

RESOLUTION PERTAINING TO APPROVAL OF BUDGET ADJUSTMENT #BA002

WHEREAS, Title 5 of the Code of Public Local Laws of Calvert County, Maryland, being Title 5 of Article 5 of the Code of Public Laws of Maryland (hereinafter, the “Code”), authorizes and empowers the Board of County Commissioners of Calvert County, Maryland (hereinafter, the “Board of County Commissioners”) to adopt the Annual Budget and Appropriation Act each year;

WHEREAS, the Board of County Commissioners has the authority pursuant to Section 5-103 of the Code to enact certain budgetary adjustments by Resolution;

WHEREAS, the tax payers of Calvert County regularly provide funding for vehicles, vessels and equipment for the use of employees, officers, directors, and agents of the County, as well as agencies, offices, departments and boards that receive funding from the Budget adopted by this Board of County Commissioners;

WHEREAS, each year, too many people drive vehicles, operate heavy machinery, and operate vessels while under the influence of drugs, alcohol, or both, often with devastating results;

WHEREAS, providing tax-payer supported vehicles, vessels, and equipment confers great responsibility upon the recipient agencies, offices, departments and boards to ensure that they are operated in a safe manner at all time and by persons not impaired by the use of alcohol, drugs, or both;

WHEREAS, this Board of County Commissioners desires to affirm its obligation to taxpayers, as well as set the expectations of those who may be involved in an incident through the adoption of amendments to Chapter 86 of the Code of Ordinance of Calvert County by separate enactment, and the adoption of this Budget Adjustment.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Calvert County, Maryland that an additional dollar shall be provided from the Commissioners’ contingency fund to all agencies, offices, departments and boards that receive funding from a Budget adopted by this Board and includes vehicles, equipment, or vessels;

BE IT FURTHER RESOLVED by the Board of County Commissioners that all agencies, offices, departments and boards that receive additional funding by this Resolution shall adopt and enforce, as soon as practicable, but not later than December 31, 2022, an Impaired Operator Prevention Policy that shall conform to all laws, but not be less strict than to require:

- (1) Its employees, officers, directors, and agents shall inform their Supervisor immediately when involved in an incident that results in personal injury, damage to a vehicle, vessel or equipment, or damage to any other property while driving or operating:
 - a. a vehicle or vessel owned, acquired by, or acquired with funds from the County;
 - b. a personal vehicle while conducting employer business; or
 - c. heavy equipment;
- (2) That all operators of vehicles, vessels, or equipment who did, or could have, contributed to an incident shall:
 - a. Fully cooperate with responding law enforcement and emergency personnel without leaving the scene unless instructed to do so, or as necessary for emergency medical assistance; and

- b. Submit to prompt drug and alcohol testing to refute the presumption of being under the influence of drugs, alcohol, or both;
- (3) That refusal to submit to drug or alcohol testing shall result in disciplinary action up to and including termination of employment;
- (4) That restitution and reimbursement of all costs, charges, and expenses arising from the incident may be sought by the County, or its insurer, regardless of then-current employment status; and
- (5) That all incidents be promptly reported to the County’s Risk Manager in a manner and with such detail as can be provided while compliant with all applicable laws, ordinances, regulations, resolutions, and policies;

BE IT FURTHER RESOLVED by the Board of County Commissioners of Calvert County, Maryland that no Impaired Operator Prevention Policy shall contain automobile insurance exclusions that excuse or reduce benefits below the minimum statutorily required levels or types of coverage, not expressly authorized by the General Assembly’s compulsory motor vehicle insurance scheme;

BE IT FURTHER RESOLVED by the Board of County Commissioners of Calvert County, Maryland that, subject to all limitations imposed by State or federal law, the Director of Finance & Budget is hereby authorized and instructed to suspend payment of all revenues and proceeds to any agency, office, department or board that fails to adopt or enforce an Impaired Operator Prevention Policy as prescribed herein;

BE IT FURTHER RESOLVED by the Board of County Commissioners of Calvert County, Maryland that the Calvert County Adopted Budget for FY 2023, as amended hereby, shall remain in full force and effect;

BE IT FURTHER RESOLVED by the Board of County Commissioners that, in the event any portion of this Resolution is found to be unconstitutional, illegal, null or void, it is the intent of the Board of County Commissioners to sever only the invalid portion of the provision, and that the remainder of the Resolution shall be enforceable and valid;

BE IT FURTHER RESOLVED AND ORDAINED, by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are adopted as if fully rewritten herein; and


BE IT FURTHER RESOLVED AND ORDAINED, by the Board of County Commissioners of Calvert County, Maryland that this Resolution shall be effective upon recordation without publication of a fair summary, but no sooner than July 1, 2022.

DONE, this 28th day of June, 2022, by the Board of County Commissioners of Calvert County, Maryland, sitting in regular session.


Aye: _____ 5
 Nay: _____ 0
 Absent/Abstain: _____ 0

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF CALVERT COUNTY, MARYLAND**

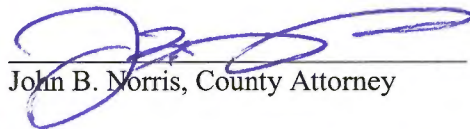

Ruthie Buckler, Acting Clerk


Earl F Hance, President


Steven R. Weems, Vice President

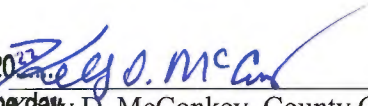
Approved for form and legal sufficiency:


Christopher J. Gadway, County Commissioner


John B. Norris, County Attorney


Mike Hart, County Commissioner

Received for Record... June 29, 2022
at 3:00 o'clock... P... M. Same day
recorded in Liber KPS No. 68
Folio 373-375 COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.


D. McConkey, County Commissioner

