of its duties and responsibilities are set forth in subtitle 2, "Police," of title 17, "Public
8 Protection Services," of the Howard County Code.

9 (b) *Office of Animal Control.* There is an Office of Animal Control THAT OPERATES UNDER THE
10 DEPARTMENT OF POLICE. The qualifications of [[its Administrator]] THE ANIMAL CONTROL
11 MANAGER and the nature of its duties and responsibilities are set forth in subtitle 3, "Animal
12 Control," of title 17, "Public Protection Services," of the Howard County Code.

13
14 **Section 6.209. Department of Public Works.**

15 (a) *Department of Public Works.* There is a Department of Public Works. The qualifications of
16 its Director and the nature of its duties and responsibilities are set forth in subtitle 10,
17 "Department of Public Works," of title 18, "Public Works," of the Howard County Code.

18 [[(b) *Office of Animal Control.* [Transferred to § 6.208(b).]]]
19

20 **Subtitle 4. Department of County Administration.**

21
22 **Section 6.401. Department of County Administration.**

23 (a) *Head; Title.* The Chief Administrative Officer is the head of the Department of County
24 Administration. [[The Chief Administrative Officer is the "County Administrator" referred to in
25 Howard County Charter]].

26 (b) *Qualifications of Chief Administrative Officer.* The Chief Administrative Officer shall be
27 appointed on the basis of managerial and administrative skills and experience. At the time of
28 appointment, the Chief Administrative Officer shall have had at least ten years' experience as a
29 manager, either in public service or private business or both. The Chief Administrative Officer
30 shall also be thoroughly familiar with modern accounting methods, budget procedures, personnel
31 administration, [[data processing]]INFORMATION TECHNOLOGY, and purchasing.

1 (c) *Residency Requirement for Chief Administrative Officer.* At the time of appointment the
2 Chief Administrative Officer may, but need not be, a resident of Howard County or of the State
3 of Maryland; but during tenure of office, the Chief Administrative Officer shall reside within the
4 County.

5 (d) *Duties and Responsibilities:*

6 (1) *Acting Executive.* Pursuant to section 302 of the Howard County Charter, and upon
7 designation by the County Executive, the Chief Administrative Officer shall perform the
8 duties and responsibilities of the Executive during the latter's temporary inability to
9 perform by reason of absence from the County or disability.

10 (2) *General administrative duties and responsibilities.* The Chief Administrative Officer
11 shall perform administrative duties and responsibilities and exercise general supervision
12 over the offices and Departments of County Government as the Executive may direct.
13 The Chief Administrative Officer shall perform duties and responsibilities prescribed by
14 law, including any duties or responsibilities to be performed by the County
15 Administrator.

16 (3) *Budget duties and responsibilities.* The Chief Administrative Officer or the officer's
17 designee shall be responsible for budgetary functions for the County and as such shall
18 prepare and submit to the Executive for approval and submission to the Council all
19 County budgets, prepared in the manner and form provided by law.

20 (4) *Personnel duties and responsibilities.* The Chief Administrative Officer or the officer's
21 designee shall be responsible for personnel functions for the County. The Chief
22 Administrative Officer or the officer's designee shall have the duties and responsibilities
23 and perform the functions of the Personnel Officer provided in article VII of the Charter
24 and other duties and responsibilities and functions specified by the Howard County
25 Charter or by law. The Chief Administrative Officer may assign any administrative
26 and/or supervisory duties and responsibilities to the Deputy Chief Administrative Officer.

27 (5) *Purchasing duties and responsibilities.* The Chief Administrative Officer or the officer's
28 designee shall be responsible for purchasing functions for the County. As such, the Chief
29 Administrative Officer or the officer's designee shall be the [[County Purchasing
30 Agent]]CHIEF PROCUREMENT ADMINISTRATOR and shall be responsible for the

administration of the central purchasing policies of the County provided in the Howard County Charter or by law.

(6) *Risk management.* Regarding the County's risk management, loss prevention, SAFETY, and insurance management programs, the Chief Administrative Officer may (1) designate an individual to oversee the administration of the County's programs and (2) designate an individual to directly administer these programs who shall:

- (i) Develop insurance recommendations and coordinate insurance procurement packages;
- (ii) Coordinate, develop, and manage in-house cost containment/loss control procedures;
- (iii) Determine the allocation cost of self insurance and purchased insurance to the various agencies;
- (iv) Review the County's contracts to determine liability impact;
- (v) Supervise the County's safety program;
- (vi) Supervise the claims management function involving the receipt, adjustment and disposal of claims filed against the County;
- (vii) Authorize the denial and payment of liability claims;
- (viii) Submit an annual report to the County Executive on the activities of the risk management function and the status of the risk management fund; and
- (ix) Perform any other task necessary to administer the County's risk management program.

(7) The Chief Administrative Officer shall have overall supervision of the functions of the offices listed in section 6.201 of this title.

(8) *The Department of County Administration* shall perform such other functions as may be prescribed by directive of the County Executive or by law.

Section 6.404. Office of Public Information.

(a) *General Provisions.* General provisions applicable to this Office are set forth in subtitle 2, "Administrative Departments and Offices," of THIS title 6, "County Executive and the Executive Branch," of the Howard County Code.

(b) *Head.* The Public Information [[Administrator]]MANAGER shall head the Office of Public Information. The CHIEF OF COMMUNICATION SERVICES AND COMMUNITY ENGAGEMENT [[Chief

Administrative Officer]]shall exercise general supervision over the [[office of public information]]OFFICE OF PUBLIC INFORMATION.

(c) *Qualifications of Public Information [[Administrator]]MANAGER.* The Public Information Administrator shall have considerable knowledge of the principles and practices of public information, public relations, journalism, and media. The [[Administrator]]MANAGER shall have had at least five years of experience in journalism or public information work, including at least two years in a supervisory position.

(d) *Duties and Responsibilities.* The Office of Public Information shall:

- (1) Serve as a focal point for communications with citizens and community organizations.
- (2) Provide design support and coordination for Departmental and County-wide publications.
- (3) Establish and maintain an information and referral program.
- (4) Provide primary contact with news media reporters and representatives.
- (5) Plan and coordinate news conferences and facilitate reporters' access to public officials and documents.
- (6) Supervise the programming of the government access cable television channel.
- (7) Perform such other functions as may be prescribed by directive of the County Executive or by law.

Section 6.405. Office of Procurement and Contract Administration.

(a) *General Provisions.* General provisions regarding this Office are set forth in subtitle 2, "Administrative Departments and Offices," of title 6, "County Executive and the Executive Branch," of the Howard County Code.

(b) *Head.* The Office of Procurement and Contract Administration shall be run by [[an]] THE CHIEF PROCUREMENT Administrator. The Chief Administrative Officer shall exercise general supervision over the Office of Procurement and Contract Administration.

(c) *Qualifications of CHIEF PROCUREMENT Administrator.* The CHIEF PROCUREMENT Administrator shall be a [[classified]]CLASSIFIED employee whose qualifications are set forth in the classification system.

(d) *Duties and Responsibilities.* The CHIEF PROCUREMENT Administrator shall carry out the duties set forth in subtitle 1, "Purchasing," of title 4, "Contracts and Purchasing," of the Howard

County Code and other purchasing functions as may be specified from time to time by directive of the Chief Administrative Officer, the County Executive or by legislative act of the County Council.

Section 6.406. Office of Workforce Development.

(a) *General Provisions.* General provisions applicable to this Office are set forth in subtitle 2, "Administrative Departments and Offices," of title 6, "County Executive and the Executive Branch," of the Howard County Code.

(b) *Head.* The Administrator of Workforce Development shall head the Office of Workforce Development under the general supervision of the Chief Administrative Officer.

(c) *Qualifications of Administrator of Workforce Development.* The Administrator of Workforce Development shall have considerable knowledge of Federal and State legislation, guidelines and procedures relating to job training and placement. At the time of appointment, the Administrator shall have had at least ~~[[five]]~~EIGHT years of increasingly responsible experience in employment and training and at least ~~[[two]]~~ FOUR years in a supervisory position.

(d) *Duties.* The Office of Workforce Development shall promote and enhance the training and employment of displaced ~~[[a]]~~ workers, welfare recipients, disadvantaged adults and youth, persons with disabilities, at-risk youth, and other persons with barriers to employment. The Office of Workforce Development shall:

(1) Administer the workforce development programs for the citizens of Howard County pursuant to State and Federal law.

(2) Work with business, the community, and local educational institutions to provide a qualified work force.

(3) Provide referrals and linkages for citizens who need human services in addition to employment and training.

(4) The Office of Workforce Development shall perform such other functions as may be prescribed by directive of the County Executive or by law.

Section 6.407. Office of Community Sustainability.

(a) *General Provisions.* General provisions applicable to this Office are set forth in subtitle 2, "Administrative Departments and Offices," of this title of the Howard County Code.

1 (b) *Head.* The Administrator of the Office of Community Sustainability shall head the Office of
2 Community Sustainability under the general supervision of the Chief Administrative Officer.

3 (c) *Qualifications of the Administrator of the Office of Community Sustainability.* The
4 Administrator of the Office of Community Sustainability shall have considerable knowledge of
5 the principles and best practices of various aspects of sustainability including economic,
6 environmental, infrastructure, and sustainability. At the time of appointment, the Administrator
7 shall have had at least ~~[[five]]~~EIGHT years of increasingly responsible experience in the
8 administration of a sustainability program, including at least ~~[[two]]~~ FOUR years in a supervisory
9 role.

10 (d) *Duties and Responsibilities.* The Office of Community Sustainability shall promote and
11 enhance sustainability within County Government by performing the following functions:

12 (1) Assessing the economic, infrastructure, and environmental impacts of all initiatives and
13 programs across the County;

14 (2) Developing and advocating for programs, policies, and actions by government, citizens,
15 businesses, farmers, and institutions to improve the long term environmental, social, and
16 economic viability of the County;

17 (3) Serving as a single point of contact and resource for residents, businesses, and institutions
18 that are looking to become economically and environmentally sustainable or that are
19 looking to further their economic and environmental sustainability;

20 (4) Providing leadership in conservation and energy initiatives including exploring the
21 potential for and implementation of the use of alternative fuels;

22 (5) Working closely with the Howard County Environmental Sustainability Board to
23 recommend ~~[[policies]]~~POLICIES and funding proposals to the County Executive and
24 County Council concerning the sustainability of the County's natural resources;

25 (6) Working closely with all Boards and Commissions that may play a role in the
26 sustainability of the County's economic, environmental and infrastructure resources;

27 (7) Working closely with government agencies and organizations to ensure economic and
28 environmental sustainability;

29 (8) Coordinating, exploring, and obtaining grant funding related to all areas of sustainability;
30 and

(9) Performing other functions as may be prescribed by directive of the County Executive or by law.

Section 6.408. Office of Transportation.

(a) *General Provisions.* General provisions applicable to this office are set forth in subtitle 2, "Administrative Departments and Offices," of this title of the Howard County Code.

(b) *Head.* The Administrator of the Office of Transportation shall head the Office of Transportation under the general supervision of the Chief Administrative Officer.

(c) *Qualifications of the Administrator of the Office of Transportation.* The Administrator of the Office of Transportation shall:

(1) Have a strong knowledge of all of the following transportation elements as they relate to comprehensive transportation planning:

(i) Public transit, including fixed-route and paratransit;

(ii) Bicycle transportation;

(iii) Pedestrian transportation;

(iv) Road networks that promote all modes of transportation; and

(v) Transportation demand management.

(2) Have experience in, or understanding of, fiscal responsibility, as it pertains to developing and managing transportation budgets; and

(3) Have had, at the time of appointment, at least ~~[[five]]~~ EIGHT years of increasing managerial and leadership experience in the transportation field, including participation in projects relating to the transportation elements described in this subsection, INCLUDING AT LEAST FOUR YEARS IN A SUPERVISORY ROLE.

(d) *Duties and Responsibilities.* The Office of Transportation shall promote and enhance the County's transportation needs by performing the following functions:

(1) Overseeing the provision, management, funding, and use of other resources necessary for the operation of the County's transit and paratransit services;

(2) Coordinating and planning road networks that promote all modes of transportation;

(3) Developing and managing transportation alternatives and strategies to reduce single occupancy vehicle use;

- 1 (4) Ensuring coordination of motor vehicle, transit, pedestrian, and bicycle modes of
2 transportation;
- 3 (5) Developing and instituting policies and procedures for transportation in the County and
4 region;
- 5 (6) Providing technical and administrative support for the Public Transportation Board,
6 facilitating the work of the Board, and seeking the Board's input and recommendations
7 regarding transportation;
- 8 (7) Working in conjunction with the Department of Planning and Zoning, the Department
9 of Public Works, the Department of Community Resources and Services, the
10 Department of Recreation and Parks, and other agencies associated with the
11 transportation modes described in this subsection to ensure the integration of land use
12 decisions with transportation planning that take into account all of the transportation
13 elements described in this section;
- 14 (8) Establishing and maintaining official and informal associations with various federal,
15 state, and local officials and professionals to facilitate and promote the County's
16 transportation goals and objectives; and
- 17 (9) Representing and providing advice to the County Executive on transit and
18 transportation issues.
- 19 (e) *Bicycle Advisory Group*. The Office shall establish a Bicycle Advisory Group to advise the
20 Office on issues related to bicycle transportation. The advisory group shall be staffed by the
21 Office of Transportation.
- 22 (1) *Membership*. The group shall be comprised of:
 - 23 (a) A member of the Multimodal Transportation Board;
 - 24 (b) A Howard County Student, selected by Voices for Change;
 - 25 (c) A Howard County Student, selected by the Howard County Association of Student
26 Councils;
 - 27 (d) At least one representative from each of the following organizations:
 - 28 (i) The Bicycling Advocates of Howard County;
 - 29 (ii) The Columbia Association;
 - 30 (iii) The Howard County Department of Public Works;
 - 31 (iv) The Howard County Department of Recreation and Parks;

- (v) The Howard County Police Department;
(vi) The Howard County Public School System; and
(vii) The Howard County Council; and
(e) Other members at the discretion of the Administrator of the Office.

(2) *Meetings.*

- (a) The group shall meet at least four times per year.
(b) Each meeting shall include an open forum component in which members of the public are invited to comment about transportation.
(c) The group shall follow the State of Maryland Open Meetings Law.
(d) The Office of Transportation shall notify directly the groups and organizations listed in section 6.408(e)(1)(d) of each meeting, but the Bicycle Advisory Group's work shall not be invalidated for lack of representation from one or more of the listed groups or organizations.

(3) *Responsibilities.* The group shall:

- (a) Advise and inform the Office on transportation matters;
(b) Provide additional subject matter expertise to the Office; and
(c) Provide feedback and technical assistance on the implementation of master plans and other initiatives and policy issues.

Title 11. Finance.

Subtitle 1. Department of Finance.

Section 11.101. Department of Finance.

- (a) *Head; Title; Collector of Taxes.* The head of the Department of Finance shall be the Director of Finance. As provided under section 4-101 of the Tax-Property Article of the Annotated Code of Maryland, the Director of Finance is appointed the collector, as defined in section 1-101 of the Tax-Property Article of the Annotated Code of Maryland, and the appointment shall continue from year to year.
(b) *Qualifications of Director of Finance.* The Director of Finance shall be an accountant with at least ten years of increasingly responsible experience in finance administration, including a minimum of five years of public finance administration AND MANAGERIAL EXPERIENCE.

1 The Director shall have a comprehensive knowledge of the principles and practices of
2 public revenue administration and finance, including investment of funds.

3 (c) *Duties and Responsibilities.* The Department of Finance shall have charge of the
4 administration of the financial affairs of the County, including:

5 (1) The collection of State and County taxes, special assessments, the metropolitan district
6 charges, fees and other revenues and funds of every kind due to the County;

7 (2) The enforcement of the collection of taxes in the manner provided by law;

8 (3) The custody, safekeeping and investing, as permitted by law, of all funds and securities
9 belonging to or by law deposited with, distributed to or handled by the County;

10 (4) The disbursement of County funds;

11 (5) The keeping and supervision of all accounts;

12 (6) The control of all expenditures on the basis of budgetary appropriations and
13 allotments; and

14 (7) The preparation for bond sales and advising on debt management.

15 (d) *Recordation Tax.* Pursuant to section 12-109 of the Tax-Property Article of the Annotated
16 Code of Maryland, the Director of Finance is designated to collect recordation tax in
17 Howard County.

18 (e) *Other Duties and Responsibilities.* The Director of Finance may assign any administrative
19 or supervisory duties and responsibilities to the Deputy Director of Finance. The
20 Department of Finance shall perform upon request such other functions as may be
21 prescribed by directive of the County Executive or by law.

22 23 **Title 12. Health and Social Services.**

24 **Subtitle 2. Human Rights.**

25 26 **Section 12.205. Office of Human Rights and Equity.**

27 I. *General Provisions.* General provisions applicable to this Office are set forth in subtitle 2,
28 "Administrative Departments and Offices," of title 6, "County Executive and the Executive
29 Branch," of the Howard County Code.

30 II. *Head.* The Administrator shall head the Office. The Chief Administrative Officer shall
31 exercise administrative supervision over the Office.

1 III. *Qualifications of the Administrator of the Office of Human Rights and Equity.* The
2 Administrator shall have thorough knowledge of the types of discrimination and methods and
3 techniques for eliminating it, including considerable knowledge of County, State and Federal
4 laws regarding discrimination in such areas as housing, employment, public accommodations,
5 law enforcement, financing and related fields. The Administrator shall have had at least
6 ~~[[five]]~~EIGHT years of experience in human relations or a related field, one year of which shall
7 have dealt with investigating and/or conciliating complaints of discrimination, and ~~[[two]]~~ FOUR
8 years of which shall have included managerial or administrative experience.

9
10 **Subtitle 3. Local Children's Board.**

11
12 **Section 12.300. Local Children's Board established; staffing; purpose; general provisions.**

13 (a) *Board Established.* There is a Howard County Local Children's Board within the Department
14 of Community Resources and Services. In this subtitle, the term "Board" shall mean the Howard
15 County Local Children's Board.

16 (b) *Staffing.* Except as provided in section 12.306(a) of this subtitle, the Department of
17 Community Resources and Services shall provide staffing for the Board.

18 (c) *HEAD.* THE ADMINISTRATOR FOR THE LOCAL CHILDREN'S BOARD SHALL OVERSEE THE
19 OPERATIONS OF THE LOCAL CHILDREN'S BOARD, WHICH IS UNDER THE GENERAL SUPERVISION OF
20 THE DIRECTOR OF COMMUNITY RESOURCES AND SERVICES.

21 (1) *SERVE AS EXECUTIVE SECRETARY.* THE ADMINISTRATOR OR ADMINISTRATOR'S DESIGNEE
22 SHALL SERVE AS EXECUTIVE SECRETARY OF THE BOARD AND SHALL ATTEND ALL
23 MEETINGS OF THE BOARD.

24 (2) *QUALIFICATIONS OF ADMINISTRATOR.* THE ADMINISTRATOR FOR THE LOCAL CHILDREN'S
25 BOARD SHALL BE THOROUGHLY TRAINED AND EXPERIENCED IN THE PRINCIPLES AND
26 PRACTICES OF A SOCIAL SERVICES PROGRAM WITH CONSIDERABLE KNOWLEDGE OF THE
27 FINANCIAL, SOCIAL, EDUCATIONAL, ORGANIZATIONAL AND OTHER SPECIAL NEEDS OF
28 CHILDREN. THE ADMINISTRATOR SHALL HAVE SIX YEARS OF INCREASINGLY RESPONSIBLE
29 EXPERIENCE IN SOCIAL SERVICE OR RELATED WORK, TWO YEARS OF WHICH SHALL HAVE
30 BEEN IN A MANAGERIAL POSITION DEALING WITH THE PROVISION OF SERVICES OF
31 CHILDREN.

1 ([c])D) *Purpose of the Board.* The Board shall approve, oversee, and act as a neutral convener
2 that facilitates interagency collaboration, youth empowerment and community engagement to
3 create and implement a shared vision for children, youth and families in Howard County.

4 ([d])E) *General Provisions.* General provisions applicable to the Board are set forth in subtitle 3,
5 "Boards and Commissions," of title 6, "County Executive and the Executive Branch," of the
6 Howard County Code.

7 8 **Subtitle 5. Older Howard Countians Act.**

9 10 **Section 12.500. Office on Aging and Independence.**

11 (a) *General Provisions.* General provisions applicable to this Office are set forth in subtitle 2,
12 "Administrative Departments and Offices," of title 6, "County Executive and the Executive
13 Branch," of the Howard County Code.

14 (b) *Head.* The Administrator on Aging and Independence shall head the Office on Aging and
15 Independence. The Office is under the general supervision of the Director of Community
16 Resources and Services.

17 (c) *Qualifications of Administrator on Aging and Independence.* The Administrator on Aging
18 and Independence shall be thoroughly trained and experienced in the principles and practices of a
19 social services program with considerable knowledge of the financial, social, educational,
20 organizational and other special needs of older adults. The Administrator shall have [[five]]
21 SEVEN years of increasingly responsible experience in social service or related work, [[two]]
22 FOUR years of which shall have been in a managerial position dealing with the provision of
23 services of older adults.

24 (d) *Duties and Responsibilities.* The Office shall:

- 25 (1) Develop, in cooperation with the Commission on Aging and with other County
26 organizations, both public and private, a comprehensive County-wide annual plan for a
27 coordinated system of health, social and community services for older adults, including
28 housing and institutional and noninstitutional care, and present such plan to the County
29 Executive. The annual plan shall include statements of the long- and short-term needs of
30 older adults in Howard County, the long- and short-term plans for serving those needs,
31 and the proposed funding sources and administrative responsibility for these plans.

- (2) Administer those programs and activities for older adults designated as the responsibility of the Office in the annual plan.
- (3) Subject to existing law, review and coordinate all local programs and services, both public and private, insofar as they relate and are important to the well-being of the County's older adults, including, but not limited to, programs and services in the areas of income, maintenance, public health, mental health, housing and urban development, employment, education, recreation and rehabilitation of persons with disabilities.
- (4) Review and formulate policy recommendations to the County and County Council in reference to publicly funded plans and programs which have an impact on older adults.
- (5) Provide advice on all matters pertaining to policy and programs that impact older adults.
- (6) Cooperate with State, Federal and other local governmental units and agencies in effectuating the purposes of this subtitle.
- (7) Establish and administer any programs or services deemed desirable by the County Executive, under direction of the State Department of Aging or the provisions of the Older Americans Act, as amended.
- (8) After approval by the County Executive, apply for, accept and use any State or Federal funds, or other grant, fund and contributions, public or private, available for the purposes specified in this subtitle.
- (9) Prepare and submit to the Department of Community Resources and Services, a budget for the Office and the Commission on Aging in accordance with customary budget procedures.
- (10) The Office and the Commission on Aging shall provide comments to the Department of Community Resources and Services on the preceding year's activities of the Office and the Commission and any recommendations for programs, legislation, or funding initiatives. The Department shall incorporate those comments into the Department's Annual Report submitted to the County Executive and the County Council.
- (11) Initiate and carry out any appropriate action, where relevant, to implement the above objectives, or other related objectives, as they become necessary and are deemed appropriate.

1 (12) The Office shall be the principal County agency responsible for the development of
2 services to older adults and the medium through which organizations exchange
3 information, coordinate programs and engage in joint endeavors.

4 (13) Other duties and responsibilities. The Office shall perform such other functions as may
5 be prescribed by directive of the County Executive or by law.

6 (e) *Guardianship Responsibilities*. The Administrator may serve as guardian of persons pursuant
7 to section 13-707 of the Estates and Trusts Article of the Annotated Code of Maryland.

8
9 **Subtitle 15. Services for Children and Families.**

10
11 **Section 12.1500. Office of Children and Families.**

12 (a) *Office*. There is an Office of Children and Families in the Department of Community
13 Resources and Services.

14 (b) *General Provisions*. General provisions applicable to this Office are set forth in subtitle 2,
15 "Administrative Departments and Offices," of title 6, "County Executive and the Executive
16 Branch," of the Howard County Code.

17 (c) *Head*. The Administrator of Children and Families shall head the Office of Children and
18 Families. The Office and the Administrator are under the general supervision of the Director of
19 Community Resources and Services.

20 (d) *Qualifications of Administrator*. The Administrator of the Office shall be thoroughly trained
21 and experienced in the principles and practices of a social services program with considerable
22 knowledge of the financial, social, educational, organizational and other special needs and
23 problems of children and youth. The Administrator shall have had ~~[[five]]~~SIX years of
24 increasingly responsible experience in social service or related work, two years of which shall
25 have been in a managerial position dealing with the provision of services for children, youth and
26 families.

27 (e) *Duties and Responsibilities*. Under the direction of the Director of Community Resources
28 and Services, the Office of Children and Families shall:

29 (1) Develop, in cooperation with other County organizations, both public and private, a
30 comprehensive County-wide annual plan for a coordinated system of health, social and
31 community services for children and youth. The system will provide an integrated

1 continuum of care and services that is child centered and family oriented the annual plan
2 shall be presented to the County Executive and include statements of the long- and short-
3 term needs of children and youth in Howard County, the long- and short-term plans for
4 serving those needs, and the proposed funding sources and administrative responsibility
5 for these plans.

6 (2) Consult with the Howard County Local Children's Board on all matters pertaining to
7 policy and programs prior to making recommendations to the County Executive and
8 County Council.

9 (3) Monitor the delivery of services for programs funded through the Howard County Local
10 Children's Board to ensure access to effective programs, track outcomes, and track
11 expenditures for reporting on service delivery.

12 (4) Subject to existing laws, review and coordinate all local programs and services, both
13 public and private, insofar as they relate and are important to and promote the well-being
14 of the County's children and youth.

15 (5) Review and formulate policy recommendations for the County Executive and County
16 Council in reference to publicly funded plans and programs that have an impact on
17 children and youth.

18 (6) Cooperate with State, Federal and other local governmental units and agencies in
19 effectuating the purposes of this subtitle.

20 (7) Work collaboratively with the Local Children's Board and with the approval of the
21 County Executive, apply for, accept and use any State or Federal funds, or other grant,
22 fund and contributions, public or private, available for the purposes specified in this
23 subtitle.

24 (8) Prepare and submit to the County Executive a budget for the Office and Local Children's
25 Board in accordance with customary budget procedures.

26 (9) Subject to section 22.1000 of the County Code, prepare and submit an annual report to
27 the County Executive and the County Council, setting forth the activities of the Office
28 and the Local Children's Board in the preceding year, and the Office's recommendations
29 for legislation and funding.

1 (10) Initiate and carry out any appropriate action, where relevant, to implement the above
2 objectives, or other related objectives, as they become necessary and are deemed
3 appropriate.

4 (11) In collaboration with the Local Children's Board, be the principal County agency,
5 outside the Howard County Public School System, responsible for the development of
6 services to the children and youth and the medium through which organizations exchange
7 information, coordinate programs and engage in joint endeavors.

8 (12) Perform such other functions as may be prescribed by directive of the Director of
9 Community Resources and Services, the County Executive or by law.

10 (f) *Staffing of the Howard County Local Children's Board.* The Administrator of the Office of
11 Children and Families shall be responsible for providing staff support for the Howard County
12 Local Children's Board.

14 **Subtitle 19. Office of Community Partnerships.**

16 **Section 12.1900. Office of Community Partnerships.**

17 (a) *Office.* There is an Office of Community Partnerships in the Department of Community
18 Resources and Services.

19 (b) *General Provisions.* General provisions applicable to this Office are set forth in subtitle 2,
20 "Administrative Departments and Offices," of title 6, "County Executive and the Executive
21 Branch," of the Howard County Code.

22 (c) *Head.* The Administrator of the Office of Community Partnerships shall head the Office of
23 Community Partnerships and the Administrator is under the general supervision of the Director
24 of the Department of Community Resources and Services.

25 (d) *Qualifications of Administrator.* The Administrator of the Office of Community Partnerships
26 shall have a thorough knowledge of human service delivery systems including, but not limited to,
27 principles of strategic community planning; management of site based social service delivery
28 models; grant making from local, state and national sources relevant to a wide range of human
29 services; knowledge of the principles and best practices of social service and behavioral health
30 programs; and the role of non-profit organizations as part of the human service system. At the

time of appointment the Administrator shall have had at least ~~[[five]]~~ SIX years experience in human service systems and at least two years in a managerial capacity.

(e) *Duties and Responsibilities.* Under the direction of the Director of Community Resources and Services, the Office of Community Partnerships shall:

(1) *Administration of grants.* Administer the Community Service Partnership Grant program, the Howard County Government funding program; coordinate with relevant state and federal grants; provide technical support to nonprofit grantees or contractors; and monitor the effectiveness of programs and grantees.

(2) *Participation.* Participate in community-based organizations with membership of nonprofit agencies to integrate human service and housing efforts of County Government with nonprofit agencies.

(3) *Facilities.* Administer site- or center-based programs that offer consumers access to multiple services in a single community based location.

(4) *Administration of Opioid Restitution Funds.* Administer the distribution of opioid restitution funds, including grants management, compliance, and monitoring; staff the Opioid Restitution Fund Commission; track the receipt of opioid restitution funds; formulate guidance on the eligible use of opioid restitution funds; and work in collaboration with other government agencies that provide services related to substance use disorder prevention, treatment, and recovery.

(5) Initiate and carry out any appropriate action, where relevant, to implement the above objectives, or other related objectives, as they become necessary and are deemed appropriate.

Title 13. Housing and Community Development.

Subtitle 1. Department of Housing and Community Development.

Section 13.101. Department of Housing and Community Development.

(a) *Head.* The Director of Housing and Community Development shall head the Department of Housing and Community Development.

(b) *Qualifications of Director of Housing and Community Development.* The Director of Housing and Community Development shall have a thorough knowledge of the methods and

1 principles of community development, housing management, rehabilitation of existing housing,
2 and community planning, including grant programs associated with these functions. At the time
3 of appointment the Director shall have had at least [[five]]TEN (10) years' experience in
4 community development, housing and/or real estate, including at least [[two]] FIVE years in a
5 managerial capacity.

6 (c) *Executive Secretary*. The Director of Housing and Community Development shall serve as
7 Executive Secretary of the Housing and Community Development Board.

8 (d) *Duties and Responsibilities*. The Department of Housing and Community Development
9 develops, manages and implements various programs designed to secure safe and decent housing
10 for the citizens of Howard County, including but not limited to the following:

11 (1) *Policy and plans*. Consulting with other County agencies and with public and private
12 organizations to develop policy and plans related to housing, community development
13 and urban renewal. Review and formulate policy recommendations in reference to
14 publicly funded plans and programs that have an impact on populations seeking
15 affordable housing or moving out of homelessness, or other issues covered in this
16 Department.

17 (2) *Coordination*. Reviewing, analyzing and coordinating housing or community
18 development projects, especially those which involve more than one Department of
19 County Government.

20 (3) *Grants*. Designing, writing and negotiating housing and community development related
21 grant proposals and applications. Administer the Community Service Partnership Grants
22 for Homeless Services programs of the Howard County Government funding program;
23 coordinate with other relevant state and federal grants; provide technical support to
24 nonprofit grantees or contractors; and monitor the effectiveness of programs and
25 grantees.

26 (4) *Partnerships*. Maintaining partnerships with other County, State and Federal agencies
27 with programs or services affecting housing policy and specific housing and community
28 development programs. Participate in community-based organizations with memberships
29 of nonprofit agencies to integrate homeless services and housing efforts of County
30 Government with nonprofit agencies.

1 (5) *Administering programs.* Administering various local, State and Federal loan and grant
2 programs for moderate- and low-income individuals and families including, but not
3 limited to, the overall supervision of program development and operations for the
4 following:

5 (i) The Community Development Block Grant Program;

6 (ii) The Home Investment Partnership Program; and

7 (iii) The Community Legacy Program and other programs offered by the State of
8 Maryland.

9 (6) *Homelessness Services and related Plans.* Administer the Continuum of Care system and
10 related organizational units in the Plan to End Homelessness and manage a coordinated
11 homelessness response system.

12 (7) *Facilities.* Administer site- or center-based programs that offer consumers access to
13 services in a single community based location.

14 (8) *Other duties and responsibilities.* Performing such other functions as may be prescribed
15 by directive of the County Executive or by law.

16
17 **Title 17. Public Protection Services.**

18 **Subtitle 1. Fire and Rescue Services.**

19
20 **Section 17.109. Emergency management.**

21 (a) *Local Organization for Emergency Management:*

22 (1) As required by State law, the local emergency organization for emergency management
23 in Howard County is the Office of Emergency Management within the Department of
24 Fire and Rescue Services.

25 (2) If appropriations are authorized in the budget, the Office of Emergency Management
26 shall implement the programs and establish positions recommended by the Maryland
27 Emergency Management Agency to meet Federal and State standards.

28 (3) The Office of Emergency Management shall develop and implement local and State
29 emergency management plans.

30 (b) *Director of Emergency Management OPERATIONS:*

(1) Unless a different person is designated by the County Executive and appointed by the Governor, the Director of Fire and Rescue Services shall be the Director of Emergency Management Operations and the authorized representative for purposes of requesting and responding to requests under the Maryland Intrastate Emergency Management Assistance Compact.

(2) The Director of Emergency Management OPERATIONS is responsible for organizing and directing the County's response to an emergency.

(c) *Emergency Operations Plan:*

(1) The Office of Emergency Management shall prepare an emergency operations plan in accordance with applicable State and Federal laws and regulations.

(2) The [[Director]] ADMINISTRATOR of THE OFFICE OF Emergency Management shall submit the emergency operations plan to the County Executive who shall adopt the plan by executive order or another procedure as may be required by State or Federal law.

(d) *Authority to Assign Classified Personnel.* The Director of Emergency Management OPERATIONS may assign personnel in the County [[classified service]]CLASSIFIED SERVICE within the Department of Fire and Rescue Services to the Office of Emergency Management.

Subtitle 2. Police.

Section 17.200A. Department of Police.

(a) *General Provisions.* General provisions applicable to this Department are set forth in subtitle 2, "Administrative Departments and Offices," of title 6, "County Executive and the Executive Branch," of the Howard County Code:

(1) Appointment of Directors and Administrators.

(2) Duties and responsibilities of Directors and Administrators.

(3) Rules and regulations.

(4) Grants.

(5) Subpoena powers.

(b) *Head.* The Chief of Police shall head the Department of Police.

(c) *Qualifications of Chief of Police.* The Chief of Police shall have comprehensive knowledge of the elements of police administration and of law enforcement standards, practices, and trends

1 in prevention, detection and investigation of crimes. The Director shall have at least ten years of
2 varied law enforcement experience, of which at least five years shall have been in increasingly
3 responsible managerial work.

4 (d) *Duties and Responsibilities.*

5 (1) The Department of Police shall be responsible for operation and enforcement of the laws
6 and rules and regulations concerning the following:

7 (i) The preservation of the public peace.

8 (ii) The prevention of crime.

9 (iii) The apprehension of criminals.

10 (iv) The protection of the rights of person and property.

11 (2) The Chief of Police shall be responsible for the efficiency, good conduct and discipline of
12 the Department of Police.

13 (3) The Chief of Police shall have general supervision over the [[animal control function]]
14 OFFICE OF ANIMAL CONTROL of Howard County, except for the issuance and renewal of
15 animal licenses, which function is under the supervision of the Department of
16 Inspections, Licenses and Permits.

17 (4) *Dispatch services.* The Department of Police shall provide dispatch services, and shall:

18 (i) Operate the 911 PSAP (public safety answering point).

19 (ii) Operate interface systems with other local and State and Federal law enforcement,
20 fire, safety, medical, and emergency management agencies.

21 (iii) Operate the dispatch system to provide appropriate police and fire and rescue
22 response to callers.

23 (iv) Serve as the message and dispatch center for County Departments and Agencies after
24 normal business hours.

25 (5) *Other duties and responsibilities.* The Department of Police:

26 (i) Within two weeks, shall notify the Office of Transportation and the Director of the
27 Department of Public Works of each traffic fatality or serious injury that occurs as a
28 result of an incident:

29 1. On a County Road; or

30 2. At an intersection of a County Road and another road; and

- 1 (ii) Shall perform such other functions as may be prescribed by directive of the County
2 Executive or by law.
3

4 **Subtitle 3. Animals.**
5

6 **Section 17.300. Definitions.**

7 Terms in this subtitle have the meanings indicated:

8 (a) *Alter* means a surgical procedure or chemical treatment that renders an animal incapable of
9 reproducing.

10 (b) *Animal* means every nonhuman vertebrate species, including but not limited to dogs, cats,
11 livestock, and fowl. *Animal* includes every living creature sold or exchanged as a commercial
12 item.

13 (c) *Animal Control* ~~[[Administrator]]~~MANAGER MEANS THE appointed Manager of the OFFICE OF
14 Animal Control ~~[[Division]]~~ or the Manager's designee.

15 (d) *Animal control facility* means a facility owned or operated by Howard County or under
16 contract with Howard County for the care, confinement, disposition, and detention of animals.

17 (e) *Animal Control Officer* means any Howard County employee enforcing this subtitle and
18 supervised by the Animal Control ~~[[Administrator]]~~MANAGER.

19 (f) *Animal exposed to rabies* means an animal which:

20 (1) Has been bitten by an animal which has rabies;

21 (2) Has been bitten by an animal which has been in proximity to an animal which has rabies;
22 or

23 (3) Has been exposed to an animal which has rabies.

24 (g) *Animal sanctuary* means a facility that performs at least one of the following functions:

25 (1) Rescues, rehabilitates, and releases, when possible, native wildlife; or

26 (2) Provides permanent housing to the following categories of ~~[[nonreleasable]]~~NON-
27 RELEASABLE animals, as defined in this subtitle:

28 (i) Wild animals; or

29 (ii) Exotic animals.

30 (h) *At large* means:

(1) Except as provided in paragraph (2) of this subsection, a domesticated animal is at large when it is:

(i) Off the property of its owner (property of the owner does not include any public right-of-way or easement, common area of condominiums or apartments, common access road or walkway, or any area open to the public); and

(ii) Not in a container, carrier, or cage or secured by a leash or lead and under the control of a responsible person capable of immediate and effective restraint of the animal.

(2) A domesticated animal is not at large when it is:

(i) Under the control of a responsible person capable of immediate and effective restraint of the animal and being trained or used in herding, hunting, or tracking;

(ii) Being trained in obedience;

(iii) On park property, as defined in section 19.201 of the County Code, which has been designated by the Director of Recreation and Parks as a facility for animals, provided the owner of the animal complies with the rules of the facility; or

(iv) On private property that is enclosed and posted as a dog park.

(i) *Board* means the Animal Matters Hearing Board.

(j) *Cat fancier* means a household, consisting of one or more persons, which owns or keeps three or more cats which are registered with a National Breed Registration Association, and:

(1) Breeds the cats to produce not more than a total of two litters per year per household (a litter being two or more kittens living to the age of four weeks); or

(2) Exhibits the cats in shows.

(k) *Cruelty* means an act of commission or omission whereby unjustified physical pain, suffering, or death is caused or permitted, including failure to provide proper drink, air, space, shelter, shade, protection from the elements, sanitary conditions, veterinary care, or nutritious food in sufficient quantity. Customary and normal veterinary and agricultural husbandry practices, including but not limited to dehorning, castration, docking tails and limit feeding, are not considered to be acts of cruelty. During an activity in which physical pain is necessarily caused, such as food processing, animal training, hunting, trapping, experimentation, or pest elimination, *cruelty* shall mean a failure to employ the most reasonable humane method available.

(l) *Department* means the Howard County Department of Inspections, Licenses and Permits.

(m) *Director* means the Howard County Director of Inspections, Licenses and Permits or the Director's designee.

(n) *Disposition* means:

(1) Adoption or placement as a pet in an approved home;

(2) Performance of euthanasia;

(3) In the case of a wild or exotic animal, release into a suitable habitat or to a suitable care facility such as a humane society shelter, zoo, or sanctuary; or

(4) Redemption by the animal's owner.

(o) *Dog fanciers* means a household, consisting of one or more persons, which owns or keeps three or more dogs which are registered with a National Breed Registration Association, and:

(1) Uses the dogs for the noncommercial purposes of hunting or practicing tracking;

(2) Breeds the dogs to produce not more than a total of two litters per year per household (a litter being two or more pups living to the age of four weeks); or

(3) Exhibits the dogs in shows, field trials, or obedience trials.

(p) *Domesticated animal* means an animal of a species that normally is bred, raised, and accustomed to live in or about human habitation, and normally is dependent on humans for food or shelter. Domesticated animals include but are not limited to livestock and poultry and pets such as dogs, cats, ferrets, rabbits, hamsters, guinea pigs, mice, rats, canaries, parrots, parakeets, and mynah birds.

(q) *Exotic animal* means an animal of a species that is not indigenous to Howard County and is not a domesticated animal. *Exotic animal* includes any hybrid animal which results from the breeding of an exotic animal and a domesticated animal.

(r) *Facility* means a building or property, other than a private residence, in which animals are maintained.

(s) *Health Officer* means the Howard County Health Officer or the Health Officer's designee.

(t) *Immediate destruction* means destruction of an animal without waiting the required number of days for identification of the animal's owner or for the animal to be deemed abandoned.

(u) *Livestock* means domesticated animals usually kept on a farm, including but not limited to poultry, cattle, sheep, goats, pigs, horses, ponies, mules, donkeys, and llamas.

(v) *Neglect* means an act of omission or commission whereby an animal is deprived of access to adequate water, food, shelter, shade, air, or sanitary conditions, or is chained or otherwise confined, lacking freedom of movement adequate to ensure access to any of the above.

(w) *OFFICE* MEANS THE OFFICE OF ANIMAL CONTROL WITHIN THE DEPARTMENT OF POLICE.

[[w]]X) *Owner* means a person who keeps, possesses, harbors, has custody of, exercises control over, or has a property right in any animal, residence, or facility. If the person is a minor, the parent or legal guardian of the minor shall be considered the owner. *Owner* does not include a veterinary hospital or a commercial boarding or grooming facility caring for the pets of others.

[[x]]Y) *Severe injury* means a physical injury that results in lacerations requiring sutures or cosmetic surgery, broken bones, severe bruises, or deep puncture wounds.

[[y]]Z) *Shelter* means a structure of adequate size, construction and design to protect an animal from all types of inclement weather, provide adequate ventilation, and allow an animal to maintain normal internal body temperature.

[[z]]AA) *Sworn statement* means a formal nuisance complaint made on a form distributed by the OFFICE OF Animal Control [[Division]] and requiring the complainant to swear, under the penalty of perjury, that the alleged offense is true. A sworn statement does not have to be attested to by a third party.

[[aa]]AB) *Wild animal* means an animal that is not a domesticated animal, is incapable of being completely domesticated, or requires the exercise of art, force, or skill to keep it in subjugation. *Wild animal* includes any hybrid animal which results from the breeding of a wild animal and a domesticated animal.

Section 17.301. Rabies vaccinations; licenses and tags; fees.

(a) *Rabies Vaccinations for Certain Animals:*

(1) *Requirement to vaccinate.* The owner of every dog, cat, and ferret over the age of four months shall continuously protect the animal against contracting rabies by having the animal vaccinated. A currently valid vaccination certificate issued by a licensed veterinarian shall constitute prima facie evidence that the animal is vaccinated.

(2) *Exemptions.* A dog, cat, or ferret is not required to be vaccinated against rabies if the animal:

- 1 (i) Does not have a bite history and, in the written opinion of a licensed veterinarian, is
2 in a medical condition in which vaccination is not advisable, provided the exemption
3 continues only as long as the medical condition persists; or
4 (ii) Has received a rabies titer from a United States Department of Agriculture approved
5 facility.
- 6 (3) *Types of vaccination.* The Health Officer shall approve the types of rabies vaccination
7 that may be used.
- 8 (4) *Prerequisite to issuance of license.* Unless the animal is exempt from vaccination under
9 paragraph (2) of this subsection, the Department shall not issue a dog or cat license for
10 any animal that is not currently vaccinated for rabies.
- 11 (5) *Violations.* In addition to any enforcement action taken under this subtitle, the Animal
12 Control [[Administrator]]MANAGER or the Health Officer shall give the owner of any
13 dog, cat, or ferret that is not vaccinated against rabies in accordance with this section
14 notice that the animal will be subject to impoundment if it is not vaccinated within seven
15 days.
- 16 (6) *Rabies vaccination prior to release.* Except as provided in paragraph (2) of this
17 subsection, a dog, cat, or ferret shall not be released for adoption or after being
18 impounded unless a rabies vaccination has been administered by a licensed veterinarian
19 at the expense of the adopter or owner.
- 20 (b) *Dog and Cat Licenses.* A dog or cat license is issued by the Department in accordance with
21 this subsection.
- 22 (1) *License required.* Unless the animal is kept temporarily for sale at a commercial kennel
23 or other commercial facility, an individual who owns or has custody of a dog or cat over
24 the age of six months shall obtain a license for the animal from the Department within 30
25 days after establishing residency in the County or within 30 days after the animal reaches
26 the age of six months.
- 27 (2) *License renewal.* A license for a dog or cat shall be renewed annually on a schedule
28 determined by the Department, except that the owner may obtain a three-year license if it
29 coincides with the expiration of a three-year rabies vaccination for the animal.
- 30 (3) *Information issued with licenses:*

- (i) With each license and renewal issued, the Department and the OFFICE [[Animal Control Division]] shall provide a copy of a pamphlet that summarizes existing animal control laws to each dog and cat owner.
- (ii) Once each existing dog and cat owner has been through a license renewal cycle, the Department shall only issue a pamphlet that summarizes the existing animal control laws to an owner seeking a new license.
- (4) *Change of ownership.* Upon change of ownership of a dog or cat, the former owner and the new owner shall notify the Department in writing of the change.
- (5) *License fee.* License fees are established by the County Council under section 17.312 of this subtitle.
- (c) *License Tag:*
- (1) *License tag issued.* The Director shall issue an individual license tag for each dog and cat licensed, and upon payment of a replacement fee by the owner shall issue a duplicate if the tag is lost.
- (2) *Tag to be worn; tag nontransferable.* Each dog and cat licensed shall wear the tag issued for it attached to a collar or harness. A license tag shall not be obscured or defaced in any way, and shall not be transferred from one animal to another.
- (3) *Exemptions:*
- (i) A dog or cat with a microchip imbedded under the skin which contains information identifying the owner of the animal is not required to wear a license tag.
- (ii) An animal participating in an organized activity such as a dog or cat show is not required to wear a license tag.
- (4) *Removal.* No person other than the owner, the owner's agent, or the Animal Control [[Administrator]]MANAGER may remove a license tag from a dog or cat.
- (d) *License Exemptions.* The following types of dogs and cats are exempt from the licensing and tag requirements of this section:
- (1) *Owned by nonresident.* A dog or a cat owned by a nonresident, if it is temporarily in the County for less than 30 days and is wearing a current, valid license tag issued by another jurisdiction;

1 (2) *Residing in certain institutions.* A dog or cat confined to the premises of an educational
2 and research institution or an incorporated benevolent society devoted to the care or
3 hospital treatment of lost, strayed, or homeless animals;

4 (3) *Police dog.* Under section 2-313 of the public safety article of the Annotated Code of
5 Maryland, a dog owned by the State or its political jurisdiction for police work; and

6 (4) *Farm cat.* A cat that is kept for rodent and pest control on real property that is assessed as
7 an agricultural use by the State Department of Assessments and Taxation and is used in
8 an agricultural operation as that term is defined in section 12.111 (The "Howard County
9 Right-to-Farm Act") of the Howard County Code.

10 (e) *Fees.* Based upon recommendations from the Board, the Animal Control
11 [[Administrator]]MANAGER, and the Director, the County Council shall adopt a resolution
12 approving a schedule of fees for animal control services and license fees that:

13 (1) Shall provide that the license fees cover in part the costs of administering and enforcing
14 this subtitle;

15 (2) Shall provide that if the dog is actually in use for such a purpose in a service or
16 therapeutic setting, no license fee is charged for a service dog trained to provide physical
17 support for individuals who are hearing, visually, or mobility impaired;

18 (3) In order to encourage owners to have their animals altered, shall provide that the license
19 fee for altered dogs and cats is lower than the fee for unaltered dogs and cats;

20 (4) Shall provide that there is a single license fee for dog and cat fanciers which covers the
21 issuance of a license to each dog and cat owned by the fancier;

22 (5) Shall provide that if every dog and cat in the person's residence has been altered, there is
23 a single license fee that covers the issuance of a license for each dog or cat owned by a
24 person who, within his or her residence or in its immediate vicinity, owns or keeps three
25 or more dogs or cats which are altered;

26 (6) May include a reduced fee for senior citizens; and

27 (7) Except for license and vaccination fees, authorizes the [[Administrator]]ANIMAL
28 CONTROL MANAGER to waive a fee if special circumstances exist.

29
30 **Section 17.302. Nuisances.**

31 (a) *Definition.* A *nuisance* occurs when:

- 1 (1) A domesticated animal runs at large;
- 2 (2) A domesticated animal is present on a school ground on a day when school is in session
3 and the animal is not controlled by a leash or adequate restraining device;
- 4 (3) A domesticated animal interferes with an organized activity or an individual in a public
5 recreation area;
- 6 (4) A domesticated animal (other than a horse, pony, mule, or donkey involved in a legally
7 permitted parade or a police mount on duty) defecates anywhere except on the private
8 property of its owner unless the owner removes the feces and disposes of them in a
9 sanitary manner;
- 10 (5) A female domesticated animal in heat is not confined indoors or in a properly ventilated
11 building or other outdoor secure enclosure, except that a female animal in heat is not a
12 nuisance when allowed out of the building or secure enclosure:
 - 13 (i) In order to urinate or defecate, provided that the animal is on a leash and controlled
14 by the owner or a responsible person at least 18 years of age designated by the owner;
15 or
 - 16 (ii) In order to be taken for treatment, boarding, breeding, training, or showing, provided
17 that while en route the animal is on a leash or lead and controlled by the owner or a
18 responsible person at least 18 years of age designated by the owner;
- 19 (6) Any residence or facility where animals are kept is dangerous, unsanitary, or offensive
20 because the residence or facility is too small for the number of animals kept or because it
21 is not maintained in a sanitary manner;
- 22 (7) A domesticated animal disturbs garbage on public property or garbage properly placed
23 for disposal;
- 24 (8) A domesticated animal chases vehicles;
- 25 (9) A domesticated animal disturbs the public peace;
- 26 (10) A domesticated animal damages the property of persons other than the animal's owner;
27 or
- 28 (11) The odor of a domesticated animal fouls the air and creates an unreasonable annoyance
29 or discomfort to neighbors or others in close proximity to the premises where the animal
30 is kept, except that there is no nuisance if the odor comes from livestock maintained in
31 accordance with generally accepted agricultural management practices.

1 (b) *Declaring an Animal, Residence, or Facility a Nuisance.* The ANIMAL CONTROL MANAGER
2 [[Administrator]] may declare an animal, residence, or facility a nuisance if the owner has
3 received three nuisance citations for the same or different nuisances within the previous 24
4 months and the citations have been paid or upheld.

5 (c) Within seven days of declaring an animal, residence, or facility a nuisance, the ANIMAL
6 CONTROL MANAGER [[Administrator]] shall give the owner written notice of:

7 (1) The declaration; and

8 (2) The owner's right to appeal the declaration to the Board within seven days.
9

10 **Section 17.303. Dangerous and potentially dangerous animals.**

11 (a) *Declaration.* The Animal Control [[Administrator]]MANAGER may:

12 (1) Declare an animal potentially dangerous if the animal has:

13 (i) Bitten a person;

14 (ii) Attacked without provocation; or

15 (iii) While off its owner's property, killed or inflicted severe injury to a domesticated
16 animal; or

17 (2) Declare an animal dangerous if the animal has:

18 (i) Without provocation killed or inflicted severe injury on a person or a domesticated
19 animal; or

20 (ii) Been declared potentially dangerous by the Animal Control

21 [[Administrator]]MANAGER and has subsequently:

22 a. Bitten a person;

23 b. Attacked without provocation; or

24 c. While off its owner's property, killed or inflicted severe injury to a domesticated
25 animal.

26 (b) *Notification to Owner.* Within seven days of declaring an animal dangerous or potentially
27 dangerous, the ANIMAL CONTROL MANAGER [[Administrator]] shall give the owner written
28 notice of:

29 (1) The declaration;

30 (2) The owner's right to appeal the declaration to the Board within seven days of the notice;
31 and

(3) The enforcement action the ANIMAL CONTROL MANAGER [[Administrator]] intends to take.

(c) *Confinement*. The owner of a dangerous animal shall:

(1) Keep it securely confined indoors or in a pen or structure:

(i) In which all gates and entrances are kept securely closed and locked;

(ii) That is suitable to prevent the entry of young children; and

(iii) That is designed in accordance with the requirements of the ANIMAL CONTROL MANAGER [[Administrator]] or the Board to prevent the animal from escaping;

(2) Not leave it unattended on the owner's property unless the animal is confined indoors or in a secure structure designed to restrain the animal in accordance with the requirements of the ANIMAL CONTROL MANAGER [[Administrator]] or the Board;

(3) Not permit the animal to go beyond the owner's real property unless the animal is:

(i) Leashed and muzzled or otherwise securely restrained as appropriate for the species of animal; and

(ii) Under the control of a person at least 18 years of age who is capable of immediate control and restraint of the animal; and

(4) Comply with any order by the ANIMAL CONTROL MANAGER [[Administrator]] to institute control and confinement measures for the animal.

(d) *Identification of Dangerous Animals*. The owner of an animal declared dangerous or potentially dangerous shall, at the owner's expense, arrange for a licensed veterinarian to implant a microchip in the animal identifying it as a dangerous animal and, if required by the ANIMAL CONTROL MANAGER [[Administrator]], ensure that the animal wears clearly visible identification supplied by the ANIMAL CONTROL MANAGER [[Administrator]], such as a collar-mounted tag clearly identifying the animal as dangerous.

(e) *Notice to Animal Control* [[Administrator]] MANAGER. The owner of an animal which has been declared dangerous or potentially dangerous shall notify the Animal Control [[Administrator]] MANAGER when any of the following occur:

(1) When the animal is not under control and confinement measures ordered under this section;

(2) Immediately upon transfer of the animal to another owner, giving the name and address of the new owner; or

1 (3) Immediately upon changing residence, including changing residence within the County.

2 (f) A person who acquires an animal which has been declared dangerous or potentially
3 dangerous in another jurisdiction shall immediately notify the ANIMAL CONTROL MANAGER
4 [[Administrator]] upon acquiring ownership of the animal and shall provide the ANIMAL
5 CONTROL MANAGER [[Administrator]] with the previous owner's name and address and the
6 control and confinement requirements established by the jurisdiction which declared the animal
7 dangerous or potentially dangerous.

8 (g) *Notice to Subsequent Owners.* If the owner of a dangerous animal or a potentially dangerous
9 animal transfers the animal to another owner, the owner shall notify the new owner of the
10 animal's dangerous behavior and the terms of its confinement and control.

11
12 **Section 17.304. Threat to public safety.**

13 (b) *Declaration.* If an animal exhibits behavior prohibited by subsection (a) of this section, the
14 ANIMAL CONTROL MANAGER [[Administrator]] may declare the animal to be a threat to public
15 safety and welfare.

16 (c) *Notice to Owner.* Within seven days of declaring an animal to be a threat to public safety, the
17 ANIMAL CONTROL MANAGER [[Administrator]] shall give the owner written notice of:

18 (1) The declaration; and

19 (2) The owner's right to appeal the declaration to the Board within seven days.

20
21 **Section 17.305A. Outdoor shelter and water requirements for dogs.**

22 (a) *Purpose.*

23 (1) The purpose of this section is to avoid risk to the health or safety of dogs.

24 (2) As provided in section 17.312(e), the Animal Control [[Administrator]] MANAGER may
25 adopt regulations to set standards to implement this section.

26
27 **Section 17.305C. Animal safety alerts.**

28 (a) *In general.* Whenever the Animal Control Administration considers that an alert is
29 warranted, the Animal Control [[Administrator]] MANAGER shall issue an animal alert advising
30 the public of the animal safety precautions that the Animal Control [[Administrator]] MANAGER
31 considers appropriate.

1 (b) *Publicity*. If an animal safety alert is issued:

2 (1) The alert shall be posted on the Animal Control website and social media websites; and

3 (2) The Animal Control [[Administrator]] MANAGER may issue a public press release.

4
5 **Section 17.307. Other regulated activities.**

6 (e) *Traps*:

7 (1) *Permitted types*. Snap type traps designed to catch rats and mice and box type traps

8 designed to capture the entire animal in an enclosure may be set.

9 (2) *Prohibited types*. A person shall not use leg-hold traps.

10 (3) *Consent of owner*. A person shall not place a trap on any property without written consent

11 of the property owner, except that the ANIMAL CONTROL MANAGER [[Administrator]]

12 may set traps with verbal permission of the property owner.

13 (4) *Snare and body-gripping traps—Proximity to residences*. An owner or lessee of private

14 real property may place, set, maintain, or operate snare or body-gripping traps on the

15 property, provided that no such trap is placed, set, maintained, or operated within 150

16 yards of the permanent residence of another person.

17 (5) *Checking traps*. A person who sets a trap shall:

18 (i) Check the trap daily; and

19 (ii) Remove any animal in the trap immediately.

20 (6) *Department of Natural Resources*. An authorized agent of the Department of Natural

21 Resources may set traps related to wildlife control anywhere in the County after notifying

22 the Animal Control MANAGER [[Administrator]] when and where the traps will be set.

23 (f) *Vehicle Accidents Involving Animals*. A person who injures or kills a domesticated animal

24 while driving a vehicle shall:

25 (1) If it is safe to do so, stop at the scene of the accident and render such assistance as is

26 practicable; and

27 (2) Make a reasonable effort to locate the owner and inform the owner of the accident, or

28 notify the Animal Control [[Administrator]] MANAGER or Police Department of the

29 accident as soon as possible.

1 **Section 17.308. Destruction of animals.**

2 (a) *Humane Destruction.* When an animal is destroyed under this subtitle it shall be destroyed in
3 a humane manner and in accordance with written procedures established by the ANIMAL
4 CONTROL MANAGER [[Administrator]].

5 (b) *Supervision.* Each individual responsible for destroying animals shall be examined
6 periodically by a supervisor or licensed veterinarian to ensure that the procedures are being
7 carried out in a humane manner.

8 (c) *Destruction.* The ANIMAL CONTROL MANAGER [[Administrator]] may destroy an animal with
9 the consent of the owner, or without the consent of the owner:

10 (1) Immediately if a veterinarian concurs and the animal is critically ill, is critically injured,
11 or has a contagious disease which may infect animals or humans;

12 (2) Immediately and without the concurrence of a veterinarian if the animal is dangerous and
13 the identity of its owner is unknown;

14 (3) If the ANIMAL CONTROL MANAGER [[Administrator]] has made a reasonable effort to
15 identify the owner of the animal and notify the owner of the animal's condition, or the
16 owner is unable or unwilling to provide for the animal's immediate treatment;

17 (4) If the animal is deemed abandoned under section 17.310 of this subtitle;

18 (5) If the animal is not available for adoption under section 17.311 of this subtitle; and

19 (6) If the animal has not been adopted within five days of being declared abandoned.

20 (d) *Liability of Animal Control [[Administrator]] MANAGER.* The ANIMAL CONTROL MANAGER
21 [[Administrator]] is not liable for immediate destruction of an animal, even if the animal's owner
22 is later identified.

23 (e) *Destruction by Order of Health Officer.* The Health Officer may, under the health-general
24 article of the Annotated Code of Maryland, order the immediate destruction of a diseased animal.
25

26 **Section 17.309. Enforcement.**

27 (a) *Generally.* The Animal Control [[Administrator]] MANAGER may take enforcement action
28 based on:

29 (1) Personal observation;

30 (2) The observation of an Animal Control Officer or Police Officer;

1 (3) For a nuisance violation other than disturbing the public peace, a sworn statement from a
2 citizen concerning the citizen's personal experience with the animal, if the statement is
3 received within 30 days after the most recent incident;

4 (4) For a violation of disturbing the public peace, a sworn statement from a citizen
5 concerning three separate incidents that occurred not less than two days apart and not
6 more than 30 days apart, if the statement is received within 30 days of the most recent
7 incident;

8 (5) For all other types of violations, a sworn statement from a citizen concerning the citizen's
9 personal experience with an animal, if the statement is received within one year and one
10 day after the incident; and

11 (6) Bite reports, animal control records, or other documented information.

12 (b) *Enforcement Options.* To enforce this subtitle, the Animal Control [[Administrator]]
13 MANAGER may:

14 (1) Issue a civil citation;

15 (2) Issue a cease and desist order;

16 (3) Require that an owner take measures to control and confine an animal;

17 (4) Require that an owner take measures to abate conditions that constitute a cruel or
18 neglectful act;

19 (5) Impound an animal in accordance with section 17.310 of this subtitle;

20 (6) Destroy an animal; and

21 (7) Take any other action necessary to enforce this subtitle.

22 (c) *Enforcement by Police Officer.* A Howard County Police Officer may:

23 (1) Issue a cease and desist order or a civil citation, or both, to an animal's owner upon
24 observing:

25 (i) An unlicensed dog or cat;

26 (ii) A nuisance other than a disturbance of the public peace; or

27 (iii) A person committing a cruel or neglectful act against an animal;

28 (2) Impound a wild or exotic animal kept in violation of this subtitle; and

29 (3) Kill an animal that is at large if the ANIMAL CONTROL MANAGER [[Administrator]]
30 determines that the animal:

31 (i) Poses an immediate threat to a person or domesticated animal;

1 (ii) Has been declared to be dangerous or a threat to public safety by the ANIMAL
2 CONTROL MANAGER [[Administrator]];

3 (iii) Cannot be caught and impounded; and

4 (iv) Cannot be tranquilized.

5 (4) The County shall incur no liability as a result of the death or injury of an animal based on
6 the ANIMAL CONTROL MANAGER'S [[Administrator's]] decision to tranquilize or kill the
7 animal.

8 (d) *Nuisance Enforcement by ANIMAL CONTROL MANAGER [[Administrator]]*. Except as provided
9 in subsection (e) of this section, the ANIMAL CONTROL MANAGER [[Administrator]] shall enforce
10 a nuisance violation as follows:

11 (1) *Informal complaints*. The ANIMAL CONTROL MANAGER [[Administrator]] shall:

12 (i) Send a notice of complaint to an animal owner upon receipt from a person of an
13 informal complaint of a nuisance, if the person provides the mailing address of the
14 owner and the date, time, location, and nature of the alleged nuisance violation; and

15 (ii) If the complainant requests, keep the complainant's identity confidential;

16 (2) *First violation*. The ANIMAL CONTROL MANAGER [[Administrator]] may issue a cease
17 and desist order, a civil citation, and recommendations for control and confinement
18 measures when a nuisance violation occurs;

19 (3) *Second violation*. If an owner's animal commits a subsequent nuisance violation within
20 24 months after committing a nuisance violation, the ANIMAL CONTROL MANAGER
21 [[Administrator]]:

22 (i) Shall issue an order requiring the owner to take control and confinement measures for
23 the animal and specifying a schedule for complying with the order; and

24 (ii) May impound the animal if the owner does not comply with the order within the time
25 specified.

26 (4) *Third violation*. If an owner's animal commits a third nuisance violation within 24
27 months after committing a nuisance violation, the ANIMAL CONTROL MANAGER
28 [[Administrator]] may declare the animal a nuisance in accordance with section 17.302 of
29 this subtitle.

(e) *Disturbance of the Public Peace Enforcement.* Notwithstanding any other provision of this section to the contrary, the ANIMAL CONTROL MANAGER [[Administrator]] shall enforce a disturbance of the public peace violation as follows:

(1) *First violation.* The ANIMAL CONTROL MANAGER [[Administrator]] may issue a civil citation to an owner whose animal disturbs the public peace;

(2) *Second violation.* If an owner receives a second citation for allowing an animal to disturb the public peace, the ANIMAL CONTROL MANAGER [[Administrator]] may recommend that the owner take control and confinement measures for the animal; and

(3) *Subsequent violation.* If an owner's animal receives a third citation for allowing the animal to disturb the public peace, the ANIMAL CONTROL MANAGER [[Administrator]]:

(i) Shall issue an order requiring the owner to take control and confinement measures for the animal and specifying a schedule for complying with the order; and

(ii) May impound the animal if the owner does not comply with the order within the time specified.

(f) *Right of Entry:*

(1) The Animal Control [[Administrator]] MANAGER may enter private property or premises to:

(i) Investigate possible violations of this subtitle;

(ii) Impound animals under this subtitle; and

(iii) Enforce this subtitle.

(2) If the owner, tenant, or other occupant of private property or premises fails to consent to or interferes with the right of entry of the Animal Control [[Administrator]] MANAGER, the [[Administrator]]ANIMAL CONTROL MANAGER may apply for a judicial order permitting entry.

Section 17.310. Impoundment and redemption.

(a) *Impoundment.*

(1) The ANIMAL CONTROL MANAGER [[Administrator]] may impound:

(i) A dog, cat, or ferret whose owner has failed to have the animal vaccinated against rabies within seven days after being notified to do so;

- (ii) An animal whose owner has failed to comply with control, and confinement measures ordered by the ANIMAL CONTROL MANAGER [[Administrator]] within the time specified by the order;
- (iii) An animal that has been declared a nuisance by the ANIMAL CONTROL MANAGER [[Administrator]], or an animal whose owner receives three citations for disturbing the public peace in a 24-month period, if the citations have not been appealed or have been upheld on appeal;
- (iv) An animal at large;
- (v) An animal declared dangerous or potentially dangerous by the ANIMAL CONTROL MANAGER [[Administrator]] or by another jurisdiction;
- (vi) An animal declared a threat to public safety and welfare;
- (vii) An animal whose health or safety is endangered through its owner's cruelty or neglect;
- (viii) A wild or exotic animal kept in violation of this subtitle;
- (ix) An animal adopted from the County shelter but which has not been spayed or neutered within the period required by the ANIMAL CONTROL MANAGER [[Administrator]]; and
- (x) An animal adopted from the County shelter whose owner has not complied with the terms of the adoption agreement.
- (xi) An animal from a private animal shelter operating without a license or with a license that has been suspended or revoked in accordance with section 17.322(i) of this title.
- (b) If an animal is impounded and the owner does not provide control and confinement measures in accordance with the schedule established by the ANIMAL CONTROL MANAGER [[Administrator]], the animal shall be considered abandoned and shall be disposed of under this subtitle.
- (c) *Location.* The ANIMAL CONTROL MANAGER [[Administrator]] shall determine the place of an animal's impoundment and may, at the request and expense of the animal's owner, impound the animal in a private kennel or veterinarian's facility. The owner of the kennel or veterinarian's facility shall not release the animal from impoundment without permission of the ANIMAL CONTROL MANAGER [[Administrator]].

1 (d) *Notice*. If the ANIMAL CONTROL MANAGER [[Administrator]] impounds an animal without
2 first notifying the owner, the Administrator shall make a prompt and reasonable effort to notify
3 the owner of the impoundment, the reason for the impoundment, and the conditions the owner
4 must meet in order to redeem the animal.

5 (e) *Redemption*:

6 (1) *General requirements*. The owner of an impounded animal may redeem the animal by:

7 (i) Satisfying the conditions established by the ANIMAL CONTROL MANAGER

8 [[Administrator]] for the animal, including any control and confinement measures;

9 (ii) Paying all fines and penalties due;

10 (iii) Paying the redemption fee;

11 (iv) Paying all charges for shelter and board of the animal during impoundment, including
12 any extraordinary charges incurred by the County in impounding, transporting,
13 feeding, treating, and sheltering the animal;

14 (v) Providing proof of ownership of the animal;

15 (vi) Meeting the licensing requirements of this subtitle;

16 (vii) Providing proof that the animal is vaccinated for rabies; and

17 (viii) Meeting any other redemption requirements of this subtitle that apply to the animal.

18 (2) *Rabies*. The owner of a dog, cat, or ferret impounded for failure of the owner to vaccinate
19 the animal for rabies may redeem the animal when the animal has been vaccinated
20 against rabies.

21 (3) *Wild or exotic animals*. The owner of an impounded wild or exotic animal may redeem
22 the animal if the ANIMAL CONTROL MANAGER [[Administrator]] is satisfied that the
23 owner has definite intentions to immediately remove the animal from the County, or has
24 received the required State and Federal permits to legally possess the animal.

25 (f) *Animal Permanently Impounded*. An animal ordered permanently impounded may be
26 disposed of in the same manner as an animal abandoned by its owner.

27 (g) *Care of Injured Animals*. Except as provided in section 17.306 of this subtitle, when the
28 ANIMAL CONTROL MANAGER [[Administrator]] or a Howard County Police Officer has an
29 injured domesticated animal whose owner is unknown, the ANIMAL CONTROL MANAGER
30 [[Administrator]] or Officer shall take the animal to a veterinarian or animal hospital under
31 contract to the County where it shall be cared for until its condition warrants its return to the

1 animal control facility or disposition. In an emergency, the animal may be taken to the nearest
2 veterinarian.

3 (h) *Liability:*

4 (1) The County is not liable if an impounded animal becomes sick or dies during
5 impoundment, or dies after routine care or other care prescribed by a veterinarian.

6 (2) The Animal Control [[Administrator]] MANAGER is not liable for any injuries sustained
7 by an animal as a result of impoundment, transport, and handling of an impounded
8 animal.

9 (i) *Animal Deemed Abandoned.* An animal is deemed to have been abandoned when:

10 (1) The animal is impounded, its owner is not known, and the animal has not been redeemed
11 within three working days of impoundment;

12 (2) The animal is impounded for being at large and has not been redeemed within three
13 working days;

14 (3) The animal is impounded because the owner has not complied with an order of
15 quarantine for the animal and has not redeemed the animal within three working days of
16 notice that the animal may be released;

17 (4) The animal is wild or exotic and has not been returned to its owner within three working
18 days of notice of impoundment;

19 (5) The animal is a stray reported to the OFFICE [[Animal Control Division]] and has not been
20 reclaimed by its owner within 30 days of the report;

21 (6) The animal is permanently impounded and the owner has not appealed the impoundment,
22 or the impoundment has been upheld on appeal;

23 (7) The animal has been adopted from the animal control facility and has been permanently
24 impounded by the Animal Control [[Administrator]] MANAGER for failure to have the
25 animal spayed or neutered;

26 (8) The animal is impounded as a threat to public safety and welfare and has not been
27 redeemed;

28 (9) The animal is impounded as a dangerous animal and has not been redeemed;

29 (10) The animal is impounded as a result of cruel or neglectful acts and has not been
30 redeemed;

31 (11) The animal is impounded for failure to vaccinate for rabies and has not been redeemed;

- 1 (12) The animal is impounded as a nuisance animal and has not been redeemed;
- 2 (13) The animal has been spayed or neutered at a clinic contracted for by the County, and
- 3 the owner has not retrieved the animal within three working days of the date specified by
- 4 the clinic;
- 5 (14) The animal is given up and left at the animal control facility by its owner;
- 6 (15) The animal was adopted from the County shelter and is impounded because its owner
- 7 has not complied with the terms of the adoption agreement; or
- 8 (16) The animal is impounded under this subtitle for any other reason and has not been
- 9 redeemed.
- 10

11 **Section 17.311. Adoption.**

12 (a) *Adoption.* At the discretion of the ANIMAL CONTROL MANAGER [[Administrator]] an

13 abandoned animal may be made available for adoption.

14 (b) *Adoption Exceptions.* An animal is available for adoption immediately upon being declared

15 abandoned, except:

- 16 (1) An animal the ANIMAL CONTROL MANAGER [[Administrator]] believes is unsafe;
- 17 (2) A wild or exotic animal;
- 18 (3) An animal that has been declared dangerous or potentially dangerous;
- 19 (4) An animal a veterinarian has found to be too unhealthy for adoption or suffering from a
- 20 contagious disease that makes the animal unsuitable for adoption;
- 21 (5) An animal impounded for being a threat to public safety and welfare, declared to be a
- 22 threat to public safety and welfare, or whose owner has been cited for the animal being a
- 23 threat to public safety and welfare; and
- 24 (6) An animal the ANIMAL CONTROL MANAGER [[Administrator]] believes is too young for
- 25 adoption.

26 (c) *Persons Not Eligible to Adopt.* The following persons are not eligible to adopt an animal

27 unless the Animal Matters Hearing Board permits them to do so upon appeal:

- 28 (1) A person with two or more paid or upheld civil citations issued under this subtitle in the
- 29 previous 24 months;
- 30 (2) A person who has been found guilty of cruel or neglectful acts;

1 (3) A person who has been found guilty of improperly confining or controlling a dangerous
2 animal;

3 (4) A person who has not complied with an order of the Board issued after a mandatory
4 hearing of the Board;

5 (5) A person who, in the opinion of the ANIMAL CONTROL MANAGER [[Administrator]], will
6 not or cannot properly care for an animal; and

7 (6) A person who has not complied with the spaying and neutering provisions of this subtitle
8 in the prior adoption of an animal.

9 (d) *Spaying/Neutering of Adopted Animals:*

10 (1) Within a period to be specified by the ANIMAL CONTROL MANAGER [[Administrator]],
11 depending on the age, sex, health, and species of the animal, an adopted animal shall be
12 spayed or neutered by a licensed veterinarian at the expense of the adopter.

13 (2) The ANIMAL CONTROL MANAGER [[Administrator]] may issue an adopter a cease and
14 desist order and a civil citation for failure to spay or neuter an adopted animal within the
15 specified period. The ANIMAL CONTROL MANAGER [[Administrator]] shall rescind the
16 cease and desist order and civil citation if the adopter returns the adopted animal to the
17 animal control facility or provides proof that the animal has been spayed or neutered prior
18 to the payment due date specified on the citation. Each month the violation continues is a
19 separate offense.

20 (e) *Appeal.* A person denied adoption of an animal under subsection (c) of this section may
21 appeal the decision to the Animal Matters Hearing Board within three days of the denial. The
22 ANIMAL CONTROL MANAGER [[Administrator]] is not required to hold the animal for which
23 adoption was denied while the denial is appealed.

24 (f) *Liability.* Howard County shall not be liable for any expenses incurred by an adopter of an
25 animal for the treatment of injuries or illnesses of the animal which existed prior to or occurred
26 after adoption.

27 (g) *Disposition of Animals Not Adopted:*

28 (1) No animal may be sold or given up for commercial or experimental purposes.

29 (2) Wild and exotic animals may be released to a suitable habitat or to a suitable care facility
30 such as a Humane Society shelter, zoo, or sanctuary.

(3) Animals which are declared abandoned may be destroyed in accordance with section 17.308 of this subtitle.

Section 17.312. OFFICE OF Animal Control [[Division]].

(a) *Administration.* Except for the licensing provisions administered by the Department of Inspections, Licenses and Permits, the OFFICE OF Animal Control [[Division]] shall administer this subtitle under the direction of the Chief of Police.

(b) *OFFICE OF Animal Control [[Division]].* General provisions regarding the [[division]] OFFICE are set forth in subtitle 2, "Administrative Departments and Offices," of title 6, "County Executive and the Executive Branch," of the Howard County Code.

(c) *ANIMAL CONTROL MANAGER [[Administrator]].* The Animal Control MANAGER [[Administrator]] shall be the head of the OFFICE [[Animal Control Division]]. The Chief of Police shall exercise general supervision of OFFICE [[Animal Control Division]].

(d) *ANIMAL CONTROL MANAGER'S [[Administrator's]] Qualifications.* The Animal Control MANAGER [[Administrator]] shall have:

(1) Considerable knowledge of the care, handling, feeding, and characteristics of domestic animals;

(2) Considerable knowledge of the local and State laws governing animal protection and control; and

(3) At least five years of experience in business or public administration, including two years in animal control work, and at least two years of managerial or supervisory experience.

(e) *ANIMAL CONTROL MANAGER'S [[Administrator's]] Duties.* The Animal Control MANAGER [[Administrator]] shall:

(1) Serve as Executive Secretary to the Animal Matters Hearing Board;

(2) Administer and enforce the animal control laws;

(3) Maintain records of microchip identification numbers cross-referenced to the animal license files;

(4) Maintain records of rabies vaccinations cross-referenced to the animal license files;

(5) Administer the animal control facility;

(6) Supervise the Animal Control Officers and other employees of the OFFICE [[Animal Control Division]];

- (7) Adopt written regulations necessary to implement this subtitle;
- (8) Publicize the requirements of this subtitle including but not limited to breed-specific requirements to those who are required to comply with this subtitle; and
- (9) Perform such other functions as may be prescribed by directive of the County Executive or by law.

Section 17.313. Notification procedures.

- (a) Notification required by this subtitle shall be made as provided in this subsection.
- (b) *By Mail.* If a notification required by this subtitle is made by mailing a notice, the notice is adequate if it is delivered to a U.S. post office for delivery or is deposited in a mailbox or other mail receptacle regularly serviced by the U.S. Postal Service.
- (c) *Notice of Impoundment.* The Animal Control MANAGER [[Administrator]] shall give an owner of an impounded animal notice of the impoundment by:
 - (1) Placing a telephone call to the owner;
 - (2) Delivering the notice directly to the owner;
 - (3) Leaving the notice at:
 - (i) The owner's usual or last-know-address;
 - (ii) The address given on the animal's collar or microchip; or
 - (iii) The address indicated in the licensing records maintained by the Department; or
 - (4) Mailing the notice to:
 - (i) The person's usual or last-known address;
 - (ii) The address given on the animal's collar or microchip; or
 - (iii) The address indicated in the licensing records maintained by the Department.
- (d) *Notification of Intent to Immediately Destroy Animal.* When the Animal Control MANAGER [[Administrator]] intends to immediately destroy an animal, the MANAGER [[Administrator]] shall give notice to the animal's owner by:
 - (1) Placing a telephone call to the owner; or
 - (2) Verbally notifying the owner in person.
- (e) *Other Notifications.* Except as otherwise provided in this subtitle, notifications necessary to satisfy other requirements of this subtitle may be made by:
 - (1) Delivering the notice directly to the owner; or

(2) Mailing the notice to or posting the notice at:

(i) The owner's usual or [[last know]] LAST-KNOWN address;

(ii) The address given on the animal's collar or microchip; or

(iii) The address indicated in the licensing records maintained by the Department.

Section 17.314. Contractual services.

(a) *Removal of Dead Animals.* The Chief of Police may contract for the collection and disposal of dead animals from County property and rights-of-way. If the animal's owner is known, the Animal Control MANAGER [[Administrator]] may notify the owner to arrange for prompt disposition of the animal. If the animal is collected and disposed of by the County, the owner shall be notified that the animal has been disposed of. The owner may be held liable to the County for the cost of collection and disposal.

Section 17.315. Interfering with enforcement.

(a) *Prevention of Enforcement.* A person shall not prevent, attempt to prevent, or threaten to prevent the Animal Control MANAGER [[Administrator]], an Animal Control Officer, or a Police Officer from enforcing this subtitle.

(b) *Concealment; Denial of Ownership.* A person shall not conceal a domesticated animal, a wild animal, or an exotic animal from the Animal Control MANAGER [[Administrator]], or falsely deny ownership of any animal.

(c) *Information to Enforce This Subtitle.* A person shall not provide false information or refuse to provide requested information to the Animal Control Officer, the Health Officer, or a Police Officer when the information is required to enforce this subtitle.

Section 17.316. Reporting animal bites; investigation.

(a) *Report Required.* The following individuals and agencies shall report all bites, injuries, and attacks by animals on humans to the Health Department or THE OFFICE [[Animal Control Division]]:

(1) The owner of an animal that has attacked, bitten, or injured a human; and

(2) A hospital, physician, or other health care provider who has treated a bite or injury inflicted by an animal on a human.

(b) *Reporting Requirements.* When a report is required by this section, the report shall be made within the following times:

(1) An attack, injury, or bites shall be reported no later than one business day following the occurrence or treatment.

(2) When the Health Department receives a report of an incident in which an animal has bitten or injured a human or a domesticated animal, it shall notify the Animal Control MANAGER [[Administrator]] within 24 hours after receiving the report and shall send the ANIMAL CONTROL MANAGER [[Administrator]] all complaints and supporting information regarding the incident.

(3) When the Police Department receives a report of an incident in which an animal has bitten or injured a human or a domesticated animal, it shall notify the Animal Control MANAGER [[Administrator]] within 24 hours after receiving the report and, if a bite or injury is involved, shall notify the Health Officer within 24 hours. The Police Department shall send the ANIMAL CONTROL MANAGER [[Administrator]] and the Health Officer all complaints and supporting information regarding the incident.

(4) When the OFFICE [[Animal Control Division]] receives a report of an incident in which an animal has bitten or injured a human being or a domesticated animal, it shall notify the Health Officer within 24 hours after receiving the report.

(c) *Investigation of Incidents.* The ANIMAL CONTROL MANAGER [[Administrator]] shall review all reports of incidents in which an animal has attacked, bitten, or injured a human being or a domesticated animal, may investigate the incident and, if necessary, take enforcement measures consistent with this subtitle.

Section 17.317. Quarantine.

(a) *Quarantine.* If the Health Officer quarantines an animal, or if the ANIMAL CONTROL MANAGER [[Administrator]] quarantines an animal under authority delegated by the Health Officer, the provisions of this section apply.

(b) *Release.* A quarantined animal may not be released from quarantine, sold, given away, or otherwise disposed of until a Health Department Representative or a veterinarian has examined the animal and found it free of rabies, within 24 hours after examining a

1 quarantined animal for rabies, the veterinarian shall report the results of the examination to
2 the Health Officer.

3 (c) *Quarantine after Bite or Injury.* If the Health Officer quarantines an animal after the animal
4 has bitten or injured a human, the animal shall be quarantined under the following
5 conditions:

6 (1) The ANIMAL CONTROL MANAGER [[Administrator]] may require that the animal be
7 impounded for the quarantine period;

8 (2) If the animal is not impounded for the quarantine period:

9 (3) Quarantine shall be at a location approved by the ANIMAL CONTROL MANAGER
10 [[Administrator]]; and

11 (4) If the animal's owner meets conditions established jointly by the ANIMAL CONTROL
12 MANAGER [[Administrator]] and the Health Officer that protect the public and other
13 animals from exposure to the animal, the animal may be quarantined on the owner's
14 property.

15 (d) *Impoundment of Animal Not Kept Quarantined.* If the ANIMAL CONTROL MANAGER
16 [[Administrator]] determines that an animal has not been kept quarantined in accordance
17 with this section, the ANIMAL CONTROL MANAGER [[Administrator]] may impound the
18 animal until it is released from quarantine by the Health Officer.

19
20 **Section 17.318. Civil penalties and other remedies for violations.**

21 (a) *Court Proceedings.*

22 (1) *Injunctive and Other Relief.* The ANIMAL CONTROL MANAGER [[Administrator]] is
23 authorized to institute on behalf of Howard County any legal action, including an action
24 for appropriate injunctive relief, in order to compel compliance with any of the provisions
25 of this subtitle.

26 (2) *Civil Penalties.* Alternatively, and in addition to and concurrent with all other remedies,
27 the ANIMAL CONTROL MANAGER [[Administrator]] may enforce the provisions of this
28 Subtitle with civil penalties pursuant to Title 24, "Civil Penalties" of the Howard County
29 Code.

30 (b) *Animal Matters Hearing Board Civil Citations.*

- 1 (1) *Civil Citations*. The Animal Control MANAGER [[Administrator]] may issue an Animal
2 Matters Hearing Board civil citation to a person who violates this subtitle.
- 3 (2) *Right to Appeal*. A person who receives a civil citation under section 17.318(b) may
4 appeal the citation to the Animal Matters Hearing Board within 15 days of receiving the
5 citation.
- 6 (3) *Board Action*. When an Animal Matters Hearing Board civil citation is appealed to the
7 Board, the Board may:
8 (i) Affirm the citation;
9 (ii) Reverse the citation;
10 (iii) Affirm the citation and reduce the amount of the fine imposed for violations of any
11 section except section 17.303 of this subtitle; or
12 (iv) For a violation of section 17.303 of this subtitle, affirm the citation and waive the fine
13 if the owner agrees to destruction of the animal.
- 14 (4) *Collection; Date Payable*. A civil fine imposed by the Animal Control MANAGER
15 [[Administrator]] under section 17.318(b) shall be payable to and collected by the
16 Director of Finance of Howard County within 30 days of imposition. If the owner of the
17 animal, residence, or facility appeals the Animal Matters Hearing Board civil citation, the
18 due date of the fine shall be extended to 30 days after a decision of the Board upholding
19 or modifying the citation.
- 20 (5) *Notification of Appeals*. The Animal Matters Hearing Board shall notify the Director of
21 Finance of all appeals pending before the Board and shall request that the Director
22 postpone the collection of the fine until the Board has made a decision. The Board shall
23 notify the Director of Finance of the outcome of all appeals.
- 24 (6) *Penalty Not Paid*. Subject to Subsection(b)(4), if a fine is not collected by the Director of
25 Finance within 30 days of the imposition of the fine or within 30 days of the Board's
26 upholding the civil citation, the Animal Control MANAGER [[Administrator]] may request
27 the Office of Law to institute civil proceedings to collect the fine. The amount of the fine
28 shall increase by half the amount of the original fine for each 30 days or portion thereof it
29 remains unpaid.
- 30 (c) *Fines for Violations of Certain Sections*. The amount of the civil penalty for a violation of
31 this subtitle is:

Code Section Violated	Amount of Fine	
17.301 and 17.306	First Offense	\$25.00
	Second Offense in 24-Month Period	50.00
	Third Offense in 24-Month Period	100.00
	Subsequent Offenses	250.00
17.302	First Offense	50.00
	Second Offense in 24-Month Period	100.00
	Third Offense in 24-Month Period	200.00
	Subsequent Offenses	200.00
17.303	\$250.00 to \$500.00 - Board may waive fine if owner agrees to destruction of animal	
17.304 and 17.305	First Offense	100.00
	Second Offense in 24-Month Period	150.00
	Third Offense in 24-Month Period	300.00
	Subsequent Offenses	500.00
17.305A and 17.305B	First Offense	100.00
	Second Offense in a 24-Month period	150.00
	Third Offense in a 24-Month period	300.00
	Subsequent Offenses	500.00
17.307	First Offense	100.00
	Second Offense in 24-Month Period	150.00
	Third Offense in 24-Month Period	300.00
	Subsequent Offenses	500.00
17.311(d)(2)		100.00
17.315	First Offense	100.00
	Second Offense in 24-Month Period	150.00
	Third Offense in 24-Month Period	300.00
	Subsequent Offenses	500.00
17.316	First Offense	25.00
	Second Offense in 24-Month Period	50.00
	Third Offense in 24-Month Period	100.00
	Subsequent Offenses	200.00
17.317		300.00
17.322	Operating Without a License—Per day	250.00
17.322	Standards of care—First offense in 24-month period	200.00
	Second violation in 24-month period	400.00
	Third violation in 24-month period	600.00
	Subsequent violations	800.00

(d) Each day that a violation continues is a separate offense.

Section 17.319. Criminal penalties for violations.

(a) The Animal Control MANAGER [[Administrator]], a Howard County Police Officer, or a citizen may apply to the district court for the issuance of a criminal summons for a violation of this subtitle.

(b) A person who violates this subtitle is guilty of a misdemeanor and on conviction is subject to the following fines:

Code Section Violated	Amount of Fine	
17.301	Failure to Vaccinate for Rabies	Up to \$500.00
	Failure to License or Renew License	25.00
	Failure to Wear License Tag	25.00
17.302	First Offense	50.00
	Second Offense	100.00
	Third Offense	200.00
	Subsequent Offenses: \$200.00 and 30 days' imprisonment, or both	
17.303	Up to \$500.00 and 90 days' imprisonment, or both	
17.304	First Offense	\$100.00
	Second Offense	300.00
	Third Offense	500.00
	Subsequent Offenses: \$1,000.00 and 60 days' imprisonment, or both	
17.305	Cruelty or Neglect	Up to \$1,000.00
	Poisoning Domesticated Animal	Up to 1,000.00
	Leaving Ground Glass Where Animal Can Ingest It	100.00
	Cruelly Killing or Injuring Animal	250.00 to 500.00
	Abandoning Domesticated Animal	250.00 to 500.00
	Deliberately Killing or Injuring Animal with Motor Vehicle	250.00 to 500.00
	Deliberately Encouraging an Animal to Fight	50.00 to 500.00
	Organizing or Participating in Animal Fight	50.00 to 500.00
	Breeding or Raising Animals for Fighting	50.00 to 500.00
17.306	Failure to Provide Adequate Care for Livestock	100.00 to 500.00
	Violations Regarding Care of Domesticated Birds	100.00 to 500.00
17.307	Keeping Wild or Exotic Animals.	250.00 to 500.00
	Setting Prohibited Traps	100.00 to 500.00

	Failure to Stop After Killing or Injuring Domesticated Animal with Vehicle	50.00
	Sale or Barter of Animals as Toys or Novelties	25.00 per animal
	Animals Involved in Games of Chance	200.00
	Dyeing Animals	100.00 per animal
17.315	Interfering with Officer by Providing False Information or Refusing to Provide Requested Information	100.00 to 150.00
	Unlawful Concealment of Animal	100.00
17.316		25.00
17.317		100.00

Section 17.320. Animal Matters Hearing Board.

(a) Membership:

(1) *General provisions.* General provisions applicable to the Board are set forth in subtitle 3, "Boards and Commissions" of title 6, "County Executive and the Executive Branch," of the Howard County Code.

(2) *Number of members.* There is an Animal Matters Hearing Board consisting of seven members.

(3) Qualifications:

(i) All members of the Board shall be residents of Howard County.

(ii) One of the members shall be a veterinarian licensed to practice in Howard County.

(iii) Three of the remaining members shall have some experience in animal matters.

(iv) Not more than two members shall be residents of the same council district.

(4) *Executive Secretary.* The Animal Control MANAGER [[Administrator]] or the MANAGER'S [[Administrator's]] designee shall serve as Executive Secretary to the Board and shall attend all meetings of the Board.

(5) *Meetings.* The Board shall meet at least once each month and, if necessary to fulfill its duties and responsibilities, more frequently at the call of the Chairperson.

(b) Duties and Responsibilities. The Board shall:

(1) Subject to section 22.1000 of the County Code, submit an annual report to the Chief of Police, the County Executive, and the County Council concerning its responsibilities, including recommendations pertaining to legislation, regulations, and fiscal planning;

- (2) Recommend standards for the operation and maintenance of County animal control facilities;
- (3) Recommend standards and procedures for the control, collection, custody, and disposal of animals;
- (4) Review the annual budget for the operation of the animal control facility and make recommendations to the Chief of Police;
- (5) Advise the Chief of Police, the County Executive, and the County Council on animal control regulations and legislation;
- (6) Hold hearings under this subtitle;
- (7) Review and affirm, reverse, or modify actions and decisions of the Animal Control MANAGER [[Administrator]] pursuant to this subtitle;
- (8) Issue written decisions and orders;
- (9) Hear appeals related to a private animal shelter license pursuant to section 17.322(j) of this subtitle; and
- (10) Carry out any other duties mandated by law.

Section 17.321. Appeals.

(a) *Appeal to Board.* A person may appeal to the Board any of the following actions of the ANIMAL CONTROL MANAGER [[Administrator]] within seven days after the MANAGER'S [[Administrator's]] action:

- (1) A declaration that the person's animal, residence, or facility is a nuisance;
- (2) A declaration that the person's animal is dangerous or potentially dangerous;
- (3) A declaration that the person's animal is a threat to public safety;
- (4) An order requiring the institution of control and confinement measures for the person's animal, but only if the animal has been impounded in connection with the order;
- (5) Impoundment of the person's animal;
- (6) Permanent impoundment of the person's animal;
- (7) A declaration that the person is not eligible to adopt an animal; and
- (8) A decision of the Animal Control MANAGER [[Administrator]] to grant, deny, or impose conditions on a private animal shelter license pursuant to section 17.322 of this subtitle.

(b) A person who receives a civil citation that is appealable to the Animal Matters Hearing Board under this subtitle may appeal the citation to the Board in accordance with section 17.318 of this subtitle.

(c) *Board Action.* When an action of the ANIMAL CONTROL MANAGER [[Administrator]] is appealed to the Board, the Board may affirm, reverse, or modify the decision, and may order any enforcement action that the ANIMAL CONTROL MANAGER [[Administrator]] is authorized to take by this subtitle.

(d) *Notice.* When a hearing is scheduled under this section, the Board shall give notice of the hearing in accordance with subsection 17.320(c) of this subtitle.

(e) *Hearing.* The hearing shall be conducted in accordance with title 2 (the Howard County Administrative Procedure Act) of this Code.

(f) *Appeal of Board Decision.* Any person, including the Animal Control MANAGER [[Administrator]], who is aggrieved by a decision and order of the Board may, within 30 days thereof, appeal the decision to the Board of Appeals. The appeal shall be on the record.

(g) *Enforcement of Board Decision.* If a person fails to comply with a decision of the Board within the time specified by the decision, the ANIMAL CONTROL MANAGER [[Administrator]] may petition the court for injunctive relief or otherwise institute legal action to enforce the Board's decision.

Section 17.322. Private animal shelter license; standards of care for private animal shelters.

(a) *Established; Purpose; Authority to adopt regulations; Applicability.*

(1) There is a private animal shelter license in Howard County.

(2) The purpose of the license is to ensure minimum standards of care for animals kept in private shelters.

(3) As provided in section 17.312(e), the Animal Control MANAGER [[Administrator]] may adopt regulations to set standards to implement this section.

(4) This subtitle applies to a private animal shelter that:

(i) Houses, in one location, more than the following number and type of domesticated animals, except livestock and poultry:

a. For dogs and cats:

i. Four age four months or older; and

- 1 ii. Fifteen under the age of four months; and
- 2 b. For other domesticated animals:
- 3 i. Ten age four months or older; and
- 4 ii. Fifteen under the age of four months; and
- 5 (ii) Re-homes, rehabilitates, or provides permanent housing to domesticated animals,
- 6 except for livestock or poultry.
- 7 (5) This subtitle does not apply to:
- 8 (i) A retail pet store as defined in section 19-701 of the Business Regulations Article of
- 9 the Annotated Code of Maryland;
- 10 (ii) Dog or cat fanciers who have a license issued under section 17.301 of this subtitle;
- 11 (iii) Unless the criteria set forth in subsection (4)(i) is met as to the number of
- 12 domesticated animals, an individual who may foster for a private animal shelter;
- 13 (iv) A private animal shelter that is licensed under State or Federal Law; or
- 14 (v) The housing, re-homing, rehabilitation or permanent housing of livestock or poultry.
- 15 (b) *Definitions.* In addition to the definitions set forth in section 17.300 of this subtitle, for
- 16 purposes of this section, the following terms shall have the meanings set forth.
- 17 (1) *Drop box* means an unattended receptacle where live animals can be placed by the public
- 18 for later shelter intake.
- 19 (2) *License* shall mean the private animal shelter license authorized by this section.
- 20 (3) *Primary animal enclosure* means any structure used consistently to contain an animal
- 21 such as a room, cage, kennel, or pen.
- 22 (4) *Private animal shelter* means a non-governmental shelter for domesticated animals,
- 23 except livestock and poultry, for the purpose of re-homing, rehabilitation, or permanent
- 24 housing.
- 25 (5) *Responsible party* means any person in control of or managing a private animal shelter
- 26 and includes, without limitation, the board of directors, officers, executive director,
- 27 owner, and managers of a private animal shelter.
- 28 (6) *Standard of care* means those conditions set forth in subsection (n) of this section that
- 29 indicate whether animals are in a good state of welfare.
- 30 (7) *Transport carrier* means a portable enclosure designed to temporarily contain an animal
- 31 that is being transported from one location to another.

1 (8) *Veterinarian* means a veterinarian who is currently licensed and in good standing with
2 the Maryland State Board of Veterinary Examiners.

3 (c) *License Requirement.* The operator of a private animal shelter shall obtain an annual private
4 animal shelter license to operate.

5 (d) *License Application.* An applicant for a license shall:

6 (1) Pay the application fee;

7 (2) Provide the following information on a form created by the Animal Control MANAGER
8 [[Administrator]]:

9 (i) The physical location and description of the building(s) in which animals will be
10 housed;

11 (ii) The name and residence address of all responsible parties and any change in the
12 identity or residence of any responsible party shall be reported to the Animal Control
13 MANAGER [[Administrator]] within 30 days of the change;

14 (iii) A statement that no responsible party has ever been convicted of a felony or
15 misdemeanor involving animal cruelty or neglect either within or outside of the
16 County;

17 (iv) A statement that the organization will comply with Federal, State, and County laws
18 and the standards of care to receive and maintain their license to operate;

19 (v) A statement that the building(s) in which the animals will be housed has adequate
20 water and sewer service to comply with the standards of care;

21 (vi) A statement that the responsible party will comply with all Health Department noise
22 regulations; and

23 (vii) The name and address of the registered agent.

24 (e) *Inspections.* the Animal Control MANAGER [[Administrator]] shall complete an inspection of
25 a private animal shelter:

26 (1) Within 30 days of receipt of the initial application;

27 (2) Yearly thereafter with each renewal of a license;

28 (3) More frequently at the discretion of ANIMAL CONTROL MANAGER [[Administrator]].

29 (f) *Applications; Resubmissions of Denied Applications.*

30 (1) The Animal Control MANAGER [[Administrator]] shall review the application and grant
31 the application and issue the license unless:

- (i) The license is incomplete;
- (ii) The ANIMAL CONTROL MANAGER [[Administrator]] determines the applicant cannot meet the standards of care;
- (iii) The applicant has withheld or falsified information on the application; or
- (iv) Any responsible party has been convicted of a felony or misdemeanor involving animal cruelty or neglect within or outside of the County.

(2) *Resubmission of Denied Application.* If the ANIMAL CONTROL MANAGER [[Administrator]] determines there is a deficiency in an application, the applicant may correct the deficiency as follows:

- (i) The applicant may correct a deficiency related to paragraph (1)(i) or (1)(ii) of this subsection and re-apply one time within a 365 day period.
- (ii) The applicant may not correct a deficiency related to paragraph (1)(iii) or (i)(iv) of this subsection. In this instance, the applicant may not re-apply for a license and the ANIMAL CONTROL MANAGER [[Administrator]] will permanently bar the applicant from applying for a subsequent license.

(g) *License Term.* A license shall be valid for one year from the date of issue.

(h) *Fees.*

(1) *Application Fee.* The County shall charge an application fee that is adopted by Resolution of the County Council that is:

- (i) Nonrefundable; and
- (ii) Due upon application for a license;

(2) *License Fee.* The County shall charge a license fee that is adopted by Resolution of the County Council for a license issued under this subtitle.

(i) *License—Suspension, Revocation and Conditions.* The ANIMAL CONTROL MANAGER [[animal control Administrator]] may:

- (1) Suspend a license for a period of time for any cause which in the judgement of ANIMAL CONTROL MANAGER [[Administrator]] is necessary to promote the safety and health of animals;
- (2) Revoke a license based upon, but not limited to, any of the following findings:
 - (i) An Inspection by Animal Control MANAGER [[Administrator]] is refused;

- (ii) A responsible party is convicted of a felony or misdemeanor involving animal cruelty or neglect;
- (iii) A false statement was made on the license application; or
- (iv) The shelter is found to be in violation of the standards of care;
- (3) Impose conditions on a license based upon an inspection performed under this subtitle; or
- (4) In the instance of a suspended or revoked license, impound an animal pursuant to section 17.310 of this Code.
- (j) *Appeals.*
- (1) *Who May Appeal.* A person may appeal to the Board, a decision made by the Animal Control MANAGER [[Administrator]] to approve, revoke or apply any conditions to a license.
- (2) *Actions by the Board.* The Board may uphold, reverse, or modify the decision made by the Animal Control MANAGER [[Administrator]].
- (3) *Scope of Appeal.* The action of the Animal Control MANAGER [[Administrator]] shall be presumed to be proper and to best serve the public interest. The burden of proof shall be upon the petitioner to show that the decision was improperly rendered.
- (k) *License Renewal.* The license application and inspection process shall be completed annually for license renewal.
- (l) *Applications prior to the expiration of a license.* An annual application must be received at least 30 days prior to the expiration of a license.
- (m) *Records.* The Animal Control MANAGER [[Administrator]] shall maintain a record of the license.
- (n) *Standards of Care for Private Animal Shelters.* The operator of a private animal shelter shall comply with the following standards:
- (1) *Buildings.* The shelter shall be a safe, structurally sound, and sanitary building that meets the following standards:
- (i) The building shall be free from any structural defects that could cause injury to animals;
- (ii) Surfaces in animal areas such as floors, junctions, walls, doors, shall be made of nonporous material that can be easily disinfected;
- (iii) Ceilings shall be in good condition and without leaks;

- 1 (iv) All areas where animals are kept shall have adequate ventilation;
- 2 (v) All areas where animals are housed indoors shall be kept:
- 3 a. For cats and dogs, between 60—80 degrees Fahrenheit; or
- 4 b. For all other species, at the appropriate environmental condition for the species
- 5 being housed as recommended by the American Veterinary Medical Association
- 6 or standards that the ANIMAL CONTROL MANAGER [[Administrator]] finds
- 7 equivalent;
- 8 (vi) There shall be written policies and protocols in place to maintain adequate capacity
- 9 and prevent overcrowding;
- 10 (vii) There shall be adequate lighting in the animal areas.
- 11 (2) *Primary Animal Enclosures.* The shelter will have primary animal enclosures that are
- 12 safe and structurally sound and enable animals to remain dry, clean, and maintain proper
- 13 body temperature and meet the following conditions:
- 14 (i) The enclosure shall provide sufficient space to allow an animal, regardless of size, to
- 15 hold their tail erect and head high when in a normal standing position;
- 16 (ii) The animal shall be able to turn freely and easily stand, sit, stretch, and move their
- 17 head without contacting the top of the enclosure;
- 18 (iii) The animal shall be able to lie in a resting position with limbs extended;
- 19 (iv) The animal shall be able to move about and assume a comfortable posture for
- 20 feeding, drinking, urinating, or defecating;
- 21 (v) Food and water bowls or other items in the primary enclosure shall not impede the
- 22 animal's ability to stretch out;
- 23 (vi) The animal shall be able to sit, sleep, and eat away from areas of its enclosure where
- 24 it may urinate or defecate;
- 25 (vii) The enclosure shall be kept free from buildup of urine and feces;
- 26 (viii) Transport carriers may not be used as primary enclosures;
- 27 (ix) Animals are to be placed in a manner and proximity to limit barrier stress;
- 28 (x) Latches or other closing devices must be secure enough to keep the animal in the
- 29 enclosure, keep other animals out of the enclosure, and prevent injury; and
- 30 (xi) Drop boxes are not permitted.

31 (3) *Communal Enclosures.*

- 1 (i) Dogs over the age of five months may not be kept communally unless the dogs
2 previously lived together and are spayed or neutered;
- 3 (ii) Cats over the age of four months who are housed communally shall be spayed or
4 neutered; and
- 5 (iii) Animals who are housed communally and who are observed fighting or to have
6 injuries consistent with fighting shall be immediately removed and provided a single
7 enclosure.
- 8 (4) *Disease Prevention and Sanitation Practices.* The shelter shall ensure that the building,
9 primary animal enclosures, and all other areas where animals are kept are cleaned at least
10 daily to reduce disease transmission among animals, protect human public health,
11 increase animal comfort, and meet the following standards:
- 12 (i) To maintain sanitary conditions, all food bowls and water bowls shall be cleaned
13 daily and primary animal enclosures:
- 14 a. For dogs and cats, shall be cleaned daily; and
15 b. For all other species, shall be spot cleaned daily to remove urine and feces, and
16 fully cleaned as necessary;
- 17 (ii) All primary enclosures, food bowls, water bowls, and bedding shall be disinfected
18 before given to a new animal;
- 19 (iii) Floors, junctions, walls, doors, and drains shall be immediately cleaned and
20 disinfected after coming into contact with feces, urine, vomit, or an animal known or
21 suspected of having an infectious disease;
- 22 (iv) Only cleaning products that are safe for animals and with proven efficacy for
23 disinfection of animal disease shall be used to clean any areas where animals will be
24 present;
- 25 (v) Water and food bowls shall not be left in the enclosure while cleaning;
- 26 (vi) Animals are removed from the cage during cleaning;
- 27 (vii) Proper protocols shall be put into place to protect against pests and other disease
28 vectors or nuisances;
- 29 (viii) Trash shall be contained in containers with lids; and
- 30 (ix) Shelter staff, whether paid or unpaid, shall be trained in sanitation protocols and a
31 written record of that training kept onsite and available for inspection.

1 (5) *Food and Water.*

- 2 (i) Food must be species and age appropriate and in sufficient quantity to maintain
3 proper body weight and condition based on the breed of animal;
4 (ii) Food shall be free from worms, moths, mold, or other contamination and must not be
5 more than six months past the "sell by" date;
6 (iii) Open food shall be stored in a food-safe container with lid; and
7 (iv) Water must be clean and potable and kept in a spill-resistant container to be available
8 to the animal at all times.

9 (6) *Medical Standards.* The shelter shall ensure that all animals are monitored, assessed,
10 examined, and treated for medical conditions upon entrance and during their stay as
11 follows:

- 12 (i) A responsible party shall consult with a veterinarian for the medical care and
13 treatment of a sick or injured animal;
14 (ii) All animals with parasites shall be treated immediately unless otherwise directed by a
15 licensed veterinarian;
16 (iii) Animals shall be observed daily for signs of illness or injury and necessary veterinary
17 treatment shall be obtained;
18 (iv) An animal appearing to be experiencing pain, suffering distress, rapidly deteriorating
19 health, life-threatening problems, or suspected zoonotic disease shall be assessed by a
20 veterinarian immediately;
21 (v) An animal with suspected or confirmed communicable disease to other animals or
22 humans shall be isolated to limit exposure to other animals and people and shall be
23 assessed by a veterinarian as soon as possible;
24 (vi) An animal that is observed to be experiencing mental suffering, distress, or
25 behavioral deterioration shall be assessed and treated by a veterinarian as soon as
26 possible;
27 (vii) All animals shall be provided on a daily basis some form of life enrichment such as
28 access to toys, treats, play, exercise, and petting;
29 (viii) Medications shall be stored in a secure container not in a primary animal enclosure;
30 (ix) Dogs, cats, and ferrets over four months of age shall have a current rabies vaccine at
31 the time of adoption unless otherwise directed by a veterinarian; and

1 (7) *Spaying or Neutering.* The private animal shelter shall require that any person who adopts
2 an animal from the shelter shall:

- 3 (i) Agree to spay or neuter the animal within six months of adoption; and
- 4 (ii) Submit records of the procedure to the shelter to be retained according to paragraph
5 (9) of this Subsection.

6 (8) *Stray Animals.* Private shelters may not accept stray animals unless the following
7 conditions are met:

- 8 (i) A found report is filed with the Animal Control MANAGER [[Administrator]] on a
9 form created by the Animal Control MANAGER [[Administrator]];
- 10 (ii) The animal must be scanned for a microchip within 24 hours of admission; and
- 11 (iii) In accordance with section 17.310(i)(5) of this Code, the animal must be deemed
12 abandoned and held for 30 days from filing a found report with the Animal Control
13 MANAGER [[Administrator]] before the animal can be released for adoption or other
14 disposition.

15 (9) *Record Keeping.* The following records shall be kept for each animal entering the shelter
16 for a minimum of three years:

- 17 (i) Unique identification number, species, breed, gender, color, age, weight;
- 18 (ii) Whether the animal is intact or sterilized;
- 19 (iii) Date of entry;
- 20 (iv) Where the animal originated from;
- 21 (v) A health certificate for animals entering from out-of-state, as required by the
22 Maryland Department of Agriculture;
- 23 (vi) Date and explanation of all treatments and medical examinations and procedures;
- 24 (vii) Final disposition including date and type; and
- 25 (viii) Spay or neuter records.

26 (o) *Enforcement.* Alternatively, or in addition to and concurrent with all other remedies, the
27 Animal Control MANAGER [[Administrator]] may issue a citation under section 17.318 of this
28 subtitle for operating a private animal shelter in violation of this subtitle, including operating a
29 private animal shelter without a license or for failure to comply with the standards of care, and a
30 record of violations shall be kept by the Animal Control MANAGER [[Administrator]].

(p) *Education and Outreach.* The Department shall engage in an educational and outreach campaign about the requirements of this section.

Subtitle 4. Consumer Protection.

Section 17.401. Office of Consumer Protection.

(a) *General Provisions.* General provisions applicable to this Office are set forth in subtitle 2, "Administrative Departments and Offices," of title 6, "County Executive and the Executive Branch," of the Howard County Code.

(b) *Head.* The Consumer Protection Administrator shall head the Office of Consumer Protection. The Chief Administrative Officer shall exercise administrative supervision over the Office of Consumer Protection.

(c) *Qualifications of Consumer Protection Administrator.* The Consumer Protection Administrator shall have thorough knowledge of methods and practices of protecting consumer interest, including knowledge of County, State and Federal laws, and knowledge of the methods and techniques of investigating complaints and charges of unlawful trade practices. The Administrator shall have at least ~~[[five]]~~EIGHT years of experience in community service or related work, including one year dealing with consumer protection or trade practices and at least ~~[[one year]]~~FOUR YEARS of managerial experience.

(d) *Duties and Responsibilities.* The Office shall have the following duties:

(1) To regulate solicitors and peddlers pursuant to subtitle 7, "Solicitors and Peddlers," of title 14, "Inspections, Licenses, and Permits," of the Howard County Code.

(2) To receive, investigate and conciliate complaints and initiate its own investigation of deceptive or unfair trade practices against consumers; to hold hearings, compel the attendance of witnesses, administer oaths, take the testimony of any person under oath, and, in connection therewith, require the production of any evidence relating to any matter under investigation or in question by the Office.

(3) To issue summons to compel the attendance of witnesses and the production of documents, papers, books, records and other evidence in any matter to which this subtitle applies. Any such summons shall be served by the Sheriff or Deputy Sheriff of the political subdivision in which is located the residence of the person or the main office of

1 the firm, association, partnership or corporation against whom or which the summons is
2 served. In case of disobedience to a summons, the County, on behalf of the Office, may
3 apply to a court of appropriate jurisdiction for an order requiring the attendance and
4 testimony of witnesses and/or the production of records or a document. After notice to
5 the person summoned as a witness or directed to produce records and documents, and
6 upon a finding that the attendance and testimony of the witness or the production of the
7 records and documents is relevant or necessary for the proceeding of the Office, the court
8 may issue an order requiring the attendance and testimony of the witness and the
9 production of records and documents. Any failure to obey such an order of the court may
10 be punished as contempt of court.

11 (4) To issue cease and desist orders with respect to consumer practices declared to be in
12 violation of this subtitle by the Office. If, upon all the evidence, the Administrator of the
13 Office finds that the respondent has engaged in a deceptive or unfair trade practice within
14 the scope of any provision of this subtitle, it shall so state its findings. The Office
15 thereupon shall issue and cause to be served upon the respondent an order requiring the
16 respondent to cease and desist from the deceptive or unfair trade practice and to take such
17 affirmative action as equity and justice may require to effectuate the purposes of this
18 subtitle.

19 (5) To refer to appropriate governmental or regulatory agencies, either public or private,
20 having jurisdiction over consumer protection matters, any information concerning an
21 apparent or potential violation of any consumer protection laws.

22 (6) To present the interests of consumers before administrative and regulatory agencies and
23 legislative bodies.

24 (7) To assist, advise and cooperate with other local, State and Federal agencies and officials
25 to protect and promote the interest of the County consumer public.

26 (8) To assist, develop and conduct programs of consumer education and information through
27 public hearings, meetings, publications or other material prepared for distribution to the
28 consumer public of the County.

29 (9) To undertake activities to encourage local business and industry to maintain high
30 standards of honesty, fair business practices and public responsibility in the production,
31 promotion and sale of merchandise, goods and services and the extension of credit.

1 (10) To exercise and perform such other functions or duties consistent with the purposes or
2 provisions of this subtitle which may be deemed necessary or appropriate to protect and
3 promote the welfare of County consumers.

4 (11) To render annual reports as to the number of complaints filed, the nature thereof and the
5 disposition thereof and the other relevant activities of the Office undertaken during the
6 previous year.

7 (12) To make administrative rules and regulations as may be necessary to ensure the orderly
8 operation of the Office and to promulgate standards further defining the "unfair or
9 deceptive trade practices" as set forth in this subdivision. These rules and regulations and
10 standards shall take effect no earlier than 60 days after their adoption by the Office. Any
11 regulation adopted hereunder shall be in accordance with the Howard County
12 Administrative Procedure Act.

13 (13) To administer subtitle 5, "New Home Contract of Sale," of title 17, "Public Protection
14 Services," of the Howard County Code, according to the provisions of section 17.505,
15 "Administration, Enforcement and Penalties," of subtitle 5 of title 17 of the Howard
16 County Code.

17 (14) To administer subtitle 10 "Landlord Tenant Relations" of title 17 "Public Protection
18 Services" of the Howard County Code.

19 (15) To adopt written regulations necessary to implement subtitle 10 "Landlord Tenant
20 Relations" of title 17 "Public Protection Services" of the Howard County Code.

21
22 **Title 18. Public Works.**

23 **Subtitle 1. Public Utilities.**

24
25 **Section 18.100. - Metropolitan Commission personnel, functions and property transferred**
26 **to County.**

27 All employees of the former County Metropolitan Commission (except the Commissioners) shall
28 be employees in the merit system and shall be assigned by the County Executive to the various
29 offices and departments of the County Government according to the individual's skills and
30 qualifications and the requirements of the County in such positions and at such rates of pay as
31 may be provided by law or regulation.

1
2 All the former functions of the Howard County Metropolitan Commission shall be assumed by
3 the following departments or offices of Howard County: Purchasing by the [[office of the County
4 Administrator]]DEPARTMENT OF COUNTY ADMINISTRATION; billing, assessments, finance,
5 payroll and accounting by the [[Office]]DEPARTMENT of Finance; design, operation,
6 construction, maintenance and repair of utility facilities by the Department of Public Works.
7

8 On and after February 11, 1969, all property or interests therein of any kind or description, real
9 mixed or personal of the Howard County Metropolitan Commission shall vest in and become the
10 property of Howard County. All such personal property, equipment and vehicles shall be under
11 the direction, control and supervision of the Department of Public Works, except that any
12 personal property, equipment or vehicle associated with a function assigned to an office or
13 department, other than the Department of Public Works, shall be under the direction, control and
14 supervision of such other office or department.
15

16 **Subtitle 10. Department of Public Works.**

17

18 **Section 18.1001. Department of Public Works.**

19 (a) *Head.* The Director of Public Works shall be the head of the Department of Public Works.

20 (b) *Qualifications of Director of Public Works.* The Director of Public Works shall be appointed
21 solely with regard to qualifications for the duties and responsibilities of the office. The Director
22 [[shall]]MAY BE REQUIRED TO be a registered professional engineer in Maryland. The Director
23 shall have comprehensive knowledge of the principles and practices of civil engineering and
24 Public Works administration. The Director shall have at least ten years of increasingly
25 responsible experience in engineering and Public Works administration, including a minimum of
26 five years in a managerial position in Public Works.

27 (c) *Duties and Responsibilities.* The Department of Public Works shall be responsible for the
28 following functions:

29 (1) Developing and administering the capital projects, including, but not limited to:

30 (i) Preparation of necessary plans, and other documents.

31 (ii) Management and inspection, as appropriate, of construction.

- 1 (iii) Participation with the [[Purchasing Agent]] CHIEF PROCUREMENT OFFICER in the
2 tabulation and evaluation of bids and recommendation of contract awards.
- 3 (2) Preparation of reports, studies, surveys, maps, plans, specifications and estimates for the
4 County's public facilities and utilities.
- 5 (3) Preparation of specifications in connection with the purchasing of materials, services,
6 supplies and equipment.
- 7 (4) Construction, improvement, alteration, operation, maintenance and repair of all County-
8 owned roads, bridges, water systems, sewerage systems and drainage facilities. This shall
9 include the construction of buildings or improvements related to the functions of the
10 Department including, without limitation, wastewater treatment facilities, pumping
11 stations or road maintenance facilities.
- 12 (5) Administration and enforcement of laws, rules and regulations relating to the use of the
13 water and sewerage systems.
- 14 (6) Ensuring that the Howard County Design Manual is reviewed and revised in accordance
15 with subsection (d) of this section.
- 16 (7) Acceptance, on behalf of the County, of roads, drainage facilities and water and sewerage
17 systems, and right-of-way, and easements related thereto, as provided by law.
- 18 (8) Collection of refuse and operation of facilities for the processing, handling, recycling and
19 disposal of refuse.
- 20 (9) Provision of engineering and surveying services for all agencies of County Government.
- 21 (10) Such other duties and responsibilities as may be prescribed by directive of the County
22 Executive or by law.
- 23 (d) *Design Manual.*
- 24 (1) With the assistance of each appropriate agency of County government, the Department of
25 Public Works shall review each volume of the Howard County Design Manual to ensure
26 that each volume is complete, accurate, and reflects the latest available data and best
27 practices.
- 28 (2) Subject to paragraph (4) of this subsection, the review of each volume shall occur, at the
29 latest, every fifth year in accordance with the staggered schedule established by Council
30 Bill 4-2017.

(3) Subject to section 22.1000 of the County Code, within 18 months after each review is complete, the Department of Public Works:

(i) Shall submit revisions to the County Council for approval; or

(ii) Shall notify the County Council that the volume of the Howard County Design Manual does not require any revisions.

(4) For good cause, including budgetary constraints, the Director may adjust the schedule required by this subsection. The Director shall notify promptly the County Council whenever an adjustment is made and include the reasons for the adjustment.

Title 22. General Provisions.

Subtitle 1. County Flag and County Seal.

Section 22.101. - County seal.

(e) *Attesting.* The duly elected County Executive of Howard County, the duly appointed [[Secretary]]ADMINISTRATOR to the County Council of Howard County, and the duly appointed [[County Administrator]]CHIEF ADMINISTRATIVE OFFICER of Howard County shall attest to the County seal.

Subtitle 3. Disclosure of Interest by Persons Doing Business with Howard County.

Section 22.302. - Applicability and form of compliance.

(a)Any person doing business with Howard County shall be required to comply with the requirement of execution of the affidavit set forth in subsection 22.301(c) in the manner deemed appropriate by the [[County Administrator]]CHIEF ADMINISTRATIVE OFFICER.

(b)The [[County Administrator]]CHIEF ADMINISTRATIVE OFFICER shall cause the affidavit to be included and incorporated into the following named-form and shall require the execution thereof as part of the execution and completion of the following named forms by the person doing business with Howard County:

(1) Purchase order.

(2) Developer's agreement.

1 (c)The [[County Administrator]]CHIEF ADMINISTRATIVE OFFICER shall cause the affidavit to be
2 prepared as a separate document in order that the affidavit can be executed simultaneously with
3 the execution of the contract document entered into with Howard County involving:

4 (1) Consultant services of any type, as defined in subsection 22.301(b)(2).

5 (2) Construction or utility contracts awarded under public bidding procedures, as defined in
6 subsection 22.301(b)(1).

7 (3) Purchase or sale of land in fee simple.

8 (4) Grant or award of any franchise.

9 (d)The Secretary of the County Council shall cause the affidavit to be prepared and submitted
10 with any application submitted in connection with zoning and any application submitted
11 regarding the issuance of any liquor license.
12
13

14 **Subtitle 4. Budget Procedures.**

15

16 **Section 22.400A. Office of Budget.**

17 (a) *Generally.* General provisions applicable to this office are set forth in subtitle 2,
18 "administrative departments and offices," of title 6, "County Executive and the executive
19 branch," of the Howard County Code.

20 (b) *Head.* The [[Budget Administrator]]CHIEF BUDGET OFFICER shall head the Office of Budget.
21 The Office of Budget shall be under the general supervision of the [[DIRECTOR OF
22 ADMINISTRATION]]CHIEF ADMINISTRATIVE OFFICER.

23 (c) *Qualifications of [[Budget Administrator]]CHIEF BUDGET OFFICER.* The [[Budget
24 Administrator]]CHIEF BUDGET OFFICER shall have thorough knowledge of the principles and
25 practices of public administration, including thorough knowledge of governmental budgeting
26 methods, and the operational relationship between the budget function and the agencies of
27 government. At the time of appointment, the [[Administrator]]CHIEF BUDGET OFFICER shall have
28 had at least [[five]] TEN years of increasingly responsible public finance or budget experience,
29 including [[three]] FIVE years of [[administrative]]MANAGERIAL experience.

30 (d) *Duties and Responsibilities:*

1 (1) The [[Budget Administrator]]CHIEF BUDGET OFFICER shall act, on behalf of the Chief
2 Administrative Officer, as the chief budget officer of the County and as such shall
3 prepare and submit to the Executive for approval and submission to the Council, all
4 County budgets, prepared in the manner and form required by law.

5 (2) The Office of the Budget shall:

6 (i) Supervise the compilation of budget requests and the preparation of a statement of
7 requests to the Chief Administrative Officer.

8 (ii) Supervise the preparation of statements showing revenue other than taxes, and the
9 adjustment in tax rate necessary to compensate for the difference between
10 miscellaneous revenue and the amount raised by taxation.

11 (iii) Prepare periodic reports on the efficiency and economy of County agencies.

12 (iv) Analyze complex budget requests and make recommendations to the Chief
13 Administrative Officer.

14 (v) Supervise and participate in studies in the organization, methods and procedures of
15 County agencies.

16 (vi) Participate in County Council budget hearings and explain budget requests.

17 (vii) Perform such other functions as may be prescribed by directive of the County
18 Executive or by law.

19
20 **Section 22.403. Public notice of capital projects; public hearing by Planning Board.**

21 (d) *Public Notice of New Capital Projects and Capital Projects Substantially Modified in Scope*
22 *That Are Included in the Capital Budget and the Capital Program and the Extended Capital*
23 *Program Submitted by the County Executive.*

24 (1) As soon as possible following the submission of the Executive's proposed capital budget
25 and capital program and the extended capital program to the County Council, the Council
26 shall give public notice of new capital projects and capital projects substantially modified
27 in scope that are included in the Executive's proposed capital budget and capital program
28 and the extended capital program. The notice shall consist of a brief description of each
29 such project and a statement that copies of the Executive's capital budget and capital
30 program and the extended capital program containing greater detail about these projects
31 are available for review in the County Council Office, the Office of the [[County

Administrator]] CHIEF ADMINISTRATIVE OFFICER, and in each branch of the Howard County Library. The notice shall also give the time, date and place of the Council's public hearing on the Executive's proposed capital budget and capital program and the extended capital program.

(2) The Executive shall provide copies of the proposed capital budget and capital program and the extended capital program to the County library system.

(3) The notice shall be published once a week for two successive weeks in at least one newspaper of general circulation in the County; and mailings shall be sent to civil associations, neighborhood groups and citizens who have requested the County Council, the County Executive, the Director of Public Works, or the Director of Planning and Zoning to be placed on a central list to receive such notices.

Title 27. Technology and Communications.

Subtitle 1. Department of Technology and Communication Services.

Section 27.101. Department of Technology and Communication Services.

(a) *Head.* The Director of Technology and Communication Services shall be the head of the Department of Technology and Communication Services.

(b) *Qualifications of Director of Technology and Communication Services.* The Director of Technology and Communication Services (CHIEF INFORMATION OFFICER) shall be appointed on the basis of managerial and administrative skills and experience as well as knowledge of information processing and communications systems. Director of Technology and Communication Services shall have the minimum qualifications, experience, and education as established by the Classification Plan of Howard County.

(c) *Duties and Responsibilities.* As provided in this subsection, the Department of Technology and Communication Services shall plan, implement, and maintain the computer, information, and communications systems serving County Government, and shall perform such other functions as may be prescribed by the County Executive or by law.

(1) *Information systems services.* The Department shall provide cost-effective and efficient information systems services to all agencies of County Government, and shall:

- (i) Establish and maintain major information systems processing services;
- (ii) Plan overall information systems processing capability to satisfy user requirements;
- (iii) Research to ensure that new processing developments in information systems applications, equipment and techniques are evaluated for possible use by the County;
- (iv) Coordinate the purchasing of all information services systems equipment;
- (v) Comply with industry standards for conduct of information systems operations and the development and installation of applications; and
- (vi) Perform such other functions as may be prescribed by the County Executive or by law.

(2) *Central communications.* The Department shall provide central communications services and telephone and radio equipment for the County, and shall:

- (i) Acquire and inventory of all telephone and audio equipment;
- (ii) Install and maintain the telephone system, including installation of new telephones or relocation of existing telephones;
- (iii) Install and maintain the radio communications system, including all fixed, mobile and portable radios and associated facilities;
- (iv) Provide technical advice to telephone and radio system users;
- (v) Manage contracts associated with telephone or radio equipment and/or services;
- (vi) Manage the radio maintenance fund for communication equipment;
- (vii) Bill departments and agencies for telephone use costs; and
- (viii) Prepare telephone use reports;

(3) *Records management.* The Department shall provide records management services for the County, and shall:

- (i) Establish standards and procedures for the management of County records.
- (ii) Manage a records storage center.
- (iii) Subject to approval by the Chief Administrative Officer, select the method to be used for preserving County records that are designated for permanent retention.
- (iv) Review each department's records retention and disposal schedules and submit them to the required State agencies for approval.

1 (4) *Cable television.* The Department shall, through the Cable ADMINISTRATION MANAGER
2 [[Administrator]], implement the provisions of the Howard County Cable Television
3 Systems Franchise Act (title 14, subtitle 4 of the Howard County Code).

4 (5) *Automated mapping geographic information systems.* The Department shall manage the
5 County's automated mapping geographic information systems, and may, under title 10,
6 subtitle 9 of the State Government article of the Annotated Code of Maryland, implement
7 a program to sell system products to the public.

8
9 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County, Maryland that
10 *this Act shall become effective 61 days after its enactment.*