

(1) THE MONTGOMERY COUNTY COUNCIL MAY REMOVE A MEMBER OF THE COUNTY BOARD FOR:

- (I) IMMORALITY;
- (II) MISCONDUCT IN OFFICE;
- (III) INCOMPETENCY; OR
- (IV) WILLFUL NEGLECT OF DUTY.

(2) BEFORE REMOVING A MEMBER, THE COUNTY COUNCIL SHALL ~~SEND~~ PROVIDE THE MEMBER A COPY OF THE CHARGES AGAINST HIM AND GIVE HIM AN OPPORTUNITY WITHIN 10 DAYS TO REQUEST A HEARING.

(3) IF THE MEMBER REQUESTS A HEARING WITHIN THE 10-DAY PERIOD:

(I) THE COUNTY COUNCIL PROMPTLY SHALL HOLD A HEARING, BUT A HEARING MAY NOT BE SET WITHIN 10 DAYS AFTER THE COUNTY COUNCIL SENDS THE MEMBER A NOTICE OF THE HEARING; AND

(II) THE MEMBER SHALL HAVE AN OPPORTUNITY TO BE HEARD PUBLICLY BEFORE THE COUNTY COUNCIL IN HIS OWN DEFENSE, IN PERSON OR BY COUNSEL.

(4) A MEMBER REMOVED UNDER THIS SUBSECTION HAS THE RIGHT TO A DE NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT FOR MONTGOMERY COUNTY.

REVISOR'S NOTE: This section presently appears as Art. 77, §36(a), (b)(4), (d), (e), and (h), except for the last sentence.

Subsection (a) of this section is new language added to clarify references to the seven "elected members" and the "student member" since both types of members are elected.

In subsection (b) of this section, the present provisions for those county board members holding office on July 1, 1969 are deleted as obsolete as are the present, specific provisions for the original elections of county board members. The latter provisions are covered by the staggered term and election provision of subsection (f)(1) which is added to this section. In this regard, the terms of the members serving on the county board as of July 1, 1978 expire as follows: (1) Four members - December 1, 1978; and (2) Three members - December 1, 1980.

Subsection (g) of this section is rewritten for clarity. In this regard, see the revisor's note to §3-301 of this title.