

TOWN OF COTTAGE CITY
RESOLUTION 2021-05

**A RESOLUTION OF THE COTTAGE CITY COMMISSION APPROVING THE
APPOINTMENT OF A SPEED MONITORING SYSTEM PROGRAM OMBUDSMAN AND
PROGRAM ADMINISTRATOR**

Introduced by: Commissioner-Chair Wheatley

WHEREAS, during its 2014 regular session, the General Assembly of Maryland passed Senate Bill 350 and House Bill 929 entitled as the “Speed Monitoring Systems Reform Act of 2014,” thereby mandating certain changes to local speed camera programs including the appointment of an ombudsman to review certain citations; and

WHEREAS, the Cottage City Commission has or is considering passing Ordinance 2021-03 thereby adding and amending Section 9-13 (Speed Monitoring Systems) *et seq.* of the Code of Ordinances of the Town of Cottage City; and

WHEREAS, pursuant to Section 1 of said Ordinance 2021-03, to be codified as Section 9-13(e) of the Town Code, the Cottage City Commission shall designate an official or employee to investigate and respond to questions or concerns about the speed monitoring system program and the local designee or ombudsman shall review a citation generated by a speed monitoring system if the person who received the citation requests a review thereof before the deadline for contesting liability under said Ordinance; and

WHEREAS, pursuant to said Ordinance 2021-03 and state law, the ombudsman may not be employed by the speed monitoring system contractor or have been involved in any review of a speed monitoring system citation, other than a review of a citation requested by an alleged violator for review before the deadline for contesting liability; and

WHEREAS, pursuant to Subsection 7-302(e) of Md. Ann. Code, Courts and Judicial Proceedings Article, a political subdivision of this State that collects fines as a result of violations enforced by speed monitoring systems may recover the costs of implementing and administering said speed monitoring systems, and, subject to limitations established by law regarding the maximum amount of revenues that may be retained by the political subdivision, the political subdivision may spend the remaining balance solely for public safety purposes, including pedestrian safety programs, and

WHEREAS, the Cottage City Commission further finds that Sgt. Meghan Hayes of the CCPD has the requisite experience, education and knowledge to serve as Ombudsman for the speed camera program and it is in the best interest of the Town to employ and thereby appoint Sgt. Hayes as Ombudsman; and

WHEREAS, Section 9-13(e) of the Town Code states the duties of the Ombudsman as follows:

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(1) ...respond to questions or concerns about the speed monitoring system program.

(a) ...review a citation generated by a speed monitoring system if the person who received the citation requests review before the deadline for contesting liability under this section.

(b) if said designee determines that the citation is an erroneous violation [as defined in Sec. 9-13(a)(3)], the designee shall void the citation.

(c) if said designee determines that a person did not receive notice of a citation issued under this section due to an administrative error, the designee may resend the citation in accordance with subsection (i) of this section or void the citation.

(d) ...notify the speed monitoring system contractor and/or the motor vehicle administration of the action for the purpose of rescinding any administrative penalties or fees that may have been imposed under this section.

(2) the designee may not be employed by the speed monitoring system contractor or have been involved in any review of a speed monitoring system citation, other than a review of a citation under this subsection (n) of this section.

(3) on receipt of a written question or concern from a person, the local designee shall provide a written answer or response to the person within a reasonable time.

(4) the designee or the [records custodian] shall make any written questions or concerns received under this subsection, and any subsequent written answers or responses, available for public inspection.

WHEREAS, the Cottage City Commission further finds that an “erroneous violation” relating to speed cameras is defined in the Transportation Article of the Annotated Code of Maryland, § 21-809(a)(3) as a potential violation submitted by a speed monitoring system contractor for review by an agency [CCPD] that is apparently inaccurate based on a technical variable that is under the control of the contractor, and that an “erroneous violation” includes a potential violation based on:

1. A recorded image of a registration plate that does not match the registration plate issued for the motor vehicle in the recorded image;
2. A recorded image that shows a stopped vehicle or no progression;
3. An incorrectly measured speed for a motor vehicle;
4. A measured speed of a motor vehicle that is below the threshold speed that would subject the owner to a civil citation under this section;
5. A recorded image that was taken outside of the hours and days that speed monitoring systems are authorized for use in school zones; and

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6. A recorded image that was taken by a speed monitoring system with an expired calibration certificate.

NOW THEREFORE BE IT RESOLVED, and enacted that the Cottage City Commission hereby approves the appointment of Sgt. Meghan Hayes as Ombudsman of the Speed Camera.

AND BE IT FURTHER RESOLVED, that the Speed Camera Ombudsman shall report the number of citations reviewed each month to the Cottage City Commission and the disposition thereof.

AND BE IT FURTHER RESOLVED, and enacted that the Cottage City Commission hereby approves the appointment of Chief Anthony L. Ayers, Sr. as Program Administrator of the CCPD Speed Camera Program, with duties as set forth in Sec. 9-13(a)(4) and (h) of the Town Code.

AND BE IT FURTHER RESOLVED, and enacted that the Cottage City Commission hereby approves the assignment of Pfc. Aaron Perez as a Speed Monitoring System Operator of the Speed Camera Program along with any other designees from time to time deemed appropriate by the Chief of Police.

AND BE IT FURTHER RESOLVED, that before the deployment and activation of the Town's (CCPD) speed camera program, the appointed and designees named above regarding the Town's speed camera program shall complete the required training mandated by Section 21-809 of the Transp. Article of the Maryland Code provided by the Maryland Police Training and Standards Commission, in consultation with the State Highway Administration and other interested stakeholders, including any developed training program concerning a locally appointed ombudsman or program administrator appointed to provide oversight and administration of a speed monitoring program by a local jurisdiction, including a curriculum of best practices in the State.

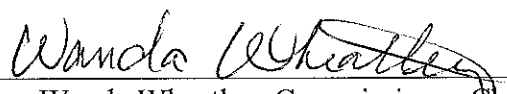
AND BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon the enactment of Ordinance 2021-03 and that the Commissioner-Chair shall sign this Resolution on behalf of the Cottage City Commission.

INTRODUCED AND PASSED by the Cottage City Commission at a Meeting on September 8, 2021.

ATTEST:


Consuella Barbour, Town Manager

TOWN OF COTTAGE CITY, MARYLAND

By: 
Wanda Wheatley, Commissioner-Chair

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CERTIFICATION

I, HEREBY CERTIFY, as the duly appointed Town Manager of the Town of Cottage City, Maryland, that on the 8th day of September 2021 with 4 Aye votes and 0 Nay votes, the aforesaid Resolution 2021-05 passed.



Consuella Barbour, Town Manager