

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2018, Legislative Day No. 8

Bill No. 31-18

Mr. David Marks, Councilman

By the County Council, April 16, 2018

A BILL
ENTITLED

AN ACT concerning

County Attorney – Significant Litigation

FOR the purpose of requiring the County Attorney to provide a periodic report of significant litigation to the County Council; requiring notification to the County Council of a proposed settlement of significant litigation that requires legislative action by the County Council; defining certain terms; providing for a notification process; and generally relating to the County Attorney and significant litigation.

BY adding

Section 3-2-1002(e)
Article 3 – Administration
Title 2 – The Administrative Services
Subtitle 10 – Office of Law
Baltimore County Code, 2015

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the Laws of Baltimore County read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

1 ARTICLE 3 – ADMINISTRATION

2 Title 2. The Administrative Services

3 Subtitle 10. Office of Law

4
5 § 3-2-1002. Administration and Duties.

6 (E) NOTIFICATION TO COUNTY COUNCIL.

7 (1) IN THIS SUBSECTION, THE FOLLOWING TERMS HAVE THE MEANINGS
8 INDICATED.

9 (I) SIGNIFICANT LITIGATION.

10 1. “SIGNIFICANT LITIGATION” MEANS ANY MATTER OR
11 DISPUTE DESCRIBED IN SUBSECTION (D)(1) INVOLVING THE COUNTY OR AN
12 EMPLOYEE FOR WHICH THE MONETARY DEMAND EXCEEDS ~~\$100,000~~ \$500,000 OR
13 FOR WHICH THE COUNTY OR THE COUNTY COUNCIL IS DEMANDED TO TAKE OR
14 CONTINUE A CERTAIN ACTION OR PRACTICE OR TO DISCONTINUE A CERTAIN
15 ACTION OR PRACTICE THE DURATION OF WHICH IS ONE (1) YEAR OR LONGER.

16 2. “SIGNIFICANT LITIGATION” DOES NOT INCLUDE DISPUTE
17 RESOLUTION PROCEDURES AND PROCEEDINGS SET FORTH IN ARTICLE 4, TITLE 5,
18 SUBTITLES 4 AND 5 OF THE COUNTY CODE.

19 (II) SETTLEMENT. “SETTLEMENT” MEANS AN AGREEMENT BY
20 WHICH PARTIES HAVING DISPUTED MATTERS BETWEEN THEM REACH OR
21 ASCERTAIN A SATISFACTION OF THE OBLIGATIONS OR CONDUCT OF THE
22 PARTIES FROM ONE TO THE OTHER; A DETERMINATION BY AGREEMENT; OR A
23 LIQUIDATION. A SETTLEMENT MAY INCLUDE BUT NOT BE LIMITED TO AN
24 AGREEMENT OF A MONETARY PAYMENT FROM OR TO THE COUNTY, THE

1 ENTERING INTO OF ANY TYPE OF CONSENT OR OTHER DECREE, A CONCILIATION
2 AGREEMENT, OR ANY OTHER TYPE OF INSTRUMENT OR AGREEMENT FOR WHICH
3 THE COUNTY OR THE COUNTY COUNCIL IS REQUIRED TO TAKE OR CONTINUE A
4 CERTAIN ACTION OR PRACTICE OR TO DISCONTINUE A CERTAIN ACTION OR
5 PRACTICE.

6 (2) THE COUNTY ATTORNEY SHALL PROVIDE TO THE COUNTY COUNCIL
7 AN ANNUAL REPORT DUE ON DECEMBER 31 OF EACH YEAR THAT PROVIDES A
8 LISTING OF SIGNIFICANT LITIGATION, INCLUDING FOR EACH CASE THE NAME OF
9 THE CASE, A SUMMARY OF THE CASE, AND THE AMOUNT DEMANDED OR
10 COURSE OF ACTION DEMANDED AS APPLICABLE.

11 (3) ~~(H)~~ PRIOR TO THE COUNTY'S APPROVAL OF A SETTLEMENT OF ANY
12 SIGNIFICANT LITIGATION THAT REQUIRES LEGISLATIVE ACTION BY THE
13 COUNTY COUNCIL AS PART OF THE SETTLEMENT, THE COUNTY ATTORNEY
14 SHALL, THROUGH THE COUNTY ADMINISTRATIVE OFFICER, PROVIDE WRITTEN
15 NOTIFICATION TO EACH MEMBER OF THE COUNTY COUNCIL OF THE COUNTY'S
16 INTENT TO APPROVE THE SETTLEMENT. THE NOTIFICATION SHALL INCLUDE A
17 SUMMARY OF THE CASE, THE PARAMETERS OF THE SETTLEMENT, AND THE
18 LEGISLATIVE ACTION REQUIRED AS PART OF THE SETTLEMENT.

19 ~~(H) THE COUNTY ATTORNEY MAY PROCEED TO APPROVE THE~~
20 ~~SETTLEMENT UNLESS WITHIN SEVEN (7) DAYS AFTER RECEIPT OF THE COUNTY~~
21 ~~ATTORNEY'S NOTICE, A MEMBER OF THE COUNTY COUNCIL REQUESTS IN~~
22 ~~WRITING THAT THE PROPOSED SETTLEMENT BE FORWARDED TO THE COUNTY~~
23 ~~COUNCIL AND PLACED ON THE COUNCIL'S AGENDA FOR APPROVAL OR~~
24 ~~DISAPPROVAL AT THE NEXT SCHEDULED LEGISLATIVE MEETING.~~

1 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by
2 the affirmative vote of five members of the County Council, shall take effect on June 6, 2018.