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Coates v. Charles County Board of Commissioners

Appellate Court of Maryland - June 30, 2025 - A.3d - 2025 WL 1792907

Two members of board of county commissioners brought action on board's behalf against commissioner for writ of mandamus or prohibition, permanent injunction, and declaratory judgment as to commissioner's authority to vote on termination of county administrator's employment in light of board's previous Prompt and Remedial Action (PRA), which had restricted commissioner's conduct following independent investigation into administrator's personnel complaint against commissioner.

Commissioner asserted counterclaim for declaratory judgment that administrator had been terminated pursuant to board vote in which commissioner had participated. Administrator intervened as party plaintiff. After granting board's motion to quash foreign subpoenas and denying commissioner's motion to compel county attorney's deposition testimony, the Circuit Court granted permanent injunction enforcing PRA, enjoining commissioner and board from taking any action to modify PRA or rescind amendment to board's rules with vote that included commissioner, then denied commissioner's motion for reconsideration and dismissed counterclaim. Commissioner appealed.

The Appellate Court held that:

- Board members had standing to seek declaratory and injunctive relief to resolve internal governance dispute;
- Board members were required to exhaust administrative remedies before seeking declaration that commissioner violated
- Maryland Fair Employment Practices Act (FEPA);
- Action did not present nonjusticiable political question;
- PRA was administrative in nature;
- As a matter of apparent first impression, administrator was not "appointee on the policy making level" under Title VII or FEPA;
- Trial court did not abuse its discretion by consolidating hearing on preliminary injunction with merits of claim for permanent injunction; and
- Whether investigation's findings justified board's adoption of PRA was irrelevant to parties' claims.

County administrator was not "appointee on the policy making level," and thus, was not excluded from definition of "employee" in Title VII and Maryland Fair Employment Practices Act (FEPA); administrator acted primarily as administrative vessel for programs and policy priorities of county board of commissioners, having inward-focused duties concerning day-to-day management and operation of county government and execution and implementation of board's directives, initiatives, and policies, administrator's exercise of discretion largely involved internal affairs, referral of enforcement actions, and management of day-to-day operations, and board had not entrusted administrator with policymaking and decisionmaking authority or discretion as to high-impact issues of public interest.

