

MONTGOMERY COUNTY ARCHIVES

Guide to the Records of the

**COUNTY ATTORNEY
1949-1999**

Record Group 1: Executive Branch

**March 1, 2000
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Montgomery County Archives
Montgomery County Records Center
8540 Anniversary Circle, Gaithersburg, Maryland 20877
(301) 926-5002
archive@montgomeryhistory.org
www.montgomeryhistory.org

**GUIDE TO THE RECORDS OF THE
COUNTY ATTORNEY**

1949-1999

Record Group 1: Executive Branch

ADMINISTRATIVE HISTORY

The County Attorney is the chief legal officer of the County and as such is responsible for providing support to County officials and departments by conducting all County legal proceedings, providing legal advice, reviewing County contracts and land purchase negotiations, and representing the County in litigation. The Montgomery County Charter of 1948 also designated the County Attorney to serve without additional compensation as the Secretary of the County Council while it was in legislative session and as its legislative draftsman, legal advisor, and keeper of its journal. He was appointed and removed by the Council, and was responsible for the administration of his office. The first County Attorney appointed by the new Council was David MacDonald.

The revised County Charter of 1968 transferred the power to appoint the County Attorney to the County Executive, subject to confirmation by the Council. The County Attorney continued to serve as the chief legal officer of the County; to conduct all the legal business of the County; to provide legal advice to the Council, the County Executive and all departments or other bodies of the County government; and to represent the County in all actions to which it is party.

The first County Executive, James P. Gleason, was elected in 1970, and appointed Richard McKernon as County Attorney.

PROCESSING PROCEDURES

General processing procedures consisted of discarding duplicates, unnecessary binders, and routine transmittals. If records contained oversized documents and photographs, they were removed from the original location in their assigned series and placed in separate containers. Separation sheets would then be inserted in the original location within the folder to indicate the new location of any records placed elsewhere.

Preservation copying of newspaper clippings was performed whenever feasible. Records in folders were arranged, unless otherwise indicated, in forward chronological order, with undated records appearing at the end of the folder.

PROVENANCE

Not applicable.

March 1, 2000

SCOPE AND CONTENT NOTE

The records of the County Attorney comprise 5.4 cubic feet of material ranging from 1949 to 1999. The records include contracts, correspondence, hearing transcripts, memoranda, and legal briefs and opinions. These materials are arranged into three series:

Series I: Richard McKernon
Subseries 1: Public Hearing Files
Subseries 2: Subject Files

Series II: Appeals
Series III: Opinions.
Series IV: Monthly Reports

SERIES DESCRIPTIONS

Series I: Richard McKernon, 1965-1979 (2.3 cu.ft.)

Records in this series range from 1965 to 1979, with bulk dates of 1971 to 1978. They consist of the subject files of County Attorney Richard McKernon, who was appointed by County Executive James P. Gleason in 1971 under the revised County charter.

These records were kept by the County Attorney to support the reference needs of Assistant Chief Administrative Officers Robert Passmore and Lewis T. Roberts. The records deal mainly with the acquisition or sale of land by the County and also provide a reading file of the activities and concerns of various government departments as they sought legal advice or rulings from the County Attorney's office. Often concerning minor legal questions, the materials consist of contracts, correspondence, hearing transcripts, and memoranda.

The files are arranged into two subseries, public hearing and subject files.

Subseries 1: Public Hearing Files, 1965-1979 (1.67 cu.ft.)

Records in this subseries include correspondence, memoranda, reports, transcripts, legal material and executive orders generated during or for public hearings conducted on such subjects as land acquisitions, school closings, and urban renewal.

Arrangement is alphabetical.

Subseries 2: Subject Files, 1971-1979 (0.67 cu.ft.)

This series consists of subject files maintained on a wide range of topics or County departments and dealing with matters requiring legal advice or representation. The records are arranged in alphabetical order.

Series II: Appeals, 1983 (2 folders)

This series contains the appellants' brief and record extract in the case of Montgomery County vs. Atlantic Guns, Inc.

Series III: Opinions, 1949-1980 (3 cu.ft.)

Most of these records consist of bound volumes containing the opinions delivered by the Montgomery County Attorney's office for the years 1949 to 1980. The records also include cumulative indices for the years 1955 to 1971 and 1972 to 1975. There are separate indices for the years 1972 to 1980.

This series is arranged in chronological order.

Series IV: Monthly Reports, 1997-1998 (3 folders)

This series consists of Monthly Reports generated by the office of the County Attorney from July 1998 through November 1998 and including February 1997, November 1997, and March 1998.

This series is arranged chronologically.

BOX INVENTORY

Series I: Richard McKernon

Box 1 (Located A3f)

Subseries 1: Public Hearing Files

Acquisition of Building at 2350 Research Boulevard, 1977
Acquisition of Land for COB/Courthouse Complex, 1965-1975
Acquisition of Land for County Medical Center, 1973-1974
Acquisition of Land for Public Park and Recreation Facility, 1974-1975
Acquisition of Longwood School Property, 1974
Acquisition of Property for Drug Rehabilitation Center, 1973-1974
Acquisition of Property for Great Seneca Extension SVP, 1974
Acquisition of Site for Emergency Juvenile Shelter, 1974-1975
Acquisition of Site for Wheaton Community Center, 1973
Alta Vista Elementary School, 1975-1976
Aspen Hill Fire Station Proposed Acquisition, 1974-1975
Avery Road, 1978
Bethesda Land Swap, 1975-1977
Burnt Mills Elementary School, 1976-1977
Bushey Drive Elementary School, 1976
Corby Mansion, 1974-1978
County Service Park, 1973
Disposition of Colesville Junior High School Site, 1977
East Silver Spring Library, 1973 (2 folders)
Edgmoor, Hampden, and Moorhead Lanes, 1975-1977
Fernwood Elementary School, 1976-1977
Garfield Avenue Improvements, 1976
Goshen Branch Stream Valley Park, 1977
Grove Street, 1977
Hearing Jacket-Stewart Avenue, Perkins Place and Talbot Avenue, 1975-1977
Kensington Park Library-Parking Lot Extension, 1974
Liquor Warehouse, 1972-1973
MacDonald Knolls Elementary, 1976
Metro Grove Road, 1972
Mobile Homes on Scattered Sites, 1977-1978 (2 folders)
Montgomery Hills Junior High, 1975-1976
Mr. Passmore (primarily Lincoln Avenue), 1973
Muncaster Outdoor Pool, 1976

(Series I: Richard McKernon; Subseries 1: Public Hearing Files, Cont.)

Box 2 (Located A4a)

New County Office Building, New Courthouse, Site Improvements and Parking, 1975
Non-Local Parkland Acquisition, 1976
Norwood High School Site, 1975-1977
Olney Library Site Selection, 1977
Parkside Elementary Lower Building, 1977
Performing Arts/Civic Center Feasibility Study, 1976
Pre-Release Center, Site Selection Hearing, 1975 (2 folders)
Proposed Rent Control Regulations, 1976
Reuse of Old Bethesda Library, 1976
Rosemary-Summit/Broadmoor Greenspace, 1977
Site Acquisition, Baur Drive and Route 28, 1973
Site Selection for Colesville Maintenance Depot, 1978-1979
Site Selection, Colesville/White Oak Recreation Swim Center, 1975-1976
Site Selection for New Gaithersburg Fire Station, 1973-1974
Site Selection for New Police and Fire Facility, GTN, 1975-1976
Site Selection for North Gaithersburg Library, 1973-1976
Site Selection - New Animal Shelter, 1973
Site 30, 1975-1976
Summit Hill - Outdoor Basketball Facilities, 1975-1976
Watts Branch Group Shelter Home, 1974-1975
Western Suburban Library - Land Acquisition, 1974
White Flint School Site, 1976-1977
1978-79 Budget - Citizen Briefing, 1978

Subseries 2: Subject Files

(Box 2, Cont.)

Alcoholic Beverage Advisory Board, 1977-1978
Animal Matters Hearing Board, 1974-1975
Cabin John F.D., 1978
CAO Correspondence, 1971-1979
Communications Division, 1976-1977
Corrections (77-79), 1977-1979
County Attorney (75-78), 1975-1978
Department of Environmental Protection, 1976-1979
Department of Facilities and Services, 1977-1979
Department of Family Resources, 1976-1978
Department of Fire and Rescue, 1977-1979
Department of Liquor Control, 1976
Department of Social Services, 1977-1979

(Series I: Richard McKernon; Subseries 2: Subject Files, Cont.)
(Box 2, Cont.)

Department of Transportation, 1975-1977 (2 folders)
Finance, 1976-1978

Box 3 (Located A4a)

Health Department, 1976-1979
Leasing of Office and Parking Space, 1977
Management and Public Policy, 1976-1979
Martin Marietta, 1974
Office of Legislative Oversight, 1977-1978
Office of Programs and Capital Planning, 1976-1979
Parking Issues, 1976-1978
Passmore (71-78), 1971-1975
Personnel, 1976-1977
Police, 1971-1978
Purchasing, 1976-1979
Recreation, 1976-1979
Relocation of Police HQ, Department of Facilities and Services, 1976-1977
Reorganization Plans I and II, 1971-1973
Seven Locks, 1978-1979
Sheriffs Office, 1973-1975
Spay/Neuter Clinic (76-78), 1975-1978

Series II: Appeals

Box 1 (Located A4a)

Montgomery County, MD vs. Atlantic Guns; Brief of Appellants, 1983
Montgomery County, MD vs. Atlantic Guns; Record Extract, 1983

Series III: Opinions

Box 1 (Located A4a)

County Attorney Opinions, 1949-1965 (9 volumes)

Box 2 (Located A4b)

County Attorney Opinions, 1966-1972 (8 volumes)
County Attorney Opinions, Index, 1955-1971

(Series III: Opinions, Cont.)

Box 3 (Located A4b)

County Attorney Opinions, 1973-1975 (6 volumes)
County Attorney Opinions, Cumulative Index, 1972-1975
County Attorney Opinions, 1976 (2 folders)
County Attorney Opinions, Index, 1976
County Attorney Opinions, 1977
County Attorney Opinions, Index, 1977
County Attorney Opinions, 1978
County Attorney Opinions, Index, 1978
County Attorney Opinions, 1979-1980 (2 volumes)

Series IV: Monthly Reports

Box 4 (Located A4b)

Monthly Reports, February, November 1997, March 1998
Monthly Reports, June-August 1998
Monthly Reports, September-October 1998
Monthly, Reports, August-November 1999
Annual Report 1982 & 1984