



Committee: GO
Committee Review: At a future date
Staff: Ludeen McCartney-Green, Legislative Attorney
Purpose: To introduce agenda item – no vote expected
Keywords: #SettlementTransparency

AGENDA ITEM #10C
May 18, 2021
Introduction

SUBJECT

Bill 19-21, Finance – Reports on Settlement Agreements

Lead Sponsor: Councilmember Jawando; Co-Sponsor: Council President Hucker

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A; Introduction

DESCRIPTION/ISSUE

Bill 19-21 would:

- require the County Attorney periodically to report to the County Executive and County Council regarding settlement agreements entered into by the County; and
- require the County Attorney to publish each report on the County website.

SUMMARY OF KEY DISCUSSION POINTS

- N/A

This report contains:

Staff Report	Pages 1
Bill 19-21	©1
Legislative Request Report	©4
Sponsor's Memorandum	©5

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MEMORANDUM

May 13, 2021

TO: County Council

FROM: Ludeen McCartney-Green, Legislative Attorney

SUBJECT: Bill 19-21, Finance – Reports on Settlement Agreements

PURPOSE: Introduction – no Council votes required

Bill 19-21, Finance – Reports on Settlement Agreements, sponsored by Lead Sponsor Councilmember Jawando and Co-Sponsor Council President Hucker, is scheduled to be introduced on May 18, 2021.¹ A public hearing is tentatively scheduled for June 22, 2021 at 1:30 p.m.

Bill 19-21 would:

- require the County Attorney periodically to report to the County Executive and County Council regarding settlement agreements entered into by the County; and
- require the County Attorney to publish each report on the County website.

PURPOSE

The purpose of the bill is to increase public transparency regarding settlement agreements entered into by the County.

BILL SPECIFICS

The bill would require the County Attorney, by October 1 of each year, to submit to the County Executive and the County Council, and to publish on the County website, a written report that summarizes the settlement of claims by or against the County during the prior fiscal year.

For each settlement, the report would be required to identify:

- the claimant or claimants;
- the dollar amount, or other consideration, under the settlement;
- the nature of the claim; and
- the County departments or offices involved in the claim.

The bill also would make non-substantive, technical amendments to existing provisions of Section 20-2 of the County Code.

This packet contains:

Bill 19-21
Legislative Request Report
Sponsor Memorandum

Circle #

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Bill No. 19-21
Concerning: Finance – Reports on
Settlement Agreements
Revised: 4/22/2021 Draft No. 1
Introduced: May 18, 2021
Expires: November 18, 2022
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Jawando
Co-Sponsor: Council President Hucker

AN ACT to:

- (1) require the County Attorney periodically to report to the County Executive and County Council regarding settlement agreements entered into by the County;
- (2) require the County Attorney to publish each report on the County website; and
- (3) generally amend the law regarding the settlement of claims by or against the County.

By amending

Montgomery County Code
Chapter 20, Finance
Section 20-2

The County Council for Montgomery County, Maryland approves the following Act:

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

1 **Sec. 1. Section 20-2 is amended as follows:**

2 **20-2. Settlement of claims by [county attorney] County Attorney; annual**
 3 **reports.**

- 4 (a) On behalf of the [county] County, the [county attorney] County
 5 Attorney is [hereby] authorized to [effect a settlement of] settle all
 6 claims by or against the [county] County and all court cases to which
 7 the [county] County is a party where the amount of the claim or the
 8 amount involved in the suit is not more than five thousand dollars
 9 (\$5,000.00) and when in the [county attorney's] County Attorney's
 10 judgment it is proper and advisable to do so. The [county attorney]
 11 County Attorney is further authorized to [effect] settle, with the
 12 approval of the [county executive] County Executive, [a settlement of]
 13 all other claims by or against the [county] County and all other court
 14 cases to which the [county] County is a party, when in the [county
 15 attorney's] County Attorney's judgment and that of the [county
 16 executive] County Executive it is advisable and proper to do so. In
 17 court cases in which the members of the [county council] County
 18 Council are parties in their capacity as such, the [county attorney]
 19 County Attorney is hereby authorized to [effect settlement] settle the
 20 cases on their behalf upon the approval of the [council] Council, except
 21 in cases where each [member of the council] Councilmember may be
 22 personally liable or responsible, in which cases settlement [shall] must
 23 be made only on behalf of each [member] Councilmember approving
 24 such settlement.
- 25 (b) The authority granted by this section [shall] must apply to all future and
 26 past settlements.

27 (c) By October 1 of each year, the County Attorney must submit to the
28 County Executive and the County Council, and must publish on the
29 County website, a written report that summarizes the settlement of
30 claims by or against the County during the prior fiscal year. For each
31 settlement, the report must identify:

- 32 (1) the claimant or claimants;
33 (2) the dollar amount, or other consideration, under the settlement;
34 (3) the nature of the claim; and
35 (4) the County departments or offices involved in the claim.

LEGISLATIVE REQUEST REPORT

Bill 19-21

Finance – Reports on Settlement Agreements

DESCRIPTION:	Bill 19-21 would require the County Attorney periodically to report to the County Executive and County Council regarding settlement agreements entered into by the County; and require the County Attorney to publish each report on the County website.
PROBLEM:	Improving public transparency of settlement agreements entered into by the County.
GOALS AND OBJECTIVES:	Require public reporting regarding County settlement agreements.
COORDINATION:	
FISCAL IMPACT:	Office of Management and Budget
ECONOMIC IMPACT:	Office of Legislative Oversight
EVALUATION:	
EXPERIENCE ELSEWHERE:	To be researched
SOURCE OF INFORMATION:	Ludeen Mc-Cartney Green, Legislative Attorney
APPLICATION WITHIN MUNICIPALITIES:	N/A
PENALTIES:	N/A



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

WILL JAWANDO
COUNCILMEMBER
AT-LARGE

M E M O R A N D U M

TO: Montgomery County Councilmembers

FROM: Will Jawando, Councilmember At-Large

DATE: May 12, 2021

SUBJECT: Settlement Transparency Bill - Introduction

Colleagues, I am submitting a new Settlement Transparency Bill for introduction. This bill would require the County Attorney to report to the County Executive and the Council regarding settlement agreements entered into by the County. It is imperative that elected officials have a clear understanding of the amount of money that is being paid from County resources to settle complaints against Montgomery County employees, including police officers, as a matter of basic transparency. We cannot do our jobs properly as Councilmembers if we do not have a clear understanding of the scale of the issue. Furthermore, these reports will be made public and posted on the County website for residents to review. It is unacceptable that as elected officials of this county, we do not have a clear grasp on the depth of the settlements taxpayer dollars are being used for.

This bill will:

1. Require the County Attorney periodically to report to the County Executive and County Council regarding settlement agreements entered into by the County;
2. Require the County Attorney to publish each report on the County website; and
3. Generally amend the law regarding the settlement of claims by or against the County

Please let Lily Bolourian in my office know if you would like to be a co-sponsor of this important bill. Thank you.