

Anne Arundel County Charter

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Preamble.

We, the People of Anne Arundel County, State of Maryland, in order to form a more orderly County government, establish separate legislative and executive branches, insure responsibility of and accountability for public funds, promote the general welfare and secure the benefits of home rule, do, in accordance with the Constitution and the laws of the State of Maryland, adopt, ordain and establish as our Charter and form of government this CHARTER OF ANNE ARUNDEL COUNTY, MARYLAND.

Article I. Name and Rights of the County

Section 101. Body Corporate and Politic.

Anne Arundel County as it now exists constitutes a body corporate and politic. Under this Charter it shall have all rights and powers of local self-government and home rule as are now or may hereafter be provided or necessarily implied by this Charter and by the Constitution and laws of the State of Maryland.

Section 102. Exercise of Powers.

The powers mentioned in the preceding section shall be exercised only by the County Council of Anne Arundel County, the County Executive and other agents, officers and employees of the County acting under their respective authorities or under such other authority as may be provided by this Charter or the laws of this State.

Section 103. Name and Boundaries.

The corporate name shall be "Anne Arundel County, Maryland", and it shall thus be designated in all actions and proceedings touching its rights, powers, properties, liabilities and duties. Its boundaries and county seat shall be and remain as they are at the time this Charter takes effect unless otherwise changed in accordance with law.

Article II. The County Council.

Section 201. Composition.

(a) **Residence Requirement.** There shall be a County Council of Anne Arundel County composed of seven members, each one of whom, at the time of his election and for six months immediately prior thereto and during his full term of office, shall reside in a different one of the seven councilmanic districts described in Section 206 of this Article.

(b) **Mode of Election.** Each member of the County Council shall be nominated and elected by the qualified voters of the Councilmanic district in which the member resides, at the same time as members of the General Assembly and in the manner provided by law.

Section 202. Qualifications.

(a) **In General.** In addition to the requirement of residence as provided in Section 201(a) of this Article, each member of the County Council shall be a qualified voter of

the County and not less than twenty-five years of age at the time of his election and shall have resided within the County for a period of one year immediately preceding this election.

(b) **Other Offices.** No person shall qualify or serve as a member of the County Council while holding any other office, position, or employment for compensation or profit of or under the County government, or any State or Federal government office, except for service with a reserve component of the United States Armed Forces. After qualifying as such, no member of the County Council, notwithstanding the fact that he may thereafter resign, shall during the whole period of time for which he was elected be eligible for appointment to any County office, position or employment carrying compensation.

(c) **Change of Residence.** If any member of the County Council during his term of office shall move his residence from the councilmanic district in which he resided at the time of his election, his office shall be forthwith vacated; but no member of the County Council shall be required to vacate his office by reason of any change in the boundary lines of his councilmanic district made during his term.

Section 203. Term of Office.

Each member of the County Council shall hold office for a term of four years commencing at the time of election and continuing until a successor shall qualify. The member shall qualify on the first Monday in December following election, or as soon thereafter as practicable, and shall enter upon the duties of the office immediately upon qualification. No person elected or appointed to the office of County Councilmember shall be eligible to succeed himself or herself in the office if he or she has served in the office for two full consecutive four-year terms at or after January 1, 1994.

Section 204. Compensation.

Each member of the County Council shall be paid for the performance of his duties as provided in this Charter the sum of Twenty-one Hundred Dollars (\$2,100.00) per annum. Such salary shall be in full compensation for all services required by law or by this Charter to be performed by the members of the County Council. No member of the County Council shall be entitled to any other allowance of any kind, except that, subject to approval of the Council, he may be allowed his actual necessary expenses incurred in representing the County beyond the geographical boundaries thereof.

Section 205. Vacancies.

(a) A vacancy occurring in the office of member of the County Council prior to the expiration of the term shall be filled as provided in this section.

(b) If a vacancy occurs during the first 12 months of a term, a new member shall be nominated and elected by the qualified voters of the councilmanic district in which the

vacancy occurs, at the same time as members of the House of Representatives of the Congress of the United States are nominated and elected and in the manner provided by law. In the interim until a new member is elected, the vacancy shall be temporarily filled by a majority vote of the remaining members of the County Council, within 30 days after the vacancy occurs.

(c) If a vacancy occurs after the first 12 months of a term, the vacancy shall be permanently filled by a majority vote of the remaining members of the County Council, within 30 days after the vacancy occurs.

(d) A new member elected by the County Council, either temporarily or permanently, or by the voters shall be a resident of the councilmanic district in which the vacancy occurs.

(e) If the former member whose position is being filled was a member of a political party, a new member elected by the County Council, either temporarily or permanently, shall be registered in the same political party as the former member for the 12-month period immediately prior to the election by the County Council.

(f) The County Council shall hold public interviews of candidates to fill the vacancy, whether temporary or permanent, and the Council shall elect the new member from among those persons interviewed.

(g) A new member elected permanently by the County Council or by the voters shall serve the unexpired term of the former member and until a successor is duly elected and qualified.

(h) For a member of the County Council who is a member of a reserve component of the United States Armed Forces a vacancy shall be deemed to occur, for purposes of this section, on the date that begins active federal or State service based on an order calling the member of the County Council to active service for a period of time exceeding 180 consecutive days.

Section 206. Councilmanic Districts.

Anne Arundel County is hereby divided into seven councilmanic districts composed of the following election districts and precincts or portions thereof in effect on November 6, 1962:

| Councilmanic District | Election District(s) or Parts Thereof in Effect on November 6, 1962 |
|-----------------------|---|
| I | The second precinct of the fourth election district The second precinct of the fifth election district The fourth precinct of the fifth election district |
| II | The third precinct of the fifth election district |

| | |
|-----|---|
| | The third precinct of the third election district All that part of the third precinct of the fourth election district which is north and west of New Cut Road |
| III | The first precinct of the fifth election district The first precinct A of the fifth election district The first precinct of the third election district |
| IV | The first precinct of the fourth election district The second precinct of the second election district |
| V | All that part of the third precinct of the fourth election district which is south and east of New Cut Road The second precinct of the third election district The fourth precinct of the third election district The fifth precinct of the third election district |
| VI | The sixth election district The first precinct of the second election district |
| VII | The first election district The seventh election district The eighth election district |

The councilmanic districts above are created solely for the purpose of establishing districts in which the members of the County Council shall reside in accordance with the provisions of Section 201(a) of this Article and for no other purpose.

Section 207. Revision of Councilmanic Districts.

After receiving the report of the Charter Revision Commission as provided in Section 1203 of Article XII of this Charter, the County Council is hereby empowered by ordinance enacted by the affirmative vote of not less than five members, to revise, amend or reconstitute councilmanic districts then in effect but not to change the number thereof. Any such ordinance shall not be subject to executive veto and shall become law on the date of its enactment by the Council. Any such ordinance shall not be an emergency ordinance and shall be subject to the referendum provisions of Article III of this Charter.

Section 208. Legislative sessions; meetings of the County Council; quorum; rules of procedure.

(a) **Total Session Days.** The County Council may sit at the County seat forty-five days in each year for the purpose of enacting legislation. Such legislative session-days may but need not be consecutive.

(b) **Annual Legislative Session.** The County Council shall convene for an annual legislative session on the first day of May (except if said date falls on a Saturday, Sunday, or legal holiday of the State or Nation, at which time the County Council shall

convene the first working day thereafter) and may continue its session for a period of not longer than twenty-two (22) days, exclusive of Saturdays, Sundays and legal holidays of the State or Nation.

(c) **Monthly Legislative Session – Day.** The County Council shall also convene on the first and third Mondays of each month except November in a councilmanic election year for the purpose of enacting legislation, but if said session days shall be holidays, the said session days shall be held on the next succeeding day which is not a holiday. In the event of inclement weather or other natural disaster, the Chairman of the County Council at the request of any three members may cancel any scheduled meeting, and may reschedule same as soon as practicable. If in advance of a scheduled meeting the Chairman determines that a quorum will not be present, the Chairman may cancel and reschedule the meeting as soon as practicable.

(d) **Emergency Legislative Session.** The County Council may be called into emergency session either by the County Executive or by the Chairman at the request of any three members of the Council for the purpose of enacting emergency ordinances. As used in this subsection (d) the term "emergency ordinance" shall mean one which deals with an actual acute emergency necessary for the immediate preservation of the public peace, health, safety and welfare; provided, however, that before any bill shall be passed at such emergency session, it shall require the affirmative vote of five members of the County Council.

(e) **Meetings.** The County Council may meet for the purpose of performing other duties properly exercisable by the County Council under the provisions of this Charter other than enacting ordinances at such other times and at such places as the Council may determine.

(f) **Quorum.** At all legislative sessions and meetings four members thereof shall constitute a quorum for the transaction of business.

(g) **Rules of Procedure.** It shall be the duty of the County Council to adopt Rules of Procedure not inconsistent with this Charter.

Article III. The Legislative Branch

Section 301. Composition.

The legislative branch of the County government shall be composed of the County Council and the officers and employees thereof.

Section 302. Officers.

(a) **Presiding Officer.** The County Council at its regular meeting or session in December of each year shall elect from its membership a Chairman and a Vice Chairman. The Chairmen, or in his absence the Vice Chairman, shall preside at all

meetings and legislative sessions. In the event of the death, resignation, or disqualification of the Chairman, the Vice Chairman shall serve as Chairman until a new Chairman is elected as provided in this section. On all questions before the County Council the Chairman and Vice Chairman shall have and may exercise the vote to which each is entitled as a Councilmember. In the event of the absence of both the Chairman and Vice Chairman, the members present, shall select one of their member to act as Chairman pro tem, who, while so acting shall have all the authority and voting rights of the Chairman.

(b) **Other Officers and Duties.** There shall be an Administrative Officer to the County Council, appointed by the County Council, who shall keep minutes of its meetings and maintain its Journal. There may be such other officers of the County Council as may be provided in its Rules of Procedure. Officers of the Council shall perform duties and functions not inconsistent with those assigned to the legislative branch by this Charter or the Rules of Procedure of the Council.

Section 303. Action by Council.

In all of its functions and deliberations, the County Council shall act as a body and shall have no power to create standing committees or to delegate any of its functions and duties to a smaller number of its members than the whole. The Council may, however, appoint special ad hoc committees solely for the purpose of inquiry and fact finding.

Section 304. Enumerated Powers Not to be Exclusive.

The enumeration of powers in this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, the County Council shall have and may exercise all legislative powers which, under the Constitution and laws of this State, it would be competent for this Charter specifically to enumerate.

Section 305. Limitation on Exercise of County Council's Powers.

In the exercise of all its powers, the County Council shall be subject to the express limitations imposed by this Charter and by all applicable provisions of the Constitution and laws of this State.

Section 306. Legislative Powers of County Council.

The County Council is the elected legislative body of the County and is vested with the law-making power thereof, including all such powers as may heretofore have been exercised by the General Assembly of Maryland and transferred to the people of the County by the adoption of this Charter. The County Council shall also have and may exercise all legislative powers heretofore vested in the County Commissioners of Anne Arundel County, including the power to accept gifts and grants. The County Council

may enact public local laws hereinafter called ordinances for the County and is authorized to repeal or amend such local laws as have heretofore been enacted by the General Assembly of Maryland upon matters covered by the Express Powers Act of 1918 (Article 25A of the Annotated Code of Maryland, 1957 Edition as supplemented) as now in force or hereafter amended, provided that nothing herein contained shall be construed to authorize or empower the County Council to enact ordinances for any incorporated town, village or municipality in said County on any matter covered by the powers granted to said town, village or municipality by the act incorporating it, or any subsequent act or acts amendatory thereto. The County Council may also provide for the enforcement of all ordinances and resolutions adopted by fines, penalties and imprisonment, within the limits prescribed by law.

Section 307. Legislative Procedure.

(a) **Public Meetings.** All meetings and legislative sessions of the County Council shall be open to the public.

(b) **Enacting Clause.** The style of the enacting clause for all ordinances of the County Council shall be: "Be it enacted by the County Council of Anne Arundel County, Maryland."

(c) **Titles.** Each ordinance enacted by the County Council shall embrace but one subject and no ordinance or resolution or any section thereof shall be revised or amended by reference to its title or section only.

(d) **Ordinances and Resolutions.** The County Council shall proceed only by ordinance or resolution which shall be introduced in written or printed form. This requirement shall not apply to procedural motions, the election of a presiding officer and motions for adjournment. In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the County Council shall be done by ordinance which adopt or amend a law, create new bureaus or divisions of any department or office of the County government, which provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed, which levy taxes, which grant, renew or extend a franchise, which set the rate charged for sewer and water services, which fix the compensation of any officer or employee of the County, which make an appropriation, which authorize the borrowing of money, which convey or lease, or authorize the conveyance or lease of any lands of the County. A resolution shall mean a measure adopted by the County Council, not subject to executive veto, which is of a temporary or administrative nature such as the making of appointments, the declaration of testimonials, the direction of officers and employees of the County Council, requests for information from the executive branch and such other actions which this Charter requires to be taken by resolution.

(e) **Procedure for Passing Ordinances.**

(1) A proposed ordinance may be introduced by bill by any member of the Council on any legislative session-day of the Council. Not later than the next calendar day following the introduction of a bill the Chairman of the Council shall schedule a public hearing thereon which shall not be less than seven days after its introduction; providing that the Council may reject any ordinance on its introduction without a hearing by a vote of five members. The hearing may, but need not be, held on a legislative session-day and may be adjourned from time to time. After the public hearing as herein provided, a bill may be finally passed on a legislative session-day with or without amendment, except, that if any bill, other than one that levies a tax or assessment to fund the annual budget and appropriation ordinance, is amended before final passage and the amendment constitutes a change of substance, the bill shall not be passed until it is reprinted or reproduced as amended and a hearing shall be set thereon.

(2) The provisions of this subsection shall not be applicable to emergency ordinances and the Annual Budget and Appropriation Ordinance of Anne Arundel County as defined in Section 709 of this Charter.

(f) **Procedure for Passing Emergency Ordinances.** Upon introduction by bill of an emergency ordinance the Chairman shall schedule a public hearing thereon which shall not be less than three days after its introduction. The public hearing may but need not be held on a legislative session-day and may be adjourned from time to time. After public hearing the bill may be passed with or without amendment on a legislative session-day by an affirmative vote of five members of the County Council.

(g) **Votes Required.** No ordinance shall become law unless it be passed by the affirmative vote of not less than four members of the County Council, or such greater number as may elsewhere be required in this Charter, and on its final passage the yeas and nays shall be recorded in the Journal.

(h) **Publication of County Laws.** On the introduction of any bill, a copy thereof and notice of the time and place of the hearing shall be posted by the Administrative Officer to the County Council as soon as practicable on an official bulletin board to be set up by the County Council in a public place, and additional copies of the bill shall be made available to the public and to the press. Every copy of each bill shall bear the name of the member of the Council introducing it and the date it was introduced for the consideration of the Council; and no bill, unless it be an emergency bill, shall be passed before the seventh calendar day after such date. Upon the passage of any bill by the County Council, it shall receive such publication as may from time to time be required by law.

(i) **Effective Date of Ordinances.** Except as provided in Section 710 of this Charter for the Annual Budget and Appropriation Ordinance and ordinances levying taxes or assessments to support the budget, any ordinance enacted by the Council [County] Council shall take effect forty-five days after it becomes law, unless declared to be effective on a later date. If an ordinance is an emergency ordinance as defined in Section 208(d) or if an ordinance passed at an annual legislative session or a monthly

legislative session-day be declared by the County Council to be an emergency ordinance necessary for the immediate preservation of the public peace, health, safety and welfare, it shall take effect from the date it becomes law. An emergency ordinance shall not levy taxes, create revenue, or grant a franchise or special privilege, or abolish or create any office or change any salary, term or duty of any officer or create any vested right or interest or create or expand any Capital Project, or increase the funding thereof (except in cases where the increase in funding is required solely to meet cost escalation and does not affect the scope of the project as originally budgeted).

(j) **Executive Veto and Failure of Bills.** Upon the passage of any ordinance by the County Council, with the exception only of such measures as may in this Charter be made expressly exempt from the executive veto, the same shall be presented within five (5) days (exclusive of Saturdays, Sundays and legal holidays of the State or Nation) to the County Executive for his approval or disapproval, and within ten (10) days after such presentation he shall return any such ordinance to the County Council with his approval endorsed thereon or with a statement in writing of his reasons for not approving the same. Upon approval by the County Executive any such ordinance shall become law. Any such ordinance presented to the County Executive and returned with his veto may be reconsidered by the County Council. His objections shall be entered upon the Journal of the Council, and not later than at its next legislative session-day, the County Council may reconsider the enactment thereof notwithstanding the executive veto, and if five (5) members of the Council vote in the affirmative, the ordinance shall become law. Whenever the County Executive shall fail to return any such ordinance within ten (10) days after the date of its presentation to him, the Administrative Officer to the County Council shall forthwith record the fact of such failure in the Journal, and such ordinance shall thereupon become law. The County Executive may disapprove of one or more parts of an ordinance while approving others and the part or parts approved shall become law and the parts disapproved shall be returned to the Council as prescribed and shall not take effect unless passed over his veto as set forth herein. Any bill not passed within ninety-five days after its introduction, or prior to November in a councilmanic election year, shall fail.

Section 308. The Referendum.

(a) **Scope of the Referendum.** The people of Anne Arundel County reserve to themselves the power known as "The Referendum, " by petition to have submitted to the registered voters of the County, to approve or reject at the polls, any ordinance or part of any ordinance of the County Council. The referendum petition against any such ordinance shall be sufficient if signed by ten per centum of the qualified voters of the County calculated upon the whole number of votes cast in the County for Governor at the last preceding gubernatorial election. Such petition shall be filed with the Board of Supervisors of Elections of Anne Arundel County within forty-five days after the ordinance becomes law. If such a petition is filed as aforesaid, the ordinance or part thereof to be referred shall not take effect until thirty days after its approval by a majority of the qualified voters of the County voting thereon at the next ensuing election held for members of the House of Representatives of the United States; provided, however, that

if more than one-half but less than the full number of signatures required to complete any referendum petition against such ordinance be filed within forty-five days from the date it becomes law, the time for the ordinance to take effect and the time for filing the remainder of signatures to complete the petition shall be extended for an additional thirty days with like effect. Any emergency ordinance shall remain in force from the date it becomes law notwithstanding the filing of such petition, but shall stand repealed thirty days after having been rejected by a majority of the qualified voters voting thereon. No ordinance making any appropriation for current expense for maintaining the County government, or for maintaining or aiding any public institution, not exceeding the next previous appropriation for the same purpose, shall be subject to rejection or repeal under this section. The increase in any such appropriation for maintaining the County government or for maintaining or aiding any public institution shall only take effect as in the case of other ordinances, and such increase, or any part thereof, specified in the petition may be referred to a vote of the people of the County upon petition as above provided.

(b) **Form of Petition.** A petition may consist of several papers, but each paper shall contain the full text of the ordinance or the part of the ordinance petitioned upon; and there shall be attached to each such paper an affidavit of the person procuring the signatures thereon that, to the said person's own personal knowledge, each signature thereon is genuine and bona fide, and that to the best of his knowledge, information and belief the signers are registered voters of the State of Maryland and Anne Arundel County, as set opposite their names.

Section 309. Noninterference with Executive Branch.

Neither the Council nor any of its members shall direct or request the appointment of any person to or his removal from any office or employment by the County Executive or by any of his subordinates or in any way take part in the appointment of or removal of officers and employees of the County except as specifically provided in this Charter. Except for the purpose of inquiry, the Council and its members shall deal with the executive branch solely through the County Executive, and neither the Council nor any member thereof shall give orders either publicly or privately to any subordinate of the County Executive. Any member of the Council violating the provisions of this section or voting for a motion, resolution or ordinance in violation of this section shall upon conviction be punishable by imprisonment for not more than six months or a fine of One Thousand Dollars (\$1,000.00). The violator shall thereafter cease to be a member of the Council.

Section 310. County Auditor.

The County Council shall, by resolution, appoint a County Auditor who shall hold office, for an indefinite term at the pleasure of the Council and shall receive such compensation as the Council may determine. He shall be a certified public accountant licensed for the practice of his profession under the laws of this State, and shall be

appointed on the basis of his knowledge of governmental accounting and auditing and shall have at least five years experience pertaining to the duties of his office.

Section 311. Duties of County Auditor.

The County Auditor shall, not later than six months after the close of each fiscal year, submit to the County Council and to the County Executive, a complete financial audit for the preceding fiscal year, of all offices, departments, institutions, boards, commissions, corporations, courts and other agencies of the County government. The audit shall be performed by the County Auditor or, subject to the availability of funds in the budget, by an independent firm of certified public accountants whose members are licensed for the practice of their profession under the laws of this State. The County Council may in its discretion except those agencies whose entire records, accounts and affairs are completely audited each year by the State government, and those special taxing districts which are required by State law or County law to have independent audits performed on a periodic basis. Such audit shall include a report thereon, together with such explanatory comments as the Auditor may deem appropriate. Copies of the complete audit shall be open for the inspection of the public and the press in the County Auditor's office and a reasonable number of copies shall be available for public distribution. All records and files pertaining to the receipt and expenditure of County funds by all agents and employees of the County and all offices, departments, institutions, boards, commissions, courts, corporations and other agencies thereof, shall at all times be open to the inspection of the County Auditor. The County Auditor shall devote full time to the duties of the office. He or she shall make a current post audit of all County agencies as heretofore specified and may, with the approval by resolution of the Council, examine and audit all accounts, books and records reflecting transactions involving the financial activities and affairs of the County including those for which the County has a responsibility as an agent, custodian or trustee. The County Auditor shall promptly call to the attention of the County Council and the County Executive any irregularity or improper procedure which he or she may, from time to time, discover and to take exception to such practices, and it shall be the duty of the County Executive to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds. Any special examination or audit shall be available for public inspection and shall be reported promptly to the County Executive, the County Council and the department or office covered thereby. The County Council shall have the power to implement the provisions of this section and to assign additional functions, duties and personnel to the County Auditor not inconsistent with those provided herein. The County Council to the extent permitted by law may by resolution authorize the County Auditor to examine and audit the books and records of persons or firms contracting with the County when in its judgment such action is needed to protect the interests of the County. All actions of the County Council pursuant to this section shall be exempt from the executive veto.

Section 312. Independent Audit.

Each incoming County Council and County Executive upon assuming office under the provisions of this Charter shall forthwith cause to be made a financial audit of all offices, departments, institutions, boards, commissions and other agencies of the County government, covering their operations for the preceding four fiscal years by an independent firm of certified public accountants whose members are licensed for the practice of their profession under the laws of this State. The selection of such a firm shall be without competitive bidding and its employment by contract shall be made promptly by the County Executive with the advice and consent by resolution of the County Council. The completed quadrennial audit shall be submitted to the County Council and to the County Executive and copies shall be made available to the public and the press no later than nine months after the close of the last fiscal year of the audit. All records of the County Auditor and all records and files pertaining to the receipt and expenditure of County funds by all officers, agents and employees of the County, and all offices, departments, institutions, boards, corporations, courts, commissions and other agencies thereof shall be open to the inspection of the accountants conducting the audit. The County Council shall have the power to implement the provisions of this section by ordinance not inconsistent herewith, and to require such additional independent audits as it shall deem necessary. The designated firm of certified public accountants and any of its members shall have no personal or financial interest, direct or indirect, in the fiscal affairs of the County, or any of its departments, offices or agencies. The Council may in its discretion except from this quadrennial audit those agencies whose entire records, accounts and affairs are completely audited each year by the State government or by an independent Certified Public Accountant.

Section 313. Special audits.

(a) The County Council or the County Executive at any time may order the examination or audit by the County Auditor of the accounts of any County department, office, or agency.

(b) If, as a result of an audit conducted under this or any other section of this Charter, any person shall be found to be indebted to the County, the County Executive shall proceed to collect the amount due.

Section 314. Special assistance.

The Council may at its discretion, and subject to the provisions in its budget or supplementary appropriation, by resolution engage the services of experts, consultants or attorneys to aid it in its inquiries, investigations or the drafting or codification of legislation.

Article IV. The County Executive.

Section 401. Nature and Term of Office; Mode of Election; Qualification; Salary.

There shall be a County Executive who shall be the chief executive and administrative officer of the County and the official head of the County government. In such capacity the County Executive shall be the elected officer mentioned in Section 3 of Article XI-A of the Constitution of this State. Pursuant to public general law, the County Executive shall be nominated in the primary elections in the same manner as other elected County officials and shall be elected in the general ticket by the qualified voters of the County to serve for a term of four years and until a successor shall be elected and qualified. The County Executive shall qualify on the first Monday in December following election, or as soon thereafter as practicable and shall enter upon the duties of the office immediately upon qualification. The County Executive shall be a qualified voter of the County, not less than twenty-five years of age, and shall have been a resident of the County for at least four years next preceding election. The County Executive shall devote full time to the duties of the office and, subject to any increase authorized by the County Council under the provisions of Section 406 of this Article, shall be paid an annual salary of Thirty Thousand Dollars (\$30,000.00). No person elected or appointed to the office of County Executive shall be eligible to succeed himself or herself if he or she has served in such office for two consecutive four-year terms.

Section 402. Vacancy.

- (a) A vacancy occurring in the Office of the County Executive prior to the expiration of the term shall be filled as provided in this section.
- (b) If a vacancy occurs during the first 12 months of a term, a new County Executive shall be nominated and elected by the qualified voters of the County at the same time as Members of the House of Representatives of the Congress of the United States are nominated and elected and in the manner provided by law. In the interim until a new County Executive is elected, the vacancy shall be temporarily filled by resolution by a majority vote of the Members of the County Council, within 30 days after the vacancy occurs.
- (c) If a vacancy occurs after the first 12 months of a term, the vacancy shall be permanently filled by resolution by a majority vote of the Members of the County Council, within 30 days after the vacancy occurs.
- (d) A new County Executive appointed by the County Council either temporarily or permanently shall possess the same qualifications for office as provided in Section 401 of this Charter.
- (e) If the former County Executive whose position is being filled was a member of a political party, the new County Executive, either temporarily or permanently, shall be registered in the same political party as the former County Executive for the 12-month period immediately prior to his election by the County Council.

(f) The County Council shall hold public interviews of candidates to fill the vacancy, whether temporary or permanent, and the Council shall elect the new County Executive from among those persons interviewed.

(g) The new County Executive elected permanently by the County Council or by the voters shall serve the unexpired term of the former County Executive and until a successor is duly elected and qualified.

Section 403. Temporary Absence or Disability of County Executive.

The County Executive may, during his temporary disability or absence from the County, designate in writing the head of one of the County departments or offices as Acting County Executive to perform the duties of the office. In the event that the County Executive is temporarily disabled or absent from the County and fails to designate as above provided, the Chief Administrative Officer shall serve as Acting County Executive. If both the County Executive and Chief Administrative Officer are temporarily disabled or absent and the County Executive has failed to designate an Acting County Executive, the Budget Officer shall serve as Acting County Executive unless the County Council designates the head of another department or office of the County government. An acting County Executive shall have the same rights, duties, powers and obligations as an elected incumbent in said office except the power to veto.

Section 404. Conviction or Failure to Perform Duties.

If a County Executive shall be convicted of a crime involving moral turpitude, of misfeasance or malfeasance in office, or fails actively to perform the daily duties and responsibilities of his office as set forth in Section 405 for a continuous period of six months, his office may be declared vacant by the affirmative vote of not less than five members of the County Council by ordinance and such vacancy shall thereupon be filled in the manner above provided in Section 402 of this Article.

Section 405. Powers and Duties of the Office.

The County Executive shall be responsible for the proper and efficient administration of such affairs of the County as are placed in the charge or under the jurisdiction and control of the County Executive under this Charter or by law. In addition to and not by way of limitation of the County Executive's general duties of supervision and management of the executive branch of the County government, the County Executive shall have the following express responsibilities, duties and powers:

(a) To supervise, direct and control, subject to law and the provisions of this Charter, the executive branch of the County and to appoint and remove the Chief Administrative Officer, Public Information Officer, Legislative Liaison Officer, Director of Programming, the County Attorney, the Planning and Zoning Officer, Administrative Hearing Officer, Director of Public Works, Director of Inspections and Permits, Chief of Police, Fire Administrator, Director of Recreation and Parks and the Director of Aging;

- (b) To present to the County Council the annual County budget in the manner and form hereinafter in this Charter provided;
- (c) To communicate to the County Council at least once a year a general statement of the finances, government and affairs of the County, with a summary statement of the activities of the several departments and offices thereof;
- (d) To present to the County Council from time to time such other information concerning the business and affairs of the County as he may deem necessary, or as the County Council by resolution may request, and to recommend such measures for legislative action as he may deem to be in the best interests of the County;
- (e) To assure that the County officers, boards, agencies, commissions, departments and employees faithfully perform their duties;
- (f) To assure that the laws of the State pertaining to the affairs, good order and government of the County, and the acts, resolutions, ordinances and public local laws of the County are duly executed and enforced within the County;
- (g) To make or cause to be made any study or investigation concerning the operation of the executive branch, the development of a legislative program, the means of financing County requirements, the social and economic development of the County, including but not limited to investigations of the affairs, functions, acts, methods, personnel or efficiency of any department, office or officer under his jurisdiction;
- (h) To veto, in his discretion, ordinances of the County Council, in the manner, at the times and subject to the limitations of this Charter and to return the same to the Council with his reasons therefor;
- (i) Unless otherwise specified in this Charter, to appoint and to remove for cause the members of all boards, commissions, authorities and corporations created in or pursuant to this Charter or by law, except the County Board of Appeals and the Fire Advisory Board;
- (j) To serve on all boards and commissions on which State law requires a County Commissioner to serve and on all boards and commissions for which State or County law requires the County Executive to serve, however, when permitted by law, the County Executive may designate someone else to serve in the County Executive's place;
- (k) To sign or cause to be signed on the County's behalf all deeds, contracts and other instruments and to affix the County seal thereto unless otherwise authorized by law or by this Charter;
- (l) Except as otherwise expressly provided in this Charter, to issue, or cause to be issued, all executive orders, directives, licenses and permits;

(m) To prepare and issue, or cause to be prepared and issued rules and regulations to carry out the provisions of this Charter that relate to the functions of the Executive Branch, provided that before taking effect, all such rules and regulations, other than those affecting the internal operating procedures of the executive branch of the County government, shall be approved by the County Council by ordinance;

(n) To appoint pursuant to Article VIII of this Charter a Secretary to the County Executive, who shall have and may exercise all powers and functions heretofore conferred on the Clerk of the Board of County Commissioners, not otherwise fixed by this Charter, including but not limited to the power to attest the signatures of all County officials;

(o) To perform such other executive duties as may be prescribed by this Charter or required by ordinance of the County Council not inconsistent with this Charter or as may be necessarily implied from the powers and duties herein specified.

Section 406. Change in Compensation of County Executive.

The County Council, by the affirmative vote of not less than five of its members, shall have power to increase the compensation provided in this Charter for the County Executive, and thereafter, upon a similar vote to reduce such compensation; provided, however, that in no event shall such compensation be reduced to a figure lower than that provided in this Charter, except by amendment thereto, nor shall the compensation of the County Executive be increased or reduced during his current term.

Article V. The Executive Branch.

Section 501. Composition.

The executive branch of the County government shall consist of the County Executive and all officers, agents and employees under his supervision and authority.

Section 502. General Supervision.

Except as otherwise provided herein or in the public general laws of this State, the executive branch of the County shall be subject to the supervision and control of the County Executive, who shall be responsible for its efficient operation and management and for the faithful execution of the law.

Section 503. Composition; Restrictions on Creation of Additional Offices and Departments.

On the recommendation of the County Executive, the County Council, by an ordinance known as a reorganization ordinance, may create new offices, departments, bureaus, divisions or other units of the executive branch; may reorganize, reassign or abolish existing offices, departments, bureaus, divisions or other units of the executive

branch of the County government; and may provide for any unit of the executive branch to report directly to the County Executive. Except as provided otherwise by a reorganization ordinance, the executive branch shall consist of the offices and departments hereinafter enumerated and described. Existing or additional duties and functions may, however, from time to time be assigned to or reassigned among existing offices or departments by directive of the County Executive or by ordinance of the County Council. The Council shall create no body corporate nor give financial support to any entity for the purpose of evading the provisions of this section.

Section 504. Chief Administrative Officer.

There shall be a Chief Administrative Officer appointed by and responsible directly to the County Executive. Except as provided otherwise in a reorganization ordinance, the Chief Administrative Officer shall have supervisory authority over the executive branch offices and departments as provided in this Article and over other executive offices as the County Executive may direct.

Section 505. Same; Qualifications; Mode of Selection; Salary.

The Chief Administrative Officer shall be appointed solely on the basis of the individual's integrity, managerial ability, technical knowledge, qualities of leadership, professional attitude and of the individual's executive and administrative qualifications for the performance of the duties of the office as hereinafter set forth. The individual shall have had, prior to appointment, a Master's Degree in Business or Public Administration from an accredited college or university and at least five years' experience as an executive either in public administration or private business, or both; or an equivalent combination of education and experience. The Chief Administrative Officer shall also be thoroughly familiar with modern budget and accounting methods. At the time of appointment, the individual may, but need not be, a resident of Anne Arundel County or of the State of Maryland; but during the tenure of office, the Chief Administrative Officer shall at all times reside within the County. The Chief Administrative Officer shall devote full time to the duties of the office. The salary of the Chief Administrative Officer shall be fixed by an executive pay plan as provided in Section 508 of this Charter.

Section 506. Offices.

There shall be the following offices under the immediate direction and control of the Chief Administrative Officer: Office of Finance, Office of the Budget, Office of Personnel, Office of Emergency Management, Office of Central Services, Office of Law, Office of Planning and Zoning, Office of Information Services, Office of Criminal Justice and Corrections, and Office of Detention Facilities.

Section 507. Departments.

There shall be the following departments under the immediate direction and control of the Chief Administrative Officer: Department of Public Works, Department of Inspections and Permits, Police Department, Fire Department, Department of Recreation and Parks, Department of Aging, and to the extent permitted to public general law, Department of Education, Department of Libraries, Department of Health and Department of Social Services.

Section 508. Term and Compensation of Officers and Employees in the Executive Branch.

Subject to the applicable merit system provisions of this Charter and other laws, all officers, agents and employees in the executive branch of the County shall hold such terms and receive such compensation as may from time to time be provided by this Charter or by ordinance not inconsistent therewith. Officers and employees, in the exempt service as defined in Section 802 of this Charter shall have their compensation fixed by an executive pay plan adopted by the County Council by ordinance upon recommendation of the County Executive. In the development, adoption or amendment of the executive pay plan ordinance the County Executive and County Council shall give due consideration to prevailing salaries for similar positions in other appropriate United States jurisdictions of generally comparable population. The executive pay plan shall exclude the County Executive and other elective officials whose salaries may not be changed during their term of office.

Section 509. Temporary Appointments.

(a) **Chief Administrative Officer.** During the temporary absence of the Chief Administrative Officer, or if the office of Chief Administrative Officer shall become vacant, the Budget Officer shall serve as acting Chief Administrative Officer pending, in the case of a vacancy, the appointment of a successor. In his capacity as Acting Chief Administrative Officer, the Budget Officer need not possess, but the successor shall possess, all those qualifications hereinabove in this Article specified for an original appointee.

(b) **Other Officers.** The County Executive, in the case of a vacancy or temporary absence, may designate any person to serve as acting head of any office or department in the executive branch until the appointment of a successor. Unless at the time of such appointment the temporary appointee is a subordinate officer in the office or department to which he is designated as acting head, he shall possess all the qualifications for the office specified in Article V of this Charter for an original appointee.

(c) **Limitation on Term of Temporary Appointees.** No person shall serve as Acting Chief Administrative Officer or acting head of any office or department for a period longer than sixty days; provided, however, such limit may be extended an additional four months by resolution of the County Council.

Section 510. Organization staffing.

Subject to the provisions of Article VIII of this Charter and other law and the provisions of the annual budget, the head of each office or department may appoint staff and clerical personnel to positions authorized by the County Executive, but no such appointment shall be made if the cost thereof exceeds the budgetary appropriation therefor.

The Service Offices

The Office of Finance

Section 511. The Controller.

The Office of Finance shall be administered by the Controller, who shall be appointed on the basis of his knowledge and experience in governmental accounting and financial administration, of which at least five years shall be in an executive or supervisory capacity, and his demonstrated capacity to discharge the duties set forth in Sections 512 and 513 of this Charter. He shall be responsible directly to the Chief Administrative Officer.

Section 512. General Powers and Duties of the Controller.

The Controller shall have and exercise all the fiscal powers and duties now vested in or imposed upon other County officers not otherwise fixed by this Charter and upon the County Treasurer, and he is hereby designated as the Collector of State and County taxes in the County. He shall have charge of the administration of the financial affairs of the County, including the collection of State and County taxes, special assessments, utility assessments and charges, fees and other revenues and funds of every kind due to the County; the enforcement of the collection of taxes in the manner provided by law; the custody and safekeeping of all funds and securities belonging to or by law deposited with, distributed to or handled by the County; the disbursement of County funds; the keeping and supervision of all accounts; and such other functions as may be prescribed by the Chief Administrative Officer or by ordinance of the County Council not inconsistent herewith.

Section 513. Specific Powers and Duties.

The Controller shall have the following specific powers and duties:

- (a) To keep accounts for each item of appropriation made by the County Council so that each account shall show in detail the appropriations made thereto, the amounts drawn thereon and the unencumbered balance;
- (b) To submit monthly to the Chief Administrative Officer, the County Executive and the County Council a summary of revenues and expenditures detailed as to appropriations and funds in such manner as to show the current financial condition of each office and department of the County government;

- (c) To submit at least once a year to the County Council a complete financial statement showing the assets, liabilities and financial condition of the County;
- (d) To control all County expenditures on the basis of authorized budgetary appropriations and to report monthly thereon to the several offices, departments, boards, commissions and other agencies of the County government;
- (e) To examine, audit and approve all payrolls, contracts, purchase orders, bills, demands or charges against the County and to determine the regularity, legality and correctness of the same before disbursement upon proper voucher and no money shall be drawn from any bank accounts except by warrant or check signed by him;
- (f) To deposit and have custody of all funds of the County in such banks or trust companies as the County Executive may designate, subject to such adequate requirements as to security and interest as may be provided by law;
- (g) In consultation with the Budget Officer to plan, install and prescribe accounting systems throughout the County government;
- (h) To prepare for bond sales and advise on debt management and the investment of funds;
- (i) To collect and bill for all taxes, fees and other charges and to fix the time for the deposit of receipts;
- (j) To maintain a comprehensive system of accounting for all funds of the government in accordance with accepted principles of governmental and utility accounting;
- (k) To administer tax sales;
- (l) To designate, with the approval of the Chief Administrative Officer, an employee to act as Controller with authority to perform his duties and to affix his own signature to checks and other documents in the absence of the Controller;
- (m) To perform such other duties not inconsistent with those herein enumerated as

Section 514. Appropriation to Control Expenditures.

No money shall be drawn from the treasury of the County, nor shall any obligation for the expenditure of money by the County be incurred by any officer, board or commission authorized to expend County money, except in pursuance of law or of the appropriation therefor. All fees received by all County officers or employees in connection with their official duties shall be accounted for and paid into the County treasury. Any officer or employee failing to comply with these provisions shall be considered to have vacated his office or employment.

The Office of the Budget

Section 515. The Budget Officer.

The Office of the Budget shall be administered by the Budget Officer. He shall be appointed solely on the basis of his administrative experience, skill in public administration and governmental budgeting and technical training for the duties of his office. He shall be responsible directly to the Chief Administrative Officer who shall be the Chief Budget Officer of the County.

Section 516. Powers and Duties.

The Budget Officer shall be responsible for the formulation of the budget under the supervision of the Chief Administrative Officer in accordance with the procedures set out in Article VII of this Charter, including the control of positions; research on economic trends and long-term fiscal plans; the study of the organization, methods and procedures of each office, department, board, commission, institution and agency of the County government; the submission to the Chief Administrative Officer of periodic reports on their efficiency and economy, and such other duties and functions as may be assigned to him by the Chief Administrative Officer or by ordinance of the County Council. He shall be responsible, upon his own initiative or upon request, for assisting agencies in the preparation of their budgets and in improving budget execution and reducing costs.

The Office of Personnel

Section 517. Composition of Office.

The Office of Personnel shall consist of the Personnel Officer, his subordinate officers, agents and employees and the Personnel Board. The Office shall be administered by the Personnel Officer. He shall be responsible directly to, and appointed by the Chief Administrative Officer.

Sec. 518. Qualifications of the Personnel Officer.

The Personnel Officer shall be trained and skilled in personnel administration, and at the time of appointment must have had five years' experience in personnel administration in an executive capacity with the knowledge of public personnel administration; or an equivalent combination of education and experience.

Section 519. Powers and Duties of the Personnel Officer.

The Personnel Officer shall have general management and control of the Personnel Office. In addition, the Personnel Officer shall have the following powers and duties:

- (a) To conduct or direct such investigations into the character and fitness of applicants for appointment to the classified service as he may deem proper.
- (b) To prepare and conduct examinations for original appointment and promotion for positions in the classified service.
- (c) To organize recruitment plans to attract qualified personnel to the classified service.
- (d) To maintain eligibility lists setting forth the names and comparative qualifications of persons eligible to be appointed to positions in the classified service.
- (e) To certify to the appointing authority names on the eligibility list prepared as provided in Section 805 of this Charter.
- (f) To enter into agreements with other public personnel offices or agencies for the joint administration of examinations and the joint use of eligibility lists at the Personnel Officer's discretion.
- (g) To authorize, at his discretion, in writing, temporary, provisional or emergency appointments to vacancies in the classified service for classes for which there is no eligible list, provided that no such provisional or emergency temporary appointment shall be for a period longer than four months, and that no such appointment shall be renewed.
- (h) To allocate and reallocate positions in the County service to classes of the classification plan, subject to review by the Personnel Board upon appeal by the appointing authority.
- (i) To authorize the payment of all payrolls for employees in the classified service and to withhold authorization for payment for personal services to any person or position in the classified service unless the persons named therein have been appointed and employed in accordance with the provisions of this Charter, the laws of the State and applicable personnel rules and regulations, and unless there has been a budgetary provision or supplemental appropriation therefor.
- (j) To direct and enforce the maintenance by all departments, boards, commissions, offices and agencies of the County of the personnel provisions of this Charter and the rules, regulations and ordinances adopted thereunder.
- (k) To submit all proposed personnel rules and regulations to the Personnel Board for their review and comment prior to adoption as provided in Section 521 of this Charter.
- (l) To perform such other duties as may be assigned to him by law or the Chief Administrative Officer.

(m) Upon the request of the appointing authority, extend, at his discretion, the six-month probationary period for classified employees by an additional six months.

Section 520. Appointment of the Personnel Board.

There shall be a Personnel Board consisting of five qualified voters appointed by the County Executive for terms coterminous with his and confirmed by resolution of the Council. Vacancies shall be filled for the unexpired term in the manner of original appointment. Each member shall serve until his successor is appointed and qualified. One member shall always be a member of the classified service as defined in Section 803 of this Charter, and he shall be selected from a list of three names nominated by secret ballot by the members of the classified service. A member of the Board may be removed for cause by the County Executive with the affirmative vote of four members of the County Council. Members of the Board shall receive no compensation for their services except reasonable and necessary expenses as may be provided in the budget. The County Executive shall designate a member as Chairman.

Section 521. Powers and duties of the Personnel Board.

(a) The Personnel Board shall have the power:

(1) To adopt rules of practice and procedure governing its proceedings which shall have the force of law to the extent consistent with the terms of this Charter.

(2) To hear and to decide finally for the County in open meeting appeals from and actions pertaining to the allocation or reallocation of positions, appeals from any disciplinary action suspending, reducing in rank or pay, or removing any officer or employee in the classified service, and any other action designated by law or collective bargaining agreement to be subject to grievance procedures.

(3) To hear and to decide finally for the County appeals from any action pertaining to the methods of examination, certification, or preparation of eligibility lists for appointment or promotion.

(4) To advise and consult, as appropriate, with County officials on matters concerning the administration of the County classified service and to report to the County Executive and County Council upon the operation of the merit system.

(5) To review and comment on any proposed personnel rule or regulation pertaining to methods of holding competitive examinations, the general character of examinations for original appointment and promotion, transfers of employees within the classified service, and the procedures for determining the eligibility of applicants to participate in examinations prior to adoption.

(6) To retain private legal counsel, consistent with the budget, to advise the Board with respect to any of its duties, responsibilities, or functions, including any matter pending before it.

(b) Within 30 days after any final decision by the Personnel Board is rendered, any person aggrieved by the decision of the Board and a party to the proceedings before it may appeal such decision to the Circuit Court for Anne Arundel County, which shall have power to affirm the decision of the Board, or if such decision is not in accordance with law, to modify or reverse such decision, with or without remanding the case for rehearing, as justice may require. Within 30 days after the decision of the Circuit Court is rendered any party to the proceeding who is aggrieved thereby may appeal such decision to the Court of Special Appeals of the State. The review proceedings provided by this section shall be exclusive.

(c) The parties to any appeal which the Personnel Board may hear under subsection (a)(2) of this section may submit the matter to binding arbitration. The County Council shall by ordinance provide for the implementation of this section.

The Office of Emergency Management

Section 522. Emergency Management Director.

(a) The Emergency Management Director has direct responsibility for the organization, administration, and operation of the Office of Emergency Management.

(b) The Director shall be appointed by the Governor of this State on the recommendation of the County Executive.

(c) Under the general supervision of the Chief Administrative Officer, the Emergency Management Director is subject to the direction and control of the County Executive, under the general power of the Governor.

Section 522A. Office of Emergency Management.

(a) The Office of Emergency Management shall have the duties, positions and functions that are recommended by the State Emergency Management and Civil Defense Agency to comply with Federal and State standards.

(b) (1) To the extent that amendments of Federal and State law allow, the County Council by ordinance may reorganize the office, transfer its duties, or abolish it.

(2) An ordinance adopted under this subsection shall be effective without the necessity for amendment to this Charter.

The Office of Central Services

Section 523. Central Services Officer.

The Office of Central Services shall be administered by a Central Services Officer. He shall be appointed solely with regard to his qualifications for the duties of his office by the Chief Administrative Officer and shall be responsible directly to the Chief Administrative Officer.

Section 524. Duties and Functions of the Office of Central Services.

The Office of Central Services shall be responsible for the administration of the purchasing policies of the County set forth in Article IX of this Charter. Unless otherwise provided by public general law, the Office of Central Services shall also be responsible for the making, renewal and cancellation of all contracts of insurance in which the County, or any office, department, institution, board, commission or other agency of the County government is named as insured; for the maintenance, operation and management of all land and buildings owned by or operated by the County; and for making available to other offices, departments, boards, institutions and agencies of the County such duplicating, stenographic, mail, messenger, stores, transportation, central garage, automotive maintenance, data processing or other central services as may be assigned thereto from time to time by directive of the Chief Administrative Officer, County Executive or by ordinance of the County Council.

The Office of Law

Section 525. The County Attorney.

The Office of Law shall be administered by the County Attorney. The County Attorney shall be a resident of the County and a member in good standing of the Bar of the Court of Appeals and of the Circuit Court for Anne Arundel County, and shall have been actively engaged in the general practice of his profession in the State of Maryland for at least five years prior to appointment. The County Attorney shall serve on a full-time basis and shall not engage in the private practice of law while County Attorney.

Sec. 526. Powers and Duties of the County Attorney.

(a) The County Attorney shall be the legal advisor of the County and of its several offices, departments, boards, commissions and other agencies. Except as provided in Sections 314 and 528 of this Charter, no office, department, board, commission, agency or branch of the County government which receives County funds shall have any authority or power to employ or retain any legal counsel other than the County Attorney. The County Attorney shall also be the legal advisor and, if requested, legislative draftsman for the County Council. The County Attorney shall supervise the election of the nominees of the classified employees as provided in Section 520 of this Charter. The County Attorney shall issue upon request, give advice and opinions upon any legal questions affecting the interests of the County when the same are submitted: (1) by written request of a County Councilman, (2) by written request of the County Executive,

or (3) with the approval of the County Executive, by written request of the head of any office or department in the executive branch or any board, commission or agency. All deeds, bonds, contracts, releases, agreements, advertisements, bids and other legal papers, documents and instructions involving the interests of the County to be executed and approved by any officer of the County shall be submitted to the County Attorney and shall be approved by the County Attorney in writing as to their form and legal sufficiency in compliance with the laws and conditions under which executed. The County Attorney shall have the right of access at all times to the official records of any office, department, board, commission or agency of the County. Before the County Executive signs any ordinance passed by the County Council, the County Attorney shall review the ordinance and advise the County Executive as to its legality. The County Attorney shall have such additional legal duties as may from time to time be provided by ordinance not inconsistent herewith.

(b) Subject to any limitation or exception that the County Council specifies by ordinance, the County Attorney shall defend any officer or employee of the County in any civil action brought against the officer or employee by reason of any act done or omitted to be done in the scope of the officer's or employee's employment. In any case defended by the County Attorney under this section, the County shall pay all court related expenses charged to the officer or employee.

Section 527. Assistants to the County Attorney.

The County Attorney with the approval of the County Executive may appoint, subject to the provisions of Article VIII of this Charter, such assistants to serve as members of the legal staff as may be necessary for the proper conduct of the business of the Office of Law, subject, however, to such limitations as to number, term and compensation as may be provided from time to time by this Charter, by law, budgetary provisions and rules and regulations of the Personnel Board.

Section 528. Temporary Additional Legal Assistance.

Nothing in this Article or Article VIII contained shall be construed as preventing the County Attorney, with the approval of the County Executive, subject to the availability of an appropriation therefor, from engaging the services for a temporary period of any attorney or attorneys for legal work of an extraordinary nature when the work to be done is of such character or magnitude as to require legal services in addition to those provided by the regular staff of the Office of Law.

Section 529. Prohibitions.

An assistant in the Office of Law may not at any time, while holding such office, practice as an attorney before the County Council or any office, department, board, commission or agency of the County in any capacity other than as representing the County's interests.

Office of Information Services

Section 529A. Information Services Officer.

The Office of Information Services shall be administered by the Information Services Officer who shall be appointed by the Chief Administrative Officer on the basis of knowledge and experience in data processing and administration. The Information Services Officer shall be directly responsible to the Chief Administrative Officer.

Section 529B. Duties of the Office.

The Office of Information Services shall be responsible for the data processing functions of the County government.

The Office of Planning and Zoning

Section 530. Organization of office.

The Office of Planning and Zoning shall be administered by a Planning and Zoning Officer appointed by the County Executive, and he shall be a trained planner of wide and varied experience in the fields of planning and zoning, at least five years of which shall have involved a position of administrative leadership and responsibility.

Section 531. Duties of the Office.

The Office of Planning and Zoning shall be charged with the responsibility and duty of planning for the physical development and growth of the County, including the preparation and revision of a Master Plan therefor and the preparation and revision from time to time of rules and regulations governing subdivisions. It shall also be responsible for the preparation, administration and enforcement of a zoning map and of zoning rules and regulations which shall constitute a zoning code. All plans and maps and all rules and regulations hereafter adopted, amended or repealed by the Planning and Zoning Officer shall, prior to taking effect as law, be approved by ordinance of the County Council.

Section 532. The Planning Advisory Board.

There shall be a Planning Advisory Board consisting of seven qualified voters appointed by the County Executive for terms coterminous with the County Executive's term or until their successors shall qualify. Members of the Board shall receive no compensation for their services except reasonable and necessary expenses as may be provided in the budget. Vacancies shall be filled in the manner of original appointment. The County Executive shall designate a member as Chairman.

Section 533. Duties and Functions of the Planning Advisory Board.

(a) **Meetings and Rules of Procedure.** The Planning Advisory Board shall hold at least ten regular monthly meetings each year, but special meetings may be held at any time, at the call of the Chairman. The Planning Advisory Board shall adopt rules for the transaction of its business. It shall hold hearings at its discretion or upon written request of the County Executive or on resolution of the County Council on any matter pending before the Board. It shall keep a record of its resolutions, transactions, findings, determinations and decisions and it shall keep minutes of its proceedings all of which shall be filed in the Office of Planning and Zoning and shall be public record.

(b) **Advisory Recommendations and Budget Functions.** The Planning Advisory Board shall make advisory recommendations to the Planning and Zoning Officer and the County Council relating to the Master Plan, the zoning maps and rules and regulations relating to zoning. At such times as the Chief Administrative Officer shall fix, the Planning Advisory Board shall consider an itemized list of capital projects, or capital improvement program, which the various agencies of the County government propose to undertake in the ensuing fiscal year and the next succeeding five fiscal years thereafter. After consideration by the Planning Advisory Board, the Planning and Zoning Officer shall transmit to the Budget Officer with his recommendations a list of projects recommended by said board to be undertaken in the periods aforesaid and its estimates of the cost thereof. The County Executive, at his discretion, or the County Council, by resolution, may provide for reference to the Board, for review and recommendations, of any matter related to the board's functions and duties.

(c) **Amendment of Capital Projects After Adoption of Budget.** In accordance with Section 716 of this Charter, the Planning Advisory Board shall consider and transmit its recommendation forthwith to the County Executive concerning amendments to the capital budget for any fiscal year. Such recommendation shall be advisory only.

Office of Administrative Hearings

Section 534. Organization of Office.

(a) The Office of Administrative Hearings shall be administered by the Administrative Hearing Officer, who shall hold the delegated power conferred on him by this Charter. The Administrative Hearing Officer shall be appointed by the County Executive solely with regard to the individual's qualifications for the duties of the office and shall have such training or experience as will qualify the individual to conduct quasi-judicial hearings on zoning and other matters. The Administrative Hearing Officer shall be responsible to the County Executive.

(b) To assist the Administrative Hearing Officer, the County Executive may appoint a Deputy Administrative Hearing Officer. The Deputy Administrative Hearing Officer shall have the training and experience necessary to qualify for the duties that may be assigned under this subsection, and the appointment of the Deputy Administrative Hearing Officer shall be made solely on the basis of an individual's qualifications to perform those duties. In addition to whatever (duties are assigned by the Administrative

Hearing Officer, the Deputy Administrative Hearing Officer may conduct hearings held before the Office of Administrative Hearings.

Section 535. General Powers and Duties.

(a) **Delegation of Power to Administrative Hearing Officer for Reclassification of Property.** The Administrative Hearing Officer shall be charged with the responsibility and duty of conducting public hearings on a petition filed for a change in or reclassification of the use to which a particular piece of property is subject according to the appropriate zoning map in effect at the time. The Administrative Hearing Officer shall grant or deny such reclassification in accordance with appropriate zoning regulations, but no reclassification shall be granted by the Administrative Hearing Officer except on the basis of an affirmative finding that there was a mistake in the zoning map or that the character of the neighborhood has changed to such an extent that the zoning map should be changed.

(b) **Other Authority of Administrative Hearing Officer.** Subject to appropriate principles, standards, rules, conditions and safeguards set forth therein, the Administrative Hearing Officer may grant variances from and make special exceptions to the zoning laws, regulations, ordinances or resolutions.

(c) **Powers Under State Law.** The Administrative Hearing Officer may exercise the powers described under Article 25A § 1A(g) of the Annotated Code of Maryland or any other law enacted by the General Assembly of Maryland that permits a county officer to exercise similar powers.

(d) **Orders and Notification.** All orders of the Administrative Hearing Officer shall be in writing setting forth the reason therefor; and a copy thereof shall be furnished to all parties or their attorneys of record.

(e) **Orders Final Unless Appealed.** In all cases, the order of the Administrative Hearing Officer shall be final unless further appeal is taken as provided in Section 536 of this Charter.

Section 536. Appeals from Orders of the Administrative Hearing Officer.

(a) Except as provided in subsection (b) of this section, an appeal may be taken to the County Board of Appeals from any decision of the Administrative Hearing Officer over which the Board of Appeals has jurisdiction under this Charter.

(b) An appeal may be taken directly to the Circuit Court for Anne Arundel County from any decision of the Administrative Hearing Officer rendered under Section 535(c) of this Charter.

(c) Any appeal to the Board of Appeals or the Circuit Court under this section shall be taken within 30 days after a decision by the Administrative Hearing Officer. An

appeal may be taken by any person, or any official, office, department, corporation, board, or bureau of the County aggrieved by the decision and a party to the proceedings before the Administrative Hearing Officer.

(d) In the case of an appeal to the Circuit Court for Anne Arundel County, within 30 days after the decision of the Circuit Court is rendered, any party to the proceeding who is aggrieved may appeal the decision to the Court of Special Appeals of the State.

Section 536A. Criminal Justice and Corrections Officer.

The Office of Criminal Justice and Corrections shall be administered by the Criminal Justice and Corrections Officer, who shall be appointed by the Chief Administrative Officer solely on the basis of the individual's qualifications for the duties of the office. The Criminal Justice and Corrections Officer shall be responsible directly to the Chief Administrative Officer.

Section 536B. Office of Criminal Justice and Corrections.

The Office of Criminal Justice and Corrections shall be responsible for:

- (1) the administration of a criminal justice program;
- (2) the administration of a corrections program; and

(3) any other related function that is not inconsistent with this Charter, as required by the County Executive or by ordinance of the County Council.

Section 536C. Superintendent of Detention Facilities.

The Office of Detention Facilities shall be administered by the Superintendent of Detention Facilities, who shall be appointed by the Chief Administrative Officer solely on the basis of the individual's qualifications for the duties of the office. The Superintendent of Detention Facilities shall be responsible directly to the Chief Administrative Officer.

Section 536D. Office of Detention Facilities.

The Office of Detention Facilities shall be responsible for the operation and maintenance of the County detention facilities.

The Operating Departments

Department of Public Works

Section 537. Director of Public Works.

The Department of Public Works shall be administered by the Director of Public Works, who shall be an engineering graduate of a college or university of recognized

standing and a registered professional engineer of demonstrated ability in the management of public works and utilities; or an equivalent combination of acceptable education and experience. The Director shall have had responsible charge of engineering works over a period of at least five years prior to appointment. The Director shall have such other qualifications as may be provided by law. The Director shall be appointed solely with regard to the individual's qualifications for the duties of the office and shall be appointed by the County Executive and responsible directly to the Chief Administrative Officer.

Section 538. Functions of the Department of Public Works.

The Department of Public Works shall perform all functions involving public works or utilities surveys, reports, maps, drawings, specifications and estimates; the custody of maps and plans of the County; the supervision of the execution of and performance of all contracts for capital projects, as defined in Section 702 of this Charter, except for school projects; the construction of capital projects by its own employees; the maintenance and cleaning of roads, streets, alleys, other public places, bridges, viaducts, subways and underpasses; the acceptance of roads and dedicated ways as prescribed by law; the maintenance of watermains, sewers, drains and culverts; the maintenance and operation of sewage disposal and treatment plants; the collection of garbage and other refuse and the operation and maintenance of facilities for its disposal; the regulation, operation, maintenance and control of water supply; the control of fire hydrants; mosquito control; the administration and enforcement of rules and regulations relating to water and wastewater; and any other function, not inconsistent with this Charter, that is assigned by directive of the County Executive or by ordinance of the County Council.

Department of Inspections and Permits

Sec. 540. Director of Inspections and Permits.

The Department of Inspections and Permits shall be administered by the Director of Inspections and Permits, who shall be appointed solely with regard to the individual's qualifications for the duties of the office by the County Executive. The Director shall be responsible directly to the Chief Administrative Officer.

Section 541. Functions and duties of the Department.

The Department of Inspections and Permits shall issue County licenses and permits, as provided by ordinance of the County Council. The Department shall be responsible for the administration and enforcement of laws and regulations relating to licenses and permits, as provided by ordinance. Any license or permit issued by the Department shall be approved by any other officer or agency of the County, as provided or required by law. The Department also shall perform any other related duty or functions assigned by directive of the County Executive or by ordinance of the County Council, not inconsistent with this Charter.

Section 542. Licensing and examining boards.

The Plumbing Commission, the Board of Examiners and Supervisors (or the Board of Electrical Examiners and Supervisors), the Board of Bail Bond License Commissioners and other boards, commissions and agencies connected with the functions of the Department of Inspections and Permits shall be administered as units of said Department. Nothing in this Charter contained shall be held or construed as preventing the County Council by ordinance from reorganizing, reconstituting or abolishing any of such boards, commissions or agencies provided that as of the operative date of this Article the appointing authority for members of all such boards, commissions and agencies shall be the County Executive. All employees of such boards, commissions and agencies shall become employees of the Department of Inspections and Permits subject to the provisions of Article VIII of this Charter and the funds in the custody of the boards, commissions and agencies shall be paid into the treasury of the County. Administrative functions of any board, commission or agency existing or created for the regulation, examination or inspection of the qualifications or work of occupational groups or the issuing of licenses or permits shall be performed by employees of the Department of Inspections and Permits. Rules and regulations of such boards, commissions and agencies not inconsistent with this Charter shall remain in force and effect unless and until changed by ordinance. Members of such boards, commissions or agencies shall receive no compensation for their services except reasonable and necessary expense as may be provided in the budget.

Police Department

Section 543. Chief of Police.

The Police Department shall be commanded and administered by a Chief of Police, who shall be experienced in the command of uniformed patrol and the detection and investigation of crime. The Chief of Police shall be appointed by the County Executive solely on the basis of the individual's qualifications for the duties of the office, and be responsible directly to the Chief Administrative Officer. All orders to the Police Department from the Chief Administrative Officer shall be directed through the Chief of Police or an officer acting in his absence. The Chief of Police shall be responsible for the efficiency, good conduct and discipline of the Department. Disobedience to the lawful commands or the rules and regulations of the Chief of Police shall be ground for removal or other disciplinary action.

Section 544. Functions of the Police Department.

The Police Department shall be responsible for preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property and enforcement of the laws and the rules and regulations made in furtherance thereof. The Department shall have and perform such other duties and functions as may from time to time be assigned thereto by directive of the County Executive or by ordinance of the County Council not inconsistent with this Charter.

Fire Department

Section 545. Fire Chief.

The Fire Department shall be administered by a Fire Chief, who shall be appointed by the County Executive. The appointment shall be made solely on the basis of the individual's qualifications for the duties of the office. In making this appointment, the County Executive may consider, but shall not be restricted to persons who are recommended by the Fire Advisory Board. The Fire Chief shall be responsible directly to the County Executive.

Section 546. Fire Advisory Board.

There shall be a Fire Advisory Board consisting of five members. Three of the members shall be selected by the Anne Arundel County Volunteer Firemen's Association, one of the members shall be selected by the paid fire fighters and one member shall be appointed by the County Executive. The term of each member shall be coterminous with that of the County Executive. The Fire Advisory Board shall have the power and duty to advise and consult with the County Executive, the Fire Chief and other County officials and employees from time to time on matters concerning the administration of fire suppression, fire prevention, fire training and fire communications activities. Whenever the position of Fire Chief is vacant, the Fire Advisory Board may prepare and submit a list of names of at least three persons who [whom] they recommend to the County Executive as nominees for the office. Any person recommended shall be selected solely on the basis of that person's qualifications for the office and with regard to the person's experience in command or uniformed fire suppression or fire prevention.

Section 547. Functions and Duties of the Fire Department.

The Fire Department shall be responsible for the administration of the affairs of the County in fire suppression, fire prevention, fire training, fire communications, emergency medical services, and any other duty as may be assigned by the County Executive or by law from time to time. Nothing herein shall permit the Fire Chief to participate in the corporate affairs of any volunteer fire company.

Department of Recreation and Parks

Section 548. Director of Recreation and Parks.

The Department of Recreation and Parks shall be administered by the Director of Recreation and Parks. The Director shall be thoroughly trained and experienced in theory and practice relating to public recreation and the operation and maintenance of recreation facilities and shall possess such other qualifications for the duties of the office as may be provided by law. The Director shall be appointed by the County Executive, and be responsible directly to the Chief Administrative Officer.

Section 549. Functions of the Department.

The Department shall be responsible for the organization and conduct of recreation programs, operating and maintaining parks, playgrounds and other recreation facilities and shall have such other duties consistent herewith as may be assigned to it from time to time by ordinance. It shall encourage the development of cooperative programs and joint use of facilities with the Department of Education.

Section 550. Recreation Advisory Board.

There shall be a Recreation Advisory Board consisting of seven members appointed by the County Executive for terms coterminous with his. Members of the Board shall receive no compensation for these services except reasonable and necessary expenses as may be provided in the budget. The County Executive shall select its Chairman. The Recreation Advisory Board shall make advisory recommendations to the Director of Recreation and Parks relating to recreation programs and services and facilities for any age group, cooperative programs with private organizations and schools and rules for the preservation of order and decency in connection therewith.

Department of Aging

Section 550A. Director of Aging.

The Department of Aging shall be administered by a Director of Aging who shall be appointed solely with regard to the individual's qualifications for the duties of the office by the County Executive. The Director shall be responsible directly to the Chief Administrative Officer.

Section 550B. Functions of the Department.

The Department of Aging shall develop, administer and direct countywide services and programs dealing with the problems and needs of the aging; review plans of primary concern to the aging that are developed by other offices, departments, agencies and commissions of the county government; and coordinate with other government agencies and private agencies, organizations and individuals the provision of government and nongovernmental services to the aging. The Department shall also have such other duties and functions not inconsistent with this Charter as may be assigned to it by directive of the County Executive or by ordinance of the County Council.

Department of Education

Section 551. Composition; Administration under State Law.

The Department of Education shall consist of the County Board of Education, the Superintendent of Schools, and all other officers, agents and employees in the County public school system. The Board of Education shall be constituted and shall do and perform such duties and functions as may from time to time be provided by State law. All references in this Charter to the head of an office or department shall be construed as including the Superintendent of Schools as head of the Department of Education, but nothing in this Charter contained shall be held or construed as affecting or in anywise changing the organization, operation and administrative of the County school system by the Board of Education as provided by public general law.

Department of Libraries

Sec. 552. Composition; Administration under State Law.

The Department of Libraries shall consist of the County Board of Library Trustees, the County Librarian and all other officers, agents and employees in the public library system of the County. The Board of Library Trustees shall be constituted and shall do and perform such duties and functions as may from time to time be provided by law. All references of this Charter to the head of an office or department shall be construed as including the County Librarian as head of the Department of Libraries, but nothing in this Charter contained shall be held or construed as affecting or any anywise changing the organization, operation and administration of the County library system by the Board of Library Trustees as provided by public general law.

Department of Health

Section 553. Composition; functions; administration under State and County law.

The Department of Health shall consist of the County Health Officer and all officers, agents and employees under his authority and supervision or under the authority and supervision of the County Board of Health. The County Council shall constitute the County Board of Health. With the advice and consent of the State Secretary of Health and Mental Hygiene the County Executive shall submit to the County Council his recommendation for the appointment of a County Health Officer, and when approved by the Council, the same shall constitute the appointment required by State law. All references in this Charter to the head of an office or department shall be construed as including the County Health Officer as head of the Department of Health, but nothing in this Charter contained shall be held or construed as affecting or in anywise changing the administration of the County Health programs in accordance with the requirements of State law.

Department of Social Services

Section 554. Composition; Functions; Administration Under State and County Law.

The Department of Social Services shall consist of the Board of Social Services, the Director of Social Services and all officers, agents and employees under their authority and supervision. The members of the Board of Social Services shall be appointed and shall do and perform such duties and functions as may from time to time be provided by State law. The County Executive shall serve as a member of the Board ex officio. In addition to all the duties and functions heretofore performed by the Board of Social Services, it shall be responsible for such social services activities as may be assigned to the Board by directive of the County Executive or ordinance of the County Council not inconsistent with public general law. All references in this Charter to the head of an office or department shall be construed as including the Director of Social Services as head of the Department of Social Services, but nothing in this Charter contained shall be held or construed as affecting or in anywise changing the administration of the County Social Services program in accordance with the requirements of public general law.

Reorganization of Departments Under State Law

Section 555. Furthering Legislation.

If the General Assembly shall at any time transfer to the voters of the County or to the County Council jurisdiction or control over the affairs or any of the departments of the County government in excess of the jurisdiction or control vested in the County government by law or by this Charter, then to the extent of such transfer, the County Council may by ordinance provide for the reorganization of such departments and the administration of their affairs within the executive branch under County law.

Article VI. Special Boards, Commissions, and Committees

County Board of Appeals

Section 601. County Board of Appeals; Appointment; Term; Compensation.

(a) There shall be a County Board of Appeals consisting of seven qualified voters of the County appointed by the County Council by a resolution adopted within thirty days after the Council takes office. Appointments shall be for a term conterminous with that of the Council or until their successors shall qualify. Vacancies shall be filled for the unexpired term in the manner specified for the original appointment. All members of the Board shall be residents of Anne Arundel County and appointments shall be made so that not more than a majority of the members of the Board shall be members of the same political party, and none of the remaining members shall have been a member of that political party for twelve months prior to their appointment. Four members of the Board shall constitute a quorum, except that when the Board is authorized to sit in a panel of less than six members, three members shall constitute a quorum. The members of the Board shall be paid at the rate of Twenty-one Hundred Dollars (\$2,100) per year, unless this amount is changed as provided in Section 605 of this Article.

(b) The County Council may provide by ordinance for the designation of one or more persons to sit as temporary members of the Board of Appeals. If the Council provides for the designation of temporary members, it shall establish by ordinance from time to time the qualifications, compensation, and method of designation, and shall also define the circumstances under which such temporary members may be designated.

Section 602. Powers and functions of County Board of Appeals.

The County Board of Appeals shall have and may exercise the following functions and powers:

(a) **In General.** The County Board of Appeals shall perform its functions as a board that is independent of both the legislative and executive branches of the County government. However, the budget of the Board shall be submitted and processed as part of the budget request of the Legislative Branch. The board shall have the powers and duties set forth in this section unless modified in accordance with Section 605 of this Article.

(b) **Appeals From Orders Relating to Zoning.** The County Board of Appeals shall have and exercise all the functions and powers of the Board of Appeals of Anne Arundel County and of the County Board of Appeals described in Article 25A of the Annotated Code of Maryland as supplemented by other public general laws. All references in law to the Board of Appeals or the Board of Zoning Appeals shall be construed to refer to the County Board of Appeals created by this Article where such construction is reasonable. In all cases heard by the County Board of Appeals, its decision shall be final unless further appeal be taken therefrom in the manner provided in Section 604 of this Article.

(c) **Appeals From Orders Relating to Licenses and Permits.** The County Board of Appeals shall have the function and power to hear appeals from decisions involving licenses or permits to install plumbing or electrical facilities, operate a licensable amusement device, operate a taxi service, or such other licensed or permitted activity of the County as may be provided from time to time by law except those licensed or permitted by agencies of the State of Maryland.

(d) **Appeals From Orders Relating to Building.** The County Board of Appeals shall hear and decide all appeals from orders relating to building.

(e) **Appeals From Executive, Administrative and Adjudicatory Orders.** The County Board of Appeals shall hear and decide appeals from all other administrative and adjudicatory orders other than those affecting the internal operation of the executive branch as may from time to time be provided by Article 25A of the Annotated Code of Maryland or by ordinance of the County Council not inconsistent therewith.

(f) **Appeals From Decisions on Utility Extensions.** The County Board of Appeals shall hear appeals from decisions involving the extension of sewer and water services as provided in Section 539A of this Charter.

(g) The County Board of Appeals may retain private legal counsel, consistent with the budget, to advise the Board with respect to any of its duties, responsibilities or functions, including any matter pending before it.

Section 603. Rules of Practice and Procedure.

The County Board of Appeals shall have authority to adopt and amend rules of practice and procedure governing its proceedings which shall have the force and effect of law when approved by ordinance. The rules may relate to filing fees, meetings and hearings of the Board, the manner in which its Chairman shall be selected and the term which he shall serve as Chairman and other pertinent matters deemed appropriate and necessary for the Board. All decisions by the County Board of Appeals shall be made after notice and hearing de novo upon the issues before said Board. All hearings held by the Board shall be open to the public, and the Board shall cause to be maintained complete public records of its proceedings, with a suitable index. All parties to the proceedings or their attorneys of record shall receive a copy of the decision of the Board.

Section 604. Appeals from decisions of the Board.

Within thirty days after any decision by the County Board of Appeals is rendered, any person aggrieved by the decision of the Board and a party to the proceedings before it may appeal such decision to the Circuit Court of Anne Arundel County, which shall have power to affirm the decision of the Board, or if such decision is not in accordance with law, to modify or reverse such decision, with or without remanding the case for rehearing, as justice may require. Within thirty days after the decision of the Circuit Court is rendered any party to the proceeding who is aggrieved thereby may appeal such decision to the Court of Special Appeals. The review proceedings provided by this section shall be exclusive.

Section 605. Furthering legislation.

The County Council shall have the power to enact by ordinance furthering legislation not inconsistent with the provisions of this Article to implement and define the powers and functions of the County Board of Appeals as herein specified. The County Council may by Ordinance increase the compensation of the members of the County Board of Appeals provided in Section 601 of this Article and thereafter decrease such compensation, provided, however, that no such reduction shall affect the compensation of a member of the County Board of Appeals during his current term, and in no event shall the Council have the power to decrease the compensation of members of the Board below the figure provided in this Charter. The County Council may also by ordinance provide for the designation of panels of the Board of Appeals consisting of

not less than three of its members to hear such categories of appeals as the Council may from time to time determine, provided that any decision rendered by such a designated panel of less than the full Board shall nevertheless constitute a decision of the Board of Appeals within the meaning of this Article. To the extent permitted by public general laws of this State, the County Council shall also have the power, by ordinance, to extend, limit, or modify the subject matter jurisdiction of the County Board of Appeals.

Pension Oversight Commission

Section 606. Composition of Commission; Terms; Temoval and Compensation of Members.

(a) There shall be a Pension Oversight Commission which shall perform the functions set forth in this Article as a commission that is independent of both the legislative and executive branches of the County government.

(b) (1) The Pension Oversight Commission shall consist of nine members appointed by the County Executive and confirmed by resolution of the County Council.

(2) Five of the members of the Pension Oversight Commission shall be residents of the County who:

- (i) are knowledgeable about pension administration and funding;
- (ii) do not hold an elective or appointed office with the County or the State; and
- (iii) are not participants in any retirement plan that the Commission oversees.

(3) Four of the members shall be members of the classified service as defined in Section 803 of this Charter and shall be selected from a list of names nominated by secret ballot by the members of the classified service in the manner required by ordinance of the County Council. Of the four members:

- (i) one shall be a uniformed police officer;
- (ii) one shall be a professional fire fighter;
- (iii) one shall be a member of a class represented by the employee organization that represents the majority of classified employees other than uniformed police officers and professional fire fighters; and

(iv) one shall be a member of the classified service other than the police department and fire department, who is in a class excluded from representation by the employee organization referred to in item (iii).

(c) (1) The term of a member shall be four years and the terms of the members shall be staggered as provided by the terms of the initial members of the commission.

(2) At the end of a term, a member shall continue to serve until a successor is appointed and qualifies.

(3) A member who is appointed after a term has begun shall serve only for the rest of the term and until a successor is appointed and qualified.

(4) A person may not serve for more than two terms as a member of the Pension Oversight Commission.

(d) On the recommendation of the County Executive, the County Council, on the affirmative vote of at least five of its members, may remove a member of the Pension Oversight Commission for cause.

(e) From among its members, the Pension Oversight Commission annually shall elect a chairperson.

(f) (1) Unless otherwise authorized by ordinance, a member of the Pension Oversight Commission may not receive compensation.

(2) A member of the Commission is entitled to reimbursement of expenses, as provided in the budget.

Section 607. Duties of the Commission.

(1) The Pension Oversight Commission shall have the duties set forth in this section.

(2) The Commission shall submit an annual report of the status of each County pension plan created under Section 814 of this Charter to the County Executive and the County Council. The report shall include for each pension plan:

(i) the Commission's assessment of the appropriateness of the actuarial assumptions used;

(ii) a statement of revenues, including contributions, investment earnings, and forfeitures;

(iii) the cost of the plan, including an analysis of fees, commissions and expenses;

- (iv) an evaluation of the administration of the plan; and
- (v) any amendment or proposal that the Commission may wish to recommend.

(3) The County Council shall provide the Pension Oversight Commission with a copy of any proposed ordinance or resolution pertaining to a County retirement plan. The Commission shall review any proposal that is submitted and, on or before the thirtieth day after receipt of the proposal, report its findings and recommendations to the County Executive and County Council. The County Council may not vote on any ordinance or resolution that is subject to this paragraph until it has either received the Commission's report or the time period for submission of the report has expired.

(4) On request of the County Executive, any member of the County Council, Board of Appeals, the Personnel Officer, or any participant in a County pension plan, the Pension Oversight Commission shall provide a written interpretation of any provisions of a County pension plan.

(5) Before the County makes any change in the mediums used for funding a County pension plan, the County shall submit a written statement of its proposed action to the Pension Oversight Commission. The Commission shall review any proposal that is submitted and, on or before the thirtieth day after receipt of the proposal, report its findings and recommendations to the County official responsible for the proposal. Unless the County Executive declares that an emergency exists that demands immediate action, the County may not take any action that commits the County to the proposed action until it has either received the Commission's report or the time period for submission of the report has expired.

(6) The Commission shall perform any additional duty assigned to it by ordinance.

(7) The Commission may engage the services of actuaries or other experts to assist it in carrying out its functions under this section.

Section 608. Budgeting Requirements.

The Commission shall have the funds as provided for in the budget.

Section 609. Terms of the Initial Members of the Commission; Creation of Staggered Terms.

Notwithstanding any other provision of this Article regarding the terms of the members of the Commission, for the initial Commission two of the public members of the Pension Oversight Commission shall be appointed for a term of two years, one of the public members shall be appointed for a term of three years, and one of the public members shall be appointed for a term of four years. At the completion of each of those

initial terms, the vacancy shall be filled by an appointment for a term as provided in Section 606 of this Article.

Spending Affordability Committee

Section 610. Composition of Committee; Terms; Compensation.

(a) (1) There is a Spending Affordability Committee appointed by the County Executive and confirmed by resolution of the County Council.

(2) The Committee shall make advisory recommendations to the Office of the Budget, the County Executive, and the County Council relating to spending affordability including County spending levels to reflect the ability of the taxpayer to finance County services and long-term debt.

(3) The recommendations shall be presented in a report not less than 150 days before the end of each fiscal year, and copies of the report shall be made available for public inspection.

(4) The County Executive, at his discretion, or the County Council, by resolution, matter to the Committee any matter related to the Committee's functions and duties for its review and recommendations.

(b) The Committee shall examine:

- (1) current capital projects;
- (2) the 5-year capital improvement program;
- (3) per capita wealth;
- (4) debt service;
- (5) pay-as-you-go funding; and
- (6) alternative sources of funding.

(c) The Committee shall consist of one resident from each councilmanic district who is knowledgeable in the field of economics, finance, fiscal planning, or a related field. It shall elect its own chairman.

(d) (1) For the initial term, two of the members shall be appointed for a term of two years, two for a term of three years, and three for a term of four years.

(2) After the initial term, each member shall be appointed for a term of four years.

(3) At the end of a term, a member shall continue to serve until a successor has been appointed and qualified.

(4) A member appointed after a term has begun shall serve only for the rest of the term and until a successor is appointed and qualified.

(5) A person may not serve for more than two successive terms.

(e) The committee shall have the funds as provided for in the budget.

Article VII. Budgetary and Fiscal Procedures.

Section 701. Fiscal Year and Tax Years.

Unless and until changed in accordance with the provision of State law, the fiscal or budget year of the County shall begin on the first day of July and shall end on the thirtieth day of June of the succeeding year. The taxable year shall begin on the first day of July and end on the thirtieth day of June following unless another period shall be fixed by State law.

Section 702. Definition of Terms Used in this Article.

(a) The term "County government" shall include all offices, courts, departments, . institutions, corporations, boards, commissions, agencies and their offices, agents and employees who receive or disburse County funds.

(b) The term "capital project" shall mean: (1) any physical public' betterment or improvement and any preliminary studies and surveys relative thereto; (2) the acquisition of property of a permanent nature for public use; and (3) the purchase of equipment for any public betterment or improvement when first constructed.

(c) The term "capital budget" shall mean the plan of the County to receive and expend funds for capital projects during the first fiscal year included in the capital program.

(d) The term "capital program" shall mean the plan of the County to receive and expend funds for capital projects during the fiscal year covered by the capital budget and the next succeeding five fiscal years thereafter.

(e) The term "current expense budget" shall mean the plan of the County to receive and expend funds for charges incurred for operation, maintenance, interest and other charges for the ensuing fiscal year.

Section 703. Comprehensive Scope of Budget.

The County budget shall consist of the current expense budget, the capital budget and capital program and the budget message. It shall represent a complete financial plan for the County reflecting all receipts and disbursements from all sources, including all revenues, all expenditures, and the fund balance or deficit in the general and all special funds of the County government.

Section 704. Formulation of Current Expense Budget.

Not less than one hundred twenty days prior to the end of each fiscal year, the head of each office, department, institution, board, commission and other agency of the County government shall furnish to the Budget Officer an annual budget setting forth nature, volume, cost and other factors concerning the work to be performed and the estimates of the revenues and expenditures of their several operations for the ensuing fiscal year. Estimated revenues shall be detailed as to source, and estimated expenditures as to program or project. All such estimates shall be submitted in such form and with such other supporting data as the Chief Administrative Officer may request. The data so submitted shall thereupon be reviewed by the Chief Administrative Officer with the assistance of the Budget Officer and he may hold such hearings as he shall deem appropriate. The current expense budget shall be compiled therefrom for transmission to the County Executive. The County Executive may amend the budget proposals, except for the budget request of the legislative branch and shall cause to be prepared the County budget as set forth in Section 706 of this Article along with his budget message.

Section 705. Formulation of Capital Budget and Capital Program.

(a) At such time or times as the Chief Administrative Officer may direct, each office, court, department, institution, board, commission, corporation or other agency of the County government shall submit to the Budget Officer for transmission to the Office of Planning and Zoning an itemized list of the capital projects which each agency proposes to undertake in the ensuing fiscal year and the next succeeding five fiscal years thereafter. The list may include capital projects that are proposed to be completely funded for two fiscal years as provided in Sections 706 and 709 of this Charter. After consideration by the Planning Advisory Board, the Planning and Zoning Officer shall transmit to the Budget Officer the list of projects recommended by said Board together with the Planning and Zoning Officer's recommendations on the projects to be undertaken, in the periods aforesaid and its estimates of the cost thereof. The Chief Administrative Officer with the assistance of the Budget Officer shall consider such recommendations with the other budget proposals and shall recommend to the County Executive, together with the current expense budget, a complete capital budget and capital program, including those projects that are proposed to be completely funded for two fiscal years. The County Executive may amend the capital budget and capital program proposals and shall cause to be prepared the County budget as set forth in Section 706 along with his budget message.

Section 706. Submission and Contents of the County budget.

Not later than 75 days prior to the end of the fiscal year, the County Executive shall submit to the County Council the proposed County budget for the ensuing fiscal year.

(a) **Contents of the Current Expense Budget.** The proposed current expense budget shall contain not less than the following information: (1) a statement of all revenue estimated to be received by the County during the ensuing fiscal year, classified so as to show the receipts by funds and sources of income; (2) a statement of debt service requirements for the ensuing fiscal year; (3) a statement of the estimated fund balance or retained earnings, if any, available for expenditure during the ensuing fiscal year, and any estimated deficit in any fund required to be made up in the ensuing fiscal year; (4) an estimate of the several amounts which the County Executive deems necessary for conducting the business of the County to be financed from and not to exceed estimated revenues for the ensuing fiscal year; (5) a statement of the bonded and other indebtedness of the County government and its agencies, including self-liquidating and special taxing district debt; (6) a statement of the proposed contingency reserves which shall not exceed three per centum of the general fund and of any other fund; (7) a comparative statement of the receipts and expenditures for the last completed fiscal year, the estimated receipts and expenditures of the currently ending fiscal year, and the expenditures recommended by the County Executive for the ensuing fiscal year for each program or project which shall be classified by agency, character and object; and (8) any other material which the County Executive may deem advisable or the County Council by ordinance may require.

(b) **Contents of the Capital Budget and Capital Program.** The proposed capital budget and capital program shall be so arranged as to set forth clearly the plan of proposed capital projects to be undertaken in the ensuing fiscal year and in each of the next five fiscal years, and also the proposed means of financing the same. In any year except a year during which the members of the County Council will be elected, the capital budget for the ensuing fiscal year may include capital projects that are to be completely funded for two fiscal years. The capital budget shall include a statement of the receipts anticipated during the ensuing fiscal year from all borrowing and from other sources for capital projects and any other materials which the County Executive may deem advisable or the County Council by ordinance may require.

(c) **Contents of the Budget Message.** The Budget Message shall contain supporting summary tables and shall explain the proposed current expense budget and capital program both in fiscal terms and in terms of work to be done. It shall outline the proposed financial policies of the County for the ensuing fiscal year and describe the important features of the current expense budget. It shall indicate any major changes in financial policies and in expenditures, appropriations and revenues as compared with the fiscal year currently ending, and shall set forth the reasons for such changes. As to the capital program, the message shall include an explanation of changes made by the County Executive in the program presented by the Office of Planning and Zoning. The message shall also include such other material as the County Executive may deem desirable.

Section 707. Filing of Proposed Budget; Copies.

The proposed County budget shall be filed with the Administrative Officer to the County Council and a copy shall be delivered to each member of the Council. At least three complete copies shall be open to inspection by the public during regular business hours. One copy shall be supplied to each newspaper of general circulation in the County and to each County library. The Council may determine by resolution in advance of budget formulation the number of additional copies it believes necessary for public use. The budget message and supporting summary tables shall be reproduced in multiple copies, and a copy shall be made available to any interested person on request.

Section 708. Public Hearing.

Upon receipt of the proposed County budget, the Administrative Officer to the County Council shall cause to be published in at least two newspapers of general circulation published in the County a notice of the place and time of a public hearing on the budget plan as a whole by the County Council. Such hearing shall be held not less than 7 nor more than 30 days after the date of the filing of the proposed budget by the County Executive. The Council may hold such other preliminary public hearings on the budget for the purpose of obtaining information as it may determine but no action shall be taken by the Council on the budget except in public meeting and after the public hearing specified above.

Section 709. Action on the Budget by the County Council.

After the public hearing specified in the preceding section, the County Council may decrease or delete any items in the budget except those required by the public general laws of this State and except any provision for debt service on obligations then outstanding or for estimated cash deficits. The County Council shall have no power to change the form of the budget as submitted by the County Executive, to alter the revenue estimates except to correct mathematical errors, or to increase any expenditure recommended by the County Executive for current or capital purposes. In any year except a year during which members of the County Council will be elected, the County Council may completely fund for the next two ensuing fiscal years those capital projects designated in the capital budget proposed by the County Executive which are designated to be completely funded for two fiscal years pursuant to Section 705 of this Charter. If the County Executive proposes amendments to the budget so as to increase items in the budget or add items to the budget, the Chairman of the County Council shall give reasonable public notice of the proposed amendments and hold a public hearing on the amendments, provided that the County Council may waive the public hearing by a vote of five members. The adoption of the budget shall be by the affirmative vote of not less than four members of the County Council on an ordinance to be known as the Annual Budget and Appropriation Ordinance of Anne Arundel County. The County Council may, at the same time or thereafter from time to time during the ensuing fiscal year, adopt bond issue authorization ordinances providing the means of

financing such capital projects as are to be financed from borrowing in the ensuing fiscal year. All of said ordinances shall be exempt from the executive veto. The Annual Budget and Appropriation Ordinance shall be adopted by the County Council on or before the first day of the last month of the fiscal year currently ending; and if the County Council fails to do so, the proposed budget submitted by the County Executive shall stand adopted, and funds for the expenditures proposed in the current expense budget shall stand appropriated as fully and to the same extent as if favorable action thereon had been taken by the County Council.

Section 710. Reproduction of Budget; Effective Date; Tax Levy; Appropriations.

(a) **Reproduction of Budget.** The budget as adopted shall be reproduced in sufficient copies for distribution, free of charge, to the press and the head of each office, department or agency of the County government. Copies of the budget shall likewise be given to any interested person on request, provided, however, that in order to discourage waste the County Council may prescribe a charge for each copy of the adopted budget not to exceed the actual cost of its reproduction.

(b) **Effective Date.** The adopted budget shall take effect on the first day of the fiscal year to which it applies.

(c) **Tax Levy and Balanced Budget.**

(1) When the County budget shall have been finally adopted in the Annual Budget and Appropriation Ordinance, the County Council shall thereupon levy and cause to be raised the amount of taxes required by the budget in the manner provided by law so that the budget shall be balanced as to proposed income and expenditures.

(2) Any ordinance adopted under this subsection to levy taxes to balance the budget is exempt from the executive veto.

(3) The effective date of a tax levy bill shall be the first day of the fiscal year to which it applies.

(d) **Property Tax.** From and after July 1, 1993, revenues derived from taxes on properties existing on the County property tax rolls at the commencement of the County fiscal year shall not increase, compared with the previous year, more than the Consumer Price Index percentage of change, or by 4.5 percent, whichever is the lesser.

The Consumer Price Index shall be determined by the preceding January computation by the U.S. Department of Labor.

Section 711. Transfer of Appropriations.

(a) Transfers of appropriations between general classifications of expenditures in the current expense budget within the same office or department and within the same fund

may be authorized by the County Executive. Transfers between offices, departments, institutions, boards, commissions or other agencies of the County government and within the same fund of the current expense budget may be made only on the recommendation of the County Executive and with the approval of the County Council by ordinance.

(b) Interproject transfers of appropriations between capital projects in the capital budget may be authorized by the County Council by ordinance upon request of the County Executive but no new project shall be created nor any abandoned except in accordance with Section 716 of this Charter.

(c) Nothing contained herein shall be construed to prevent the County Council upon request of the County Executive from providing by ordinance for inter-fund cash borrowing to meet temporary cash requirements nor to prevent reimbursements among funds for services rendered.

Section 712. Supplementary and Emergency Appropriations.

During any fiscal year, the County Council, upon the recommendation of the County Executive, may by ordinance make additional, supplementary, or emergency appropriations from contingent funds, from revenues received from anticipated sources but in excess of budget estimates therefor, or from revenues received from sources not anticipated in the budget for the current fiscal year; provided that the Controller shall first certify in writing that such funds are available for such appropriation. No supplemental appropriation shall exceed the amount of the funds so certified.

To the extent that there may be no available unappropriated revenues to meet such emergency appropriations, the County Council may, by ordinance, authorize the issuance of emergency notes which may be renewed from time to time, provided, however, that such notes and renewals shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made. The total of emergency appropriations in any fiscal year shall not exceed five per centum of all appropriations (including those for debt service) made in the budget for such year.

Section 713. Lapsed Appropriations.

Unless otherwise provided by public general law, all unexpended and unencumbered appropriations in the current expense budget remaining at the end of the fiscal year shall lapse into the County treasury. No appropriation for a capital project in the capital budget shall lapse until the purpose for which the appropriation was made has been accomplished or abandoned. Unless an exception is authorized for the project by ordinance of the County Council, a capital project shall be deemed to be abandoned if three fiscal years elapsed without a construction contract being awarded for the construction phase of the capital project. The balances remaining to the credit of the completed or abandoned capital projects shall be available for appropriation in subsequent capital budgets.

Section 714. Budget Reduction Amendment.

(a) If the County Executive concludes that revenues will be substantially less than the amount required to fund the annual budget and appropriation ordinance for the current fiscal year, the County Executive may:

(1) recommend the reduction of one or more appropriations in the annual budget and appropriation ordinance for the current fiscal year, except those required by State law and except any provision for debt service on obligations then outstanding or for estimated cash deficits; or

(2) take any other action authorized by State law, this Charter, or any ordinance authorized by this Charter.

(b) (1) When the County Executive recommends the reduction of any appropriation in the annual budget and appropriation ordinance, the County Executive shall cause a proposed budget reduction amendment to be prepared and submitted to the County Council.

(2) A proposed budget reduction amendment shall be submitted in the form of a bill containing the entire annual budget and appropriation ordinance for the current fiscal year, shall show the reductions proposed by the County Executive as amendments to the ordinance, shall be supported by a schedule of revised revenue estimates, and may not provide for any new item of appropriation or any increase in a current appropriation.

(3) A proposed budget reduction amendment shall be filed with the Administrative Officer to the County Council, and a copy shall be delivered to each member of the Council. At least three complete copies shall be open to inspection by the public during regular business hours. One copy shall be supplied to each newspaper of general circulation in the County and to each County library. A copy shall be made available to any interested person on request.

(4) Upon receipt of a proposed budget reduction amendment, the Administrative Officer to the County Council shall cause to be published in at least two newspapers of general circulation published in the County a notice of the place and time of a public hearing by the County Council on the proposed budget reduction. The Council may hold other preliminary public hearings on the budget reduction amendment for the purpose of obtaining information, but no action shall be taken by the Council on the budget reduction amendment, except in public meeting and after the public hearing specified above.

(5) After the public hearing specified in the preceding section, the County Council may decrease or delete any appropriation in the current annual budget and appropriation ordinance, except those required by State law and except any provision for debt service on obligations then outstanding or for estimated cash deficits. The

County Council shall have no power to change the form of the annual budget and appropriation ordinance or to alter the amended revenue estimates except to correct mathematical errors. Neither may the County Council increase any expenditure above the amount in the current annual budget and appropriation ordinance. An amended annual budget and appropriation ordinance shall take effect immediately upon passage by the Council, and is not subject to executive veto.

(6) The adoption of a budget reduction amendment shall be by the affirmative vote of not less than four members of the County Council on an ordinance to be known as the Amended Annual Budget and Appropriation Ordinance of Anne Arundel County.

(7) The budget, as amended by an annual budget and appropriation ordinance, shall be reproduced in sufficient copies for distribution, free of charge, to the press and the head of each office, department or agency of the County government. Copies of the amended budget shall likewise be given to any interested person on request; provided, however, that in order to discourage waste the County Council may prescribe a charge for each copy of the amended budget not to exceed the actual cost of its reproduction.

Section 715. Appropriation Control and Certification of Funds.

(a) During any fiscal year, an office, department, board, commission, or other agency of the County government may not spend, or contract to spend, any money or incur any liability, or enter into any contract, which by its terms involves the expenditure of money, for any purpose in excess of the amounts appropriated for the same general classification of expenditure in the budget for that fiscal year, or in any supplemental appropriation as provided in this Article.

(b) (1) Except as otherwise authorized under paragraph (2) of this subsection and under Section 718(g) of this Charter, an office, department, board, commission, or other agency of the County government may not make any payment over One Hundred Dollars (\$100) or incur any obligation or liability over One Hundred Dollars (\$100) unless the Controller certifies that the funds for the designated purpose are available.

(2) The County Council may increase the limit set in paragraph (1) of this subsection for uncertified expenditures and then decrease the limit by ordinance to any amount not lower than that set in paragraph (1).

(c) Nothing in this or any other section of this Charter prevents the making of contracts of lease or for services providing for the payment of funds at a time beyond the fiscal year in which the contracts are made, if the nature of the transactions reasonably requires the making of the contracts. However, any contract, lease or other obligation requiring the payment of funds from the appropriations of a later fiscal year shall be made or approved by ordinance.

(d) An office, department, board, commission, or other agency of County government may not contract for the purchase of real or leasehold property unless the funds for the contract are included in the capital budget.

(e) (1) Any contract, verbal or written, made in violation of this section is null and void.

(2) Any officer, agent, or employee of the County who knowingly spends County funds in violation of this section is personally liable for the amount spent.

(3) Notwithstanding the provisions of Article VIII of this Charter, after a public hearing, the County Executive or, on a majority vote, the County Council may remove from office any officer, agent, or employee of the County who knowingly violates this section.

Sec. 716. Restrictions on Capital Projects; Amendment to Capital Budget After Adoption of Budget.

No obligations of the County shall be authorized in any fiscal year for or on account of any capital project not included in the County budget as finally adopted for such year; provided, however, that upon receipt of a written request from the County Executive, the Council may, by the affirmative vote of five members, amend the County budget. The total amount of appropriations to the capital budget may only be increased from revenues received from anticipated sources but in excess of budget estimates therefor, or from revenues received from sources not anticipated in the budget for the current fiscal year. Any proposed amendment to the capital budget shall be subject to review by and recommendation of the Planning Advisory Board in the same manner as a capital project initially included in the budget under Sections 705 and 706 of this Charter, including an explanation by the County Executive of any changes made after review by and recommendation of the Planning Advisory Board.

Section 717. Enterprise Accounting.

(a) Separate budgets for each utility shall be included in the current expense and capital budgets prescribed in this Article which shall include statements of revenue and expense for the required fiscal years.

(b) The accounting system of each utility shall conform to generally accepted principles of utility accounting and shall be kept on an accrual basis. The expense of operating each utility shall include taxes, if any, lawfully accruing during the fiscal year.

(c) If for any fiscal year a utility fund operates at a net loss and the balance sheet of the utility that has operated at a loss shows a deficit at the end of a fiscal year, it shall be the duty of the County Executive to recommend for that utility a schedule of rates that in the County Executive's judgment will produce revenue at least equal to the

amount of the deficit plus the estimated operating expenses of the utility for the current fiscal year.

Section 718. Composition and Limitation Upon County Funds and Levies; Special Taxes; Bond Obligation.

(a) **Special Funds; Revenue and Receipts; Appropriations.** All revenues and receipts from utility assessments; from special services or benefits charges; from special taxes or assessments imposed upon special taxing areas for special or particular services, purposes or benefits; from funds held by the County as trustee or agent; or from bond proceeds, shall be paid into and appropriated from special funds created therefor.

(b) **General Revenue and Receipts; Appropriations.** All other revenues and receipts of the County from taxes, grants, State revenues and other receipts shall be paid into and appropriated from the general fund which shall be the primary fund for the financing of current expenses for the conduct of County business. A tax imposed upon all assessable property or class of property in the County which exempts assessable property in an incorporated municipality subject to the provisions of Article XI-E of the State Constitution shall not be deemed or construed to be a "special tax" for the purposes of this section and all receipts from such tax shall be paid into and appropriated from the general fund.

(c) **Prohibitions.** No general fund revenues or receipts as defined in subsection (b) of this section shall be dedicated to, expended for, or used to supplement, appropriations from the special funds referred to in subsection (a) of this section, except as a loan to such special fund as authorized by Section 711(c) of this Article which authorizes inter-fund borrowing.

(d) **Levy for Roads.**

(1) No tax for the purpose of raising revenue for the construction and maintenance of public roads shall be levied upon any assessable property in the county except on a Countywide basis, exclusive of incorporated municipalities subject to the provisions of Article XI-E of the State Constitution which operate and maintain their own road or street system.

(2) This subsection does not prohibit the County from collecting land development fees, in lieu of any road improvements that may be required under County law, for future roadway construction or spot road improvements. On the recommendation of the County Executive, the County Council may provide by ordinance for collection of fees for these purposes, their placement in escrow accounts, and the use of funds accumulated in those accounts for road construction or spot improvements.

(e) **Special Taxing Districts; Existing Law.** Nothing in this section shall be construed as affecting the provisions of Chapter 28 titled "Special Taxing Districts Generally" of the Anne Arundel County Code (1957 Edition as amended or supplemented) or the provisions of section 9-72 of said Code, which shall remain in effect until changed, modified or repealed by ordinance not inconsistent with the provisions of this section.

(f) **Bond Interest and Redemption Obligations.** Nothing in this section shall be construed to prevent the County from fulfilling any obligation to levy, if necessary, a tax upon all or a portion of the assessable property within the County to provide for the payment of the interest on and principal of any bonds issued upon the full faith and credit of the County.

(g) **Working Capital Funds.** Upon request of the County Executive, the Council may, by the annual budget and appropriation ordinance, or by other ordinance, provide for the establishment of working capital or revolving funds for the financing of central stores, equipment pools or other services common to the agencies of the County, and provide that expenditures from these funds for the purchase of inventory items need not be charged against appropriations until the inventory items are issued to the using agencies.

(h) **Reserve Fund for Permanent Public Improvements.** Notwithstanding the provisions of 718(c), above, the Council may establish a Reserve Fund for Permanent Public Improvements, into which there may be paid by the annual budget and appropriation ordinance unexpended fund balances not otherwise appropriated or toward the financing of which taxes or other sources of revenue may be dedicated.

Section 719. Borrowing Limitations.

Unless and until otherwise provided by ordinance of the County Council within the limitations provided by public general law, the aggregate amounts of bonds and other evidences of indebtedness outstanding at any one time shall not exceed ten per centum upon the assessable basis of the County; provided, however, that (a) tax anticipation notes or other evidences of indebtedness having a maturity not in excess of twelve months, (b) bonds or other evidences of indebtedness issued or guaranteed by the County payable primarily or exclusively from taxes levied in or on, or other revenues of, special taxing areas or districts heretofore or hereafter established by law and (c) bonds or other evidences of indebtedness issued for self-liquidating and other projects payable primarily or exclusively from the proceeds of assessments or charges for special benefits or services shall not be subject to, or be included as bonds or evidences of indebtedness in computing or applying the per centum limitation above provided. All bonds or other evidences of indebtedness issued under the authority of The Sanitary Commission Act shall be construed as exempt, under clauses (b) and (c) above, from the per centum limitation in this section provided, but shall continue as heretofore to be subject to the per centum limitation as from time to time provided in said Act.

Section 720. Term of Bonds.

All bonds shall be payable under an annual installment plan which shall commence payments not more than two years from the date of issue. The annual installment plan may be implemented by the issuance of serial maturity bonds or term bonds having mandatory sinking fund requirements. All bonds shall be made payable within the probable useful life of the improvement or undertaking with respect to which they are to be issued, or, if the bonds are to be issued for several improvements or undertakings, then within the average probable useful life of all such improvements or undertakings. In the case of a bond issue for several improvements or undertakings having different probable useful lives, the County Council shall determine the average of said lives, taking into consideration the amount of bonds to be issued on account of each such improvement or undertaking, and the period so determined shall be the average period of useful life. The determination of the County Council as to the probable useful life of any such improvement or undertaking shall be conclusive. No bonds shall mature and be payable more than thirty years after their date of issuance except bonds issued under the authority of the Sanitary Commission Act.

Section 721. Contents of Bond Issue Authorization Ordinances.

Each Bond Issue Authorization Ordinance as referred to in Section 709 of this Article shall include a statement of the aggregate amount of bonds authorized thereby, the purpose or purposes of the borrowing, and if the purpose is to finance one or more capital projects, it shall describe each of them sufficiently for purposes of identification, but no capital project shall be included unless the amount included therein shall be deemed sufficient to complete at least a usable portion of such project. The Ordinance shall estimate the cost of the project or projects to be financed and the portion thereof to be defrayed from sources, specifically named, other than the proposed bond issue. The Ordinance shall also include the amount of the proposed issue or issues; a statement showing that the proposed issue is within the legal limitation on the indebtedness of the County or a Sanitary District as the case may be; the probable useful life of the project or average probable useful life of the projects to be financed; and declarations that the principal of and interest on the proposed issue are to be paid by ad valorem taxes on real estate and tangible personal property and intangible property subject to taxation by the County without limitation of rate or amount, and in addition, upon such other intangible property as may be subject to taxation by the County within limitation prescribed by law, except for self-liquidating bonds, including those issued under the authority of the Sanitary Commission Act and that the full faith and credit of the County are pledged to such payments provided that such declarations shall appropriately reflect any limitations imposed by Section 710(d) of this Article. The Ordinance may authorize the issuance of bonds to provide for the financing of one or more projects included within a specified class of projects, and prescribe a procedure for the addition or deletion of projects from such class before or after the issuance of bonds, subject to compliance with the requirements set forth in this Article regarding the financing of projects with bonds. The ordinance shall also recite the procedure for the public sale or sales, if more than one sale is contemplated of the proposed issue; the sale price of the

bonds which may be at, above, or below par, or the procedure for determining the same; the manner of execution and authentication of the bonds, which may be by manual or facsimile signature or seal; the form of the bonds (and any coupons appertaining thereto) which may be registerable or nonregisterable as to principal or interest, with or without coupons, or book entry in format; and shall contain such other matters relating to the authorization, issuance or sale of the issue as the County Council shall deem desirable.

Section 722. Supplemental Legislation by County Council.

The County Council may adopt budget and fiscal laws not inconsistent herewith or with the applicable provisions of the Constitution and public general laws of this State to implement the objects and purposes of this Article. Any such laws may include, but shall not be limited to, the definition of the various funds included in the County budget, their reorganization and consolidation to the extent permitted by law, a requirement of downpayments on capital projects from current funds, the establishment of a reserve for permanent public improvements as authorized in this Charter, the procedure for the sale of bonds, notes and other evidences of indebtedness of the County, and all such other matters as may in the judgment of the County Council promote the orderly administration of the fiscal affairs of the County and protect its credit.

Article VIII. Merit System.

Section 801. Classification and Pay Plan and Rules Affecting Costs.

There shall be a classification and pay plan, enacted by ordinance, for all positions in the classified service. The classification plan shall include minimum qualifications for each class of position and the pay plan shall allocate each class of position to a salary range. The County Executive shall promulgate personnel rules governing payroll costs, including but not limited to the hours of work, vacations, sick leave and other absences, salary steps of promoted employees, and salaries of incumbents whose positions are reallocated to a lower pay grade, provided that before taking effect, the rules shall be approved by the County Council by ordinance. The plans and rules may be amended from time to time, but the Council shall not increase or decrease the salary of any member of the classified service except through amendment of the pay plan, or the rules affecting payroll costs. In the maintenance and review of the pay plan and amendment by ordinance the County Executive and the County Council shall take into consideration prevailing salaries and wages of competing public and private employers for similar classes of positions.

Section 802. Exempt Positions.

- (a) The exempt service shall consist of:
 - (1) All elected officials.

- (2) The Chief Administrative Officer.
 - (3) All department and office heads.
 - (4) The Deputy Administrative Hearing Officer.
 - (5) All employees of the Department of Education and all employees covered by the State Merit System.
 - (6) Members of boards and commissions.
 - (7) Two assistants to the County Executive and one assistant to the Chief Administrative Officer.
 - (8) One administrative officer to the County Council and one assistant administrative officer to the County Council.
 - (9) The County Auditor.
 - (10) One administrative assistant to the County Auditor.
 - (11) One executive secretary to the County Executive.
 - (12) The Director of Programming, the Legislative Liaison Officer, and the Public Information Officer.
 - (13) Legislative assistants and a legislative counsel to the County Council.
 - (14) Any person assigned to an hourly rate position for temporary help, provided that the person is not compensated for more than 1,500 hours work per calendar year.
 - (15) Any person appointed by and with the approval of the judges of the Circuit Court for Anne Arundel County and the State's Attorney of Anne Arundel County.
 - (16) Any person appointed by the Governor by and with the consent of the Senate of Maryland.
 - (17) Any person who is paid in whole or in part with State or Federal grant funds, regardless of the number of hours worked.
 - (18) Every person appointed by the Ethics Commission to a full- or part-time position on the Commission's staff.
- (b) Upon recommendation of the County Executive, the County Council may, by ordinance, establish additional positions in the exempt service.

Section 803. Classified Positions.

All persons appointed to positions in the County service except those enumerated in Section 802 of this Article shall be in the classified service.

Section 804. Appointing Authority.

The head of each department or office shall be the appointing authority for all employees in his department or office. Appointments to positions in the classified service shall be from among the names certified as eligible by the Personnel Officer for the position(s) to be filled.

Section 805. Eligibility Lists.

The Personnel Officer shall prepare eligibility lists for vacancies in the classified service.

Section 806. Probationary Period.

Each employee in the classified service is a probational employee until the employee satisfactorily completes a probationary period of six months. At the request of the appointing authority, the Personnel Officer may extend the probationary period for one additional six-month period. An employee dismissed during the probationary period is considered permanently dismissed without the privilege of appeal.

Section 807. Permanent Status.

A permanent status employee shall have tenure and may not be dismissed from the County's service except as authorized in this Charter. An employee may be permanently separated from the classified service through resignation, rejection or probation, or removal for cause, and may be temporarily separated through suspension, leave of absence granted at the request of the employee, or because his position has been abolished.

Section 808. Grounds for Removal of Permanent Employee.

No County employee shall be removed or discharged from the employee's position because of religious or political opinions or affiliations. A permanent classified employee may be suspended, reduced in classification, or removed by the appointing authority for any of the following causes:

- (a) That the employee is not physically capable of performing the work normal to the employee's classification, provided that a physically handicapped permanent employee may be placed upon an eligibility list for a position for which the employee is qualified.

(b) That the employee has committed an act on or off duty which amounts to conduct unbecoming to the employee's classification or position.

(c) That an employee is incompetent or inefficient in the performance of the employee's duty.

(d) That the employee has violated any lawful and official regulation or order, or failed to obey any lawful and reasonable direction made or given by the employee's superior officer.

(e) That the employee has violated an ordinance passed by the County Council establishing grounds for disciplinary action of permanent employees.

Sec. 810. Abolition of Position in Budget.

No employee in the County service shall be compensated unless there is sufficient money appropriated or allocated to cover the cost of his position. A permanent employee in a classified position for which there are insufficient funds or whose position has been abolished shall be suspended but placed upon an eligibility list for a position for which he is qualified under such procedures and conditions as the Personnel Board shall specify.

Sec. 811. Right to organize and collective bargaining.

Employees in the classified service shall have the right to organize and bargain collectively through representative employee organizations of their own choosing as provided by ordinance of the County Council.

Sec. 812. Binding Arbitration for Law Enforcement Employees and for Uniformed Firefighters of the Fire Department.

(a) In addition to the right granted to County employees in Section 811 of this Article to organize and bargain collectively, the County Council shall provide by ordinance for binding arbitration with authorized representatives of the appropriate employee bargaining unit in order to resolve labor disputes with the County's law enforcement employees. The ordinance shall provide for the appointment of a neutral arbitrator by the parties to the arbitration who shall issue a binding decision to be implemented as part of the following year's budget process and which shall take into account the financial condition of the County and the reasonable interests of the law enforcement employees and the county relating to the terms and conditions of employment. Law enforcement employees shall be uniformed officers of the Police Department, Sheriff's Department, and Office of Detention Facilities. Any ordinance that is enacted shall prohibit strikes or work stoppages by the law enforcement employees.

(b) In addition to the right granted to County employees in Section 811 of this Article to organize and bargain collectively, the County Council shall provide by ordinance for

binding arbitration with authorized representatives of the appropriate employee bargaining unit in order to resolve labor disputes with uniformed firefighters of the Fire Department. The ordinance shall provide for the appointment of a neutral arbitrator by the parties to the arbitration who shall issue a binding decision to be implemented as part of the following year's budget process and which shall take into account the financial condition of the County and the reasonable interests of the uniformed firefighters of the Fire Department and the County relating to the terms and conditions of employment. Any ordinance that is enacted shall prohibit strikes or work stoppages by uniformed firefighters.

Section 813. Prohibited Practices.

No person shall willfully or corruptly make any false statement, certificate, mark, rating or report in regard to any test held or certification or appointment made under the personnel provisions of this Charter or in any manner commit or attempt to commit any fraud preventing the impartial execution of such personnel provisions or the rules made thereunder. No person seeking appointment to or promotion in the classified service shall either directly or indirectly give, render or pay any money, service or other valuable thing to any person or seek or attempt to use any political endorsement of any elected official for or on account of or in connection with a test, appointment, proposed appointment, promotion or proposed promotion. No person shall, for the purpose of influencing the vote or political action of any county employee, or for any consideration, use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the civil service, or an increase in pay or other advantage in employment in any such position. Any person who violates any of the provisions of this subsection, upon conviction of such violation, shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or imprisonment for not more than six months and such person shall for a period of five years be ineligible for appointment for a position in the County service.

Section 814. Pensions of Persons Not a Part of the Maryland State Retirement and Pension Systems.

The County Council shall establish pension benefits for County employees who are not covered by the Maryland State Retirement and Pension Systems and are in the classified service. The County Council may establish pension benefits for any or all employees who are not covered by the Maryland State Retirement and Pension Systems and are not in the classified service. Pension plans shall be funded and benefits shall be based upon an actuarial reserve pension plan which assures the payment of benefits for all present and future pension eligibles by the prepayment of calculated insurance risks. Alternately, or in conjunction with such an actuarially sound plan, the Council is authorized to place such employees under the Maryland State Retirement and Pension Systems or Title II of the Federal Social Security Act or both.

Article IX. Centralized Purchasing.

Section 901. Responsibility for Purchasing.

The Central Services Officer shall be responsible to the Chief Administrative Officer for the execution of the County purchasing policies established in this Article.

Section 902. County Purchasing Policies and Practices.

The Central Services Officer shall appoint a County Purchasing Agent in accordance with the provisions of Article VIII who shall have the following purchasing functions which he may delegate to Deputy Purchasing Agents in his office and under his supervision:

- (a) The making of all purchases, leases and contracts for all public works and for all supplies, material, equipment and services for all offices, departments, institutions, boards, commissions and other agencies of the County government for which payment is to be made out of County funds.
- (b) If recommended by the County Executive and approved by ordinance of the County Council, the establishment and operation of a County warehouse for the County supplies, material and equipment and the maintenance of a sufficient stock of stable commodities to meet the requirements of the County government.
- (c) The operation of a uniform and modern system of property accounting and stores control as established by, and under the direction of, the office of finance.
- (d) The establishment, after consultation with the appropriate County officials, of suitable specifications and standards for all supplies, materials and equipment to be purchased, and the inspection of all deliveries to determine compliance with such specifications and standards.
- (e) The establishment and maintenance of a system of requisitions and receipts covering the furnishing of supplies, materials and equipment to the various offices, departments, institutions, boards, commissions and other agencies of the County.
- (f) The establishment, with the approval of his superiors and by ordinance of the County Council, of reasonable rules and regulations governing emergency purchases and contracts and those involving material, equipment or services of an unusual or noncompetitive nature which shall not be subject to competitive bidding.
- (g) The sale of real property and of surplus, old and waste supplies, materials, and equipment of the County, or the transfer of the same between offices, departments or other agencies of the County government.
- (h) The making of purchases for a stores revolving fund, which the Council is hereby authorized to establish, and of making sales from the stores to using agencies of the County.

Section 903. Application of this Article to Departments and Agencies Under State law.

The provisions of this Article shall apply to the Department of Education and other departments and agencies created by or operating under public general laws of this State to the extent requested by them or as permitted by law. In the interests, however, of promoting uniformity and of effecting maximum savings for all purchases out of County funds, the purchasing facilities of the Office of Central Services shall also be available to such departments and agencies, and their use shall be encouraged.

Section 904. Competitive Bidding.

(a) Any single purchase or contract under the jurisdiction of the County Purchasing Agent and involving an expenditure of more than Three Thousand Dollars (\$3,000), except for purchases for which the County Council has set a higher minimum requirement under Section 911 of this Article, emergency purchases, and those involving material and equipment of a non-competitive nature, as may be defined and governed by the regulations adopted under Section 902(f) of this Article, shall be made from or let by sealed bids or proposals. The sealed bids and proposals shall be publicly opened after public notice for the period and in the manner that the Purchasing Agent or his authorized deputy determines, however, a purchase or contract may not be made under this section for at least one week after the public opening of bids. The purchases and contracts shall be made from or awarded to the lowest responsible bidder who shall give security or bond for the performance of his contract as determined by the Purchasing Agent or his deputy. In all cases, the County shall reserve the right to reject any and all bids.

(b) All construction, maintenance and repair work shall be subject to the requirements of competitive bidding provided in this section, unless the work is to be done directly by the County through the use of its own laboring force. All materials and supplies used by the County laboring force shall be purchased in accordance with the provisions of this Article.

(c) The County may not sell real property that it owns unless the property is first declared surplus by the County Executive. The County Council shall enact furthering legislation to implement the procedure for the disposition of said surplus property.

(d) No sale, contract, or purchase shall be subdivided to avoid the requirements of this section.

Section 905. Conformity with Budget Limitations.

No deliveries of supplies, materials or equipment shall be made to any office, department, board, institution, commission or agency of the County government in excess of the available appropriation therefor, and except for small purchases in an amount less than the amount specified in or authorized under Section 715 of this

Charter for uncertified purchases, no payment shall be made out of County funds for the purchase of supplies, materials or equipment, unless the Controller shall first certify that the funds for the designated purpose are available. Any purchase or contract not so certified-by the Controller shall be invalid and the County shall not be bound thereby.

Section 906. Service Contracts.

Contracts for professional services and for services for which the rate or price is fixed by a public authority authorized by law to fix rates or prices, shall be let without resource [resort] to competitive bidding.

Section 907. Uniform Bidding.

It shall be the duty of the Purchasing Agent to discourage uniform bidding by every possible means and to endeavor to obtain as full and open competition as possible on all purchases and sales. For competitive sealed bids and proposals, the Purchasing Agent shall require each bidder to accompany his bid with a statement made under oath that he has not been a party with other bidders to an agreement to bid a fixed or uniform price or to share price bid information. Violation of such statement shall render void the bid of such bidders. Any disclosure to or acquisition by a competitive bidder, in advance of the opening of the bids, of the terms or conditions of the bid submitted by a competitor shall render the entire proceedings void and shall require readvertising for bids.

Section 908. Contract Execution.

All contract bid forms and all contracts shall be approved by the County Attorney as to form and legal sufficiency. Following such approval, all contracts shall be signed in behalf of the County by the County Executive or his designee. A copy of each signed contract shall be forwarded promptly to the Controller.

Section 909. Cooperative Purchasing.

As appropriate, the Purchasing Agent may undertake programs involving joint, or cooperative purchases with other public jurisdictions.

Section 910. Negotiations With Vendors.

No officer or employee of the County shall negotiate directly or indirectly with any vendor except with the approval of the Purchasing Agent pursuant to the furthering legislation prescribed in Section 911 of this Charter.

Section 911. Furthering Legislation.

The County Council shall enact furthering legislation, not inconsistent with the provisions of this Charter or with the public general laws of this State, to implement the

purchasing policies herein established. Such legislation may regulate the practices of the County Purchasing Agent and other officers, agents and employees of the County in regard to the issuance of inquiries, the receipt of bids, the placement of orders and other matters relating to the making of purchases and the award of contracts. Such legislation may prescribe special procedures governing the letting of bids and the award of contracts for the construction of roads, bridges, streets, buildings and those relating to water, sewer and storm water facilities, and may increase the minimum dollar requirement for competitive bidding with respect to such contracts from Three Thousand Dollars (\$3,000.00) as provided in Section 904 to a figure up to, but not greater than Twenty-Five Thousand Dollars (\$25,000). All such legislation shall be subject to amendment from time to time by the County Council.

Article X. Miscellaneous.

Section 1001. County Ethics Commission.

- (a)
 - (1) There is an Anne Arundel County Ethics Commission.
 - (2) The Commission is an independent agency.
 - (3) Neither the Commission nor any authority, duty or function assigned by this section of the Charter may be abolished, reassigned, transferred or reorganized, except by amendment of this section of the Charter.
- (b)
 - (1) The Commission consists of seven members, appointed by the County Executive with the approval of the County Council. The County Council shall hold at least one public hearing prior to approving an appointment to the Commission.
 - (2) Three of the seven members of the Commission appointed by the County Executive shall be nominated by the County Council.
 - (3) The County Executive may reject a nominee of the County Council only for cause. If a nominee is rejected, the Council shall submit another individual for appointment to the Commission within 30 days.
 - (4) No more than four members of the Commission shall be members of the same political party.
 - (5) The County Council shall hold at least one public hearing prior to approving an appointment to the Commission.
- (c) A person is eligible to serve on the Commission if the person:
 - (1) is a resident of Anne Arundel County;

(2) does not hold and is not a candidate for an elected or appointed office of the federal, state or local governments or a political party;

(3) is not an employee of the federal, state, or local governments or a political party; and

(4) is not required to register as a lobbyist pursuant to any federal, state or local public ethics law.

(d) Other than by voting or making a monetary contribution, no member of the Commission, may:

(1) participate in the campaign of a candidate for elective public office; or

(2) support or oppose a ballot question at any general or special election, except a question directly affecting the Commission.

(e) (1) The term of each Commission member, except the initial appointees, is four years.

(2) Of the seven initial appointees, two shall serve an initial term of one year, two shall serve an initial term of two years, two shall serve an initial term of three years, and one shall serve an initial term of four years.

(3) A member whose term has expired shall hold over until a successor is appointed and approved.

(4) The Commission shall elect annually a chairman from among its members. The chairman may serve consecutive terms as chairman.

(f) Upon the recommendation of the County Executive, the County Council may remove a member of the Commission for:

(1) neglect of duty;

(2) misconduct in office;

(3) any other conduct which, in the opinion of the County Council, renders the person unfit for office; or

(4) any change in status that renders the person ineligible under this section.

(g) Members of the Commission shall receive no compensation for their service, but shall be reimbursed, in accordance with the budget, for reasonable and necessary expenses in the discharge of their official duties.

(h) The Commission shall meet at the call of its chairman or a majority of its members. A quorum consists of four or more members. An affirmative vote of at least four members is necessary for any action of the Commission.

(i) (1) The Commission shall have an executive director and a secretary. The Commission may appoint other staff as provided in the budget. All staff serve at the pleasure of the Commission and are not in the merit system. The Commission shall determine whether staff are part-time or full-time.

(2) The Commission may retain legal counsel to advise or represent the Commission.

(3) The County Attorney and the Controller shall assist the Commission at the request of the Commission.

Section 1001A. County Public Ethics Law.

(a) There shall be a comprehensive Anne Arundel County Public Ethics Law enacted by ordinance.

(b) The Anne Arundel County Public Ethics Law:

(1) shall contain the provisions required by the Maryland Public Ethics Law;

(2) shall contain prohibited activities, conflict of interest, improper influence and public disclosure provisions substantially the same as the provisions of Sections 1001, 1002 and 1002A of the Charter which were repealed at the general election in 1992;

(3) may contain other provisions; and

(4) must receive the approval of the State Ethics Commission as meeting the local government requirements of the Maryland Public Ethics Law.

(c) The Commission shall review periodically the County Public Ethics Law and propose such amendments as it finds necessary or desirable.

(d) The County Council shall provide the Ethics Commission with a copy of any proposed ordinance or resolution pertaining to County public ethics. The Commission shall review any proposal submitted by the Council and, on or before the thirtieth day after receipt of the proposal, report its findings and recommendations to the County Executive and the County Council. The County Council may not vote on any ordinance or resolution that is subject to this paragraph until it has either received the Commission's report or the time period for submission has expired.

Section 1001B. Authority, Duties and Functions of Commission.

(a) The Anne Arundel County Ethics Commission and its staff shall administer the Anne Arundel County Public Ethics Law.

(b) The Commission shall prescribe and provide forms for the reports, statements, notices and other documents required by the County Public Ethics Law.

(c) The Commission's staff shall review the statements filed in accordance with the County Public Ethics Law and notify persons filing those statements of omissions or deficiencies.

(d) The Commission shall publish and make available explanatory information concerning the provisions of the public ethics law, the duties imposed by it, and the means for enforcing it.

(e) (1) The Commission's staff shall investigate a complaint of a violation of the County Public Ethics Law or, in the absence of a complaint, may inquire into a potential violation and file a complaint if appropriate.

(2) The Commission may hear and decide complaints alleging violations of the County Public Ethics Law.

(3) The Commission or staff, as appropriate, may administer oaths, compel the attendance of witnesses, and require the production of records and other materials in connection with an inquiry, investigation, or hearing conducted by the Commission or its staff.

(f) At the request of any County Official or employee subject to the provisions of the County Public Ethics Law, the Commission shall issue an advisory opinion concerning the application of the law to that person. At the request of any other person, the Commission may issue an advisory opinion concerning the application of the County Public Ethics Law. The Commission shall respond, at least preliminary, to a request for advisory opinion within two weeks after receipt of the request.

(g) The Commission's staff shall make each advisory opinion available to the public after receipt by the person requesting the opinion. Before an advisory opinion is made public, facts not material to the opinion that may identify the person who is the subject of the opinion shall be deleted to the fullest extent possible.

(h) The County Public Ethics Law may provide for the Commission to have additional authority, duties and functions.

Section 1001C. Transition.

(a) The County Executive shall appoint the initial members of the Commission no later than January 15, 1993, and the County Council shall approve or disapprove each appointment no later than March 1, 1993. If the County Council disapproves an

appointment the County Executive shall appoint another person within 30 days of the disapproval and the County Council shall approve or disapprove the new appointee within 30 days of the new appointment.

(b) Until the full Commission is appointed, approved and meets, the County Attorney shall continue to function as the County Public Ethics Officer and may exercise any authority, duty or function of the Commission or its staff in the administration of the Public Ethics Law.

(c) The Office of Law shall staff the Commission until the Commission has an executive director and a secretary, but no later than July 1, 1993.

(d) On July 1, 1993, this transition section shall be repealed by operation of law without any further act of the Council or the electorate.

Section 1003. Additional Compensation Prohibited.

No County officer or employee who is compensated for his services by salary shall receive any additional remuneration for serving as an ex officio member of a County board, commission or agency.

Section 1004. Copies of Books and Papers on Demand.

The County Executive shall, with reasonable promptness furnish to any resident of the County, on demand, a certified copy of any book, account or paper kept by any board, commission, office or department of the County government, or such part thereof as may be demanded, except criminal investigation reports, and individual personnel records, upon payment in advance by the person demanding the same of a reasonable fee to be prescribed by resolution of the County Council. This section shall not apply to any papers prepared by or for use of counsel in any action or proceeding to which the County is a party or for use in any investigation authorized by or under this Charter.

Section 1005. Inspection of Books, Accounts and Papers.

All books, accounts, papers and records of any board, commission, office or department, except criminal investigation reports and individual personnel records, shall at all times be open to the inspection of any resident of the County or representative of the press, subject to such reasonable rules and regulations in regard to the time and manner of such inspection as the County Executive, with the approval of the County Council, may make. Public inspection of police records may be permitted to the extent authorized by the County Council or otherwise in accordance with law. This section shall not apply to any papers prepared by or for use of counsel in actions or proceedings to which the County is a party or for use in any investigation authorized by or under this Charter.

Section 1006. Surety Bonds.

The penalty of the bond required by public general law to be furnished by the Controller as Collector of County taxes, shall be prescribed by the County Council by ordinance, but shall not be less than Three Hundred Thousand Dollars (\$300,000). The County Executive shall be bonded for the faithful performance of his duties for Three Hundred Thousand Dollars (\$300,000). All officers and employees subordinate to the County Council and all other officers and employees of the executive branch shall be bonded for the faithful performance of their duties in such penalties as may be fixed by ordinance but in no case shall such bond or bonds be less than Three Hundred Thousand Dollars (\$300,000). Such ordinance shall provide for a blanket form of bonds or other similar forms of bonds with corporate surety. Surety bond premiums shall be paid by the County.

Section 1007. Compilation of Laws.

(a) **Code of Laws.** At its first annual legislative session and at intervals not greater than every ten years thereafter, the County Council shall provide for a compilation and codification of all public local laws of the County, all ordinances of the County Council and all resolutions heretofore adopted by the County Commissioners having the force and effect of law in effect at such times, other than those of a temporary or special character. Each such codification shall be submitted to the County Council, and if adopted by ordinance, shall be known as "The Anne Arundel County Code". It shall be published in book form, together with this Charter, Article 25A of the Annotated Code of Maryland (1957 Edition) as amended, an index, and such appropriate notes, citations, annotations and appendices as may be determined by the Office of Law.

(b) **Cumulative Supplement.** As soon as practicable after August 15th of each year, the County Attorney shall cause to be prepared and published a cumulative supplement to the Anne Arundel County Code, with an index and such appropriate notes, citations, annotations and appendices as he may deem desirable or as may be required by the County Council.

Section 1008. County Seal.

In accordance with the powers granted to chartered counties of this State by public general law, the County Council shall, by ordinance, adopt a County Seal, and thereafter it may use and alter the same at pleasure. The Seal shall contain the corporate name of the County and such other information or insignia as the County Council may determine. The County Executive, the secretary to the County Executive, the Administrative Officer to the County Council and such other officers as may be specified by ordinance of the County Council shall have power to attest to the County Seal.

Section 1009. Subpoena Power.

The County Council, the County Executive, the Chief Administrative Officer, the Personnel Board, the County Board of Appeals, the County Auditor and such other

officers or agencies of the County as may be so empowered by ordinance of the County Council or otherwise by law shall have the power to administer oaths, to compel the attendance of witnesses and to require the production of records and other materials in connection with any investigation, inquiry or hearing authorized by this Charter or by law.

Section 1010. Definitions and Rules of Construction.

As used in this Charter:

- (a) The word "law" shall be construed as including all acts, ordinances, public local laws and other legislative acts of the County Council, all ordinances and resolutions of the County Commissioners not hereby or hereafter amended or repealed, and all public general laws and public local laws of the General Assembly in effect from time to time after the adoption of this Charter, whenever such construction would be reasonable.
- (b) The term "The Sanitary Commission Act" whenever used in this Charter shall mean Chapter 22, titled "Waters and Sewers" of the Anne Arundel County Code (1957 Edition as amended and supplemented).
- (c) The words "shall" and "must" shall be construed as mandatory and the word "may" shall be construed as permissive.
- (d) Whenever in this Charter the masculine gender is used, such words [words] shall be construed to include the feminine gender, except where such construction would be absurd or unreasonable.
- (e) The word "person" shall include the words "corporation", "partnership" and "association", unless such a construction would be unreasonable.
- (f) The word "officer" shall include the word "councilman".
- (g) The words "hereafter" and "heretofore" shall refer to the effective date of this Charter, unless such a construction would be unreasonable.
- (h) The word "State" shall mean the State of Maryland.
- (i) The term "operative date" when used in this Charter shall mean that date on which the majority of the members of the first elected County Council and the first elected County Executive qualify and assume the duties of their respective offices.
- (j) The term "legislative session-day" shall refer to one of forty-five days specified in Section 3 of Article XI [XI-A] of the Constitution on which the County Council may convene for the purpose of enacting legislation.

Section 1011. Custody of Papers and Records.

Except for papers and instruments entrusted to the Controller under Section 512 or 513 of this Charter, the County Council shall provide by ordinance for the custody and safekeeping of all deeds, bonds, contracts, releases and other papers and instruments involving the interests of the County.

Section 1011A. Publication and Distribution of Charter.

- (a) (1) The Office of Law shall provide for the publication and keep copies of:
 - (i) This Charter as most recently amended; and
 - (ii) The Charter, with its annotations, as it was last published prior to the adoption of amendments on the ballot of November, 1982.
- (2) On request, the Office of Law shall provide to any person a copy of any document that is required to be published under this subsection. A reasonable charge, not exceeding the actual cost to the County, may be made for each document.
- (b) Each library in the County library system shall keep current copies of this Charter for public use. In addition, each library shall keep at least two copies of the Charter, with its annotations, as it was last published prior to the adoption of amendments on the ballot of November, 1982.

Section 1012.

The public local laws of Anne Arundel County and all rules, regulations, resolutions and ordinances of the County Commissioners in force at the time of the effective date of this Charter are hereby repealed to the extent that they are inconsistent with the provisions of this Charter, but no further; and to the extent that they are not hereby repealed because of such inconsistency, all such public local laws, rules, regulations, resolutions and ordinances shall continue in full force and effect until repealed or amended.

Section 1013.

In accordance with the provisions of Article XI-A of the Maryland Constitution, all references in the Constitution and the laws of this State to the County Commissioners shall, at such time as the elected members of the first County Council and first County Executive take office, be construed to refer to the County Council and to the County Executive whenever such construction would be reasonable. The County Council shall succeed to all legislative powers vested heretofore in the County Commissioners and the County Executive shall succeed to all executive and administrative powers heretofore vested in the County Commissioners by the Constitution and laws of this State except as provided in this Charter.

Section 1014. Construction of "Local Governing Body."

Whenever State or Federal law confers a power or duty on the County by language that refers to "the local governing body" or by similar language, any action required of the County shall be taken by the County Executive and then referred to the County Council for confirmation.

Section 1015. Separability.

If any Article, section or provision of this Charter shall be held unconstitutional, invalid or inapplicable to any person or circumstance, then it is intended and declared by the people of the County that all other Articles, sections or provisions of this Charter and their application to all other persons and circumstances shall be separable and shall not be affected by any such decision.

Section 1016. Citation.

This charter shall be known and may be cited as "The Anne Arundel County Charter".

Section 1017.

The effective date of this charter is December 3, 1964.

Article XI. Transitional Schedule.

[Repealed]

Article XII. Termination of Charter; Amendments to Charter

Section 1201. Termination.

The County Council may, by ordinance, approved by the affirmative vote of at least six members, propose the termination of this Charter and return of the County to the County Commission form of government in effect prior to the adoption of this Charter. The same proposal may be made by petition signed by twenty per centum or more of the registered voters of the County, or 10,000 or more of such registered voters in case twenty per centum is greater than 10,000. Such petition shall conform with the requirements of Article XI-A of the Constitution of the State of Maryland and shall be filed with the County Executive. The question so proposed by act of the County Council or by petition shall be published by the County Executive in at least one newspaper of general circulation published in the County once each month for five successive months prior to the next general election or Congressional election occurring after the passage of such act or the filing of such petition. At such election, such question shall be submitted to the voters of the County, and if the majority of votes cast on the question shall be in favor of repealing this Charter, then, at the next quadrennial election, County Commissioners shall be elected under the public general laws of the State of Maryland. When the County Commissioners so elected have qualified for office, this Charter shall

terminate. All laws, regulations and ordinances in effect at the termination of this Charter shall remain in force until changed by action of the General Assembly of Maryland, or the Board of County Commissioners, as provided by the Constitution and public general laws of this State.

Section 1202. Amendment.

(a) Amendments to this Charter may be proposed by a resolution of the County Council approved by not less than five of its members, and such action shall be exempt from executive veto. Amendments may also be proposed by petition filed with the Chairman of the County Council and signed by not less than twenty per centum of the registered voters of the County, or 10,000 or more of such registered voters in case twenty per centum of the number of registered voters is greater than 10,000. When so proposed, whether by resolution of the County Council or by petition, the County Council shall make available to the press and public a reasonable number of copies of the question which shall be submitted to the voters of the County at the next general or Congressional election occurring after the passage of said act or the filing of said petition; and if at said election the majority of votes cast on the question shall be in favor of the proposed amendment, such amendment shall stand adopted from and after the thirtieth day following said election. Any amendments to this Charter, proposed in the manner aforesaid, shall be published by the Chairman of the County Council in at least one newspaper of general circulation published in the County for five successive weeks prior to the election at which the question shall be considered by the voters of the County.

(b) If, at the election held on November 3, 1992, or at any election thereafter, the voters approve Charter amendments containing provisions so inconsistent that only one can be given effect, only the amendment that receives the higher number of favorable votes shall take effect and amend the Charter.

Section 1203. Decennial Charter Revision Commission.

At or before the first annual legislative session of the County Council after the publication of each decennial census of the population of the United States, the County Council shall appoint by resolution a Charter Revision Commission for the purpose of making a comprehensive study of the County government and the updating of its Charter where necessary, including the matter of the revision of the councilmanic districts of the County. The Commission shall be composed of five representative citizens of the County who shall report to the Council their findings and recommendations, together with drafts of any recommended revisions of the Charter, within twelve months after their appointment. The Charter Revision Commission shall receive from the County an appropriation sufficient to carry out its duties and responsibilities.