

Harford County Charter

(Adopted on November 7, 1972, effective December 7, 1972).

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PREAMBLE

We, the People of Harford County, Maryland, in order to obtain the benefits of self-government and home rule, do, in accordance with the Constitution and laws of the State of Maryland, adopt as our instrument of government this CHARTER OF HARFORD COUNTY, MARYLAND.

Article I. Name and Rights of the County.

Section 101. Body Corporate and Politic.

Harford 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. The County shall have all such rights and powers as completely as though they were specifically enumerated in this Charter and no enumeration of rights or powers in this Charter shall be deemed exclusive or restrictive.

Section 102. Exercise of Powers.

The powers mentioned in the preceding section shall be exercised only by the County Council, the County Executive, and other officers, agents, and employees of the County acting under their respective authorities. In the exercise of such powers, all citizens of Harford County shall be accorded equal treatment in all matters under the jurisdiction of the County government.

Section 103. Name and Boundaries.

The corporate name shall be "Harford County, Maryland," and it shall be so 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. Legislative Branch.

Section 201. Composition.

The Legislative Branch of the County government shall consist of the County Council, hereinafter referred to as the Council, and the officers and employees thereof. The Council shall be composed of seven members.

Section 202. Legislative Powers.

All legislative powers which may be exercised by Harford County under the Constitution and laws of Maryland, including all law making powers heretofore exercised by the

General Assembly of Maryland but transferred to the people of the County by virtue of the adoption of this Charter, shall be vested in the Council.

Section 203. Council to Act as a Body.

In all of its functions and deliberations, the Council shall act as a body.

Section 204. Election of Council Members.

Six Council Members, at the time of their election, shall each reside in a different one of six Council districts of the County. The seventh member of the Council shall be the President of the Council and may reside anywhere in the County. Each member of the Council required to reside in a Council district shall be nominated and elected by the qualified voters of the Council district in which the member resides; the President shall be nominated and elected by the qualified voters of the entire county. All Council Members shall be nominated and elected at the same time as state officers and in the manner provided by law.

Section 205. Redistricting Procedure.

(a) The boundaries of Councilmanic districts shall be established in 1974 and re-established in 1982 and every tenth year thereafter. Whenever district boundaries are to be established or re-established, the Council shall appoint, not later than February 15 of the year prior to the year in which redistricting is to be effective, a commission on redistricting, composed of two members from each political party chosen from a list of five names submitted by the Central Committee of each political party which polled at least fifteen percent of the total vote cast for all candidates for the Council in the immediately preceding regular election. The Council shall appoint one additional member of the Commission. The Commission shall, at its first meeting, select one of its members to serve as chairperson. No person shall be eligible for appointment to the Commission if he/she holds any elected office.

(b) By October 1 of the year prior to the year in which redistricting is to be effective, the Commission shall prepare, publish, and make available a plan of Councilmanic districts and shall present that plan, together with a report explaining it, to the Council. The plan shall provide for Councilmanic districts that are compact, contiguous, and substantially equal in population. No less than fifteen calendar days and no more than thirty calendar days after receiving the plan of the Commission, the Council shall hold a public hearing on the plan. If within seventy calendar days following presentation of the Commission's plan no other law establishing or re-establishing the boundaries of the Councilmanic districts has been enacted, then the plan, as submitted, shall become law.

Section 206. Terms of Council Members.

A council member shall serve for a term beginning at noon on the first Monday in December next following his/her election and ending at noon on the first Monday in December in the fourth year thereafter.

Section 207. Qualifications of Council Members.

A Council member shall have been a resident and a qualified voter of the County for at least two years immediately preceding his/her election or appointment. At the time of his/her election or appointment, he/she shall be a resident of the Councilmanic district from which he/she is elected or appointed. During his/her term of office, he/she shall not hold any other office of profit or employment in the government of the State of Maryland, Harford County, or any municipality within Harford County, except a position held by virtue of his/her being a Council member. He/She shall not, during the whole term for which he/she was elected or appointed and for two years thereafter, be eligible for appointment to any County office or position carrying compensation, except to the office of Council member or County Executive in the event of a vacancy.

Section 208. Compensation of Council Members.

Council members shall receive compensation of five thousand dollars per annum. The President of the Council shall receive compensation of six thousand five hundred dollars per annum. The compensation of the President of the Council and the other Council members may be changed by law passed by an affirmative vote of at least five members of the Council. Any increase or decrease in compensation which becomes law during one term of office shall not become effective before the next term.

Section 209. Vacancies in the Council.

(a) A vacancy in the Council shall exist upon the death or resignation of a Council Member, or upon forfeiture of office by a Council Member. When a vacancy occurs, a majority of the remaining members of the Council shall, within sixty (60) calendar days thereafter, appoint a person to fill the vacancy. If an appointee is to succeed a member of a political party, that individual shall be selected from a list of at least three (3) names submitted to the Council by the Central Committee of the party to which the former Council Member belonged. If the Council has not acted within sixty (60) calendar days, the County Executive shall appoint a person to fill the vacancy within ten (10) calendar days thereafter. If the Council Member who held the vacant position was a member of a political party at the time of election, the person appointed by the County Executive to fill the vacancy shall be selected from the same list that the Central Committee of that party has previously submitted to the Council. Except as provided in Subsection (b) of this section, an appointee shall serve for the unexpired term of the appointee's predecessor. Any person appointed to fill a vacancy shall meet the same qualifications and residence requirements as the previous Council Member.

(b) If a vacancy filled by an appointment under Subsection (a) of this section occurred more than ninety (90) calendar days before the next congressional primary election following election of the original Council Member, the appointed Council Member shall serve until a successor Council Member, elected at the next congressional election following the vacancy, takes office. The successor Council Member shall take office at noon on the first Monday in December next following election, and shall serve the remainder of the original Council Member's term.

Section 210. Forfeiture of Office by Council Members.

A Council Member shall immediately forfeit office upon ceasing to be a qualified voter of the County or when convicted of a felony or a crime involving moral turpitude. A Council Member required to reside in a particular Council district shall forfeit office upon ceasing to be a resident of that district, provided that no member of the Council shall forfeit office by reason of any change in the boundary lines of a Council district made during a single term.

Section 211. Officers of the Council.

The President of the Council shall be elected by the qualified voters of the County in accordance with Section 204 of this Charter. At its first meeting in December of each year, the Council shall elect from among its members a Vice President. The President, or in his absence the Vice President, shall preside at all meetings. On all questions before the Council the President and Vice President shall have and may exercise the vote to which each is entitled as a Council member.

Section 212. Council Administrator.

There shall be a Council Administrator who shall keep minutes of its meetings, maintain its journal, and perform such other duties as the Council may direct. The Council Administrator shall serve at the pleasure of the Council and shall receive such compensation as the Council may determine.

Section 213. County Auditor.

(a) The Council shall appoint a County Auditor who shall serve at the pleasure of the Council and shall receive such compensation as the Council may determine. The County Auditor shall be a certified public accountant licensed under the law of this state.

(b) The County Auditor shall, not later than four months after the close of each fiscal year, prepare and submit to the Council and to the County Executive, a complete financial audit for the preceding fiscal year of all agencies that receive or disburse County funds. The audit shall include a report together with such explanatory comments as the County Auditor may deem appropriate. The report and explanatory comments shall be published in at least two newspapers published in the County, and copies of the complete audit shall be open for inspection by the public. The Council may exempt on

an annual basis those agencies whose entire records, accounts, and affairs are completely audited each year by the state or federal government and may, for good cause, grant an extension to submit the financial audit.

(c) All records and files pertaining to the receipt and expenditure of County funds by all officers, agents, and employees of the County and all agencies thereof, shall at all times be open to the inspection of the County Auditor who shall promptly call to the attention of the Council and the County Executive any irregularity or improper procedure which may be discovered.

(d) The Council shall have the power to implement the provisions of this section and to assign additional functions, duties, and personnel to the County Auditor. All actions of the Council pursuant to this section shall be exempt from the Executive veto.

Section 214. Special Audits.

Either the Council or the County Executive may at any time order the examination or audit of the accounts of any agency that receives or disburses County funds. Upon the death, resignation or removal of any County officer, the County Auditor shall cause an audit and investigation to be made of any accounts maintained by the officer and by his/her agency. The County Auditor shall report the results of his/her audit to the County Executive and the Council, and copies shall be made available to the public no later than three months after the ordering of the audit. If, as a result of any such audit, an officer shall be found to be indebted to the County, the County Executive shall proceed forthwith to collect the indebtedness. All actions of the Council pursuant to this section shall be exempt from the Executive veto.

Section 215. Investigations by the Council.

The Council may make, or cause to be made, investigations into the affairs of the County and the conduct of any County agency. For this purpose, the Council may subpoena witnesses, administer oaths, take testimony, and require the production of evidence.

Section 216. Non-Interference with Executive Branch.

Neither the Council nor any of its members shall attempt to influence the head of any agency of the County government concerning the appointment of any person to, or his/her removal from, any office or employment, nor in any way take part in the appointment of or removal of any officer or employee of the County except as specifically provided in this Charter. Formal communications from the Council to the Executive Branch shall be addressed to 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.

Section 217. Sessions of the Council.

(a) The first three Tuesdays of each month and each Tuesday of the month of May and such additional days as the Council may determine, except November of a Councilmanic election year and County holidays, are designated as legislative session days for the enactment of legislation. In no event shall the Council sit for more than forty-five (45) legislative session days in any year.

(b) For the purpose of performing duties, other than enacting legislation, which are properly exercisable by the Council under the provisions of this Charter, the Council may sit in non-legislative sessions at such times as it may determine.

(c) No session of the Council shall be scheduled earlier than six o'clock P.M. on any day unless authorized by an affirmative vote of at least five members of the Council.

(d) Four members of the Council shall constitute a quorum for the transaction of business.

(e) The Council shall provide for the keeping of a Journal which shall be open to public inspection at all reasonable times.

(f) All voting, except on procedural motions, shall be by roll call, and the ayes and nays shall be recorded in the Journal.

(g) No business shall be transacted, nor any appointments made, nor nominations confirmed, except in public session.

(h) The Council shall adopt and publish rules of procedure not inconsistent with the provisions of this Charter.

Section 218. Enactment of Legislation.

(a) The Council shall enact no law except by bill. All bills shall be styled: "Be it enacted by the County Council of Harford County, Maryland." The subject of every law shall be described in its title and the title shall be used when giving public notice of hearings on proposed legislation. Every law, except the budget law and supplementary appropriation laws, shall embrace but one subject. No law or section of law shall be revived or amended by reference to its title only.

(b) A bill may be introduced by any member of the Council on any legislative session day of the Council. Every copy of each bill shall bear the name of the member of the Council introducing it and the date it was introduced. On the introduction of any bill, a copy thereof and notice of the time and place of the hearing on the bill shall be posted by the Council within twenty-four hours on an official bulletin board to be set up by the Council in a public place. Additional copies of the bill shall be available to the public upon request. Bills introduced to meet emergencies affecting public health, safety, or

welfare shall be plainly designated as emergency bills and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the claimed emergency in clear and specific terms.

(c) Within twenty-four hours following the introduction of a bill, the Council shall schedule a public hearing on the bill, which hearing shall not be less than five days nor more than fourteen days after publication of the hearing notice. Public notice of hearings on bills shall be published in at least two newspapers published in the County. The public hearing on a bill may, but need not be, held on a legislative session day and may be adjourned from time to time.

(d) After the public hearing, a bill may be enacted on a legislative session day with or without amendment except that if a bill is amended before enactment, the bill shall not be enacted until it is reprinted or reproduced as amended. No bill, other than an emergency bill, shall be enacted except by the affirmative vote of at least four members of the Council. No emergency bill shall be enacted except by an affirmative vote of at least five members of the Council.

(e) The Council may reject any bill on its introduction without a public hearing by an affirmative vote of at least five members of the Council. Any bill not enacted within forty-five days after its introduction shall be considered to have failed.

Section 219. Effective Date of Legislation.

Any law shall take effect sixty calendar days following the date it becomes law, unless by its terms it is to take effect at a later date, or unless it is petitioned to referendum as provided in Section 220 of this Charter. An emergency law or a law appropriating funds for current expenses of the County shall take effect on the date it becomes law.

Section 220. Referendum.

(a) Any law which becomes law pursuant to this Charter may be petitioned to referendum except: (1) a law imposing a tax; (2) a law appropriating funds for current expenses of the County government; (3) a law establishing or re-establishing Councilmanic districts pursuant to Section 205 of this Charter; and (4) a decision of the Council in a zoning case pursuant to Section 703 of this Charter.

(b) A law shall be submitted to a referendum of the voters upon petition, in the form prescribed by law, of five percent of the qualified voters of the County computed as of the date of the previous general election. The petition shall be filed with the Board of Supervisors of Elections of Harford County within sixty calendar days from the date the bill becomes law.

(c) If a petition is filed, the law to be referred shall not take effect until thirty calendar days after its approval by a majority of the qualified voters of the County voting thereon at the next ensuing regular election held for members of the House of Representatives

of the United States. An emergency law shall remain in force from the date it becomes law notwithstanding the filing of such petition, but shall stand repealed thirty calendar days after having been rejected by a majority of the qualified voters of the County voting thereon.

Section 221. Publication of Laws.

The Council shall cause all laws and all amendments to this Charter to be published in accordance with the provisions of State law in at least two newspapers published in the County. The first publication of a law shall take place within ten days of the date that the legislative act became law. Copies of the laws and the Charter amendments shall be available to the public upon request.

Section 222. Compilation of Laws.

The Council shall periodically compile and codify all laws of the County. Each codification shall be submitted to the Council, and if adopted by law, shall be known as the "Harford County Code." The Council shall annually prepare and publish a cumulative supplement to the Harford County Code.

Section 223. Confirmation of Appointments.

(a) Appointment by the County Executive of the Director of Administration, of the head of an agency in the Executive Branch of the County government, or of a member of a board of commission shall be subject to confirmation by the Council. If the Council fails to act to confirm or reject any appointment within thirty days of its submission to the Council by the County Executive, the appointment shall stand approved.

(b) In the case of appointment by the County Executive to the position of Director of Administration or head of an agency in the Executive Branch of the County government, a vote of at least five members of the Council shall be required to reject such appointment.

(c) In the case of appointment by the County Executive to membership on a board or commission, a vote of at least four members of the Council shall be required to reject such appointment.

Section 224. Office of Council Attorney.

(a) The Office of Council Attorney shall be administered by the Council Attorney. At the time of his appointment, he/she shall have been a member in good standing of the Bar of the Maryland Court of Appeals for at least five (5) years. Prior to assuming the duties of his/her office, he/she shall be domiciled in the County.

(b) The Council Attorney shall be the Chief Legal Advisor to the County Council in all matters and shall have the authority and duty to appear in legal and administrative

proceedings on behalf of Harford County, Maryland, in all matters as he/she may deem advisable and necessary relating to and supporting the Council's actions, functions, powers and duties. The Council Attorney shall be appointed by the County Council and shall be in the exempt service.

(c) The Council Attorney shall have the authority to hire such assistant Council attorneys and other employees as may be necessary to perform his/her duties. The officers and employees of the Executive Branch shall provide such assistance and facilities to the Council Attorney as may be deemed necessary to the performance of his/her duties. The Council Attorney shall render such assistance to the officers and employees of the Executive Branch as may be necessary to assist them in the performance of their duties.

(d) The Council Attorney may, with the approval of the County Council, employ special legal counsel to work problems of an extraordinary nature when the work to be done is of such a character or magnitude as to require services in addition to those regularly provided by the Department of Law or Council Attorney's Office.

(e) Neither the Council Attorney nor any assistant in the Council Attorney's Office may, at any time, while holding such office, practice as an attorney before the Council or any agency of the County Government other than to represent the County's interest.

(f) Subject to the approval of a majority of the County Council, a People's Counsel shall be employed by the Council Attorney to represent the interests of the public in zoning matters. The duties, powers and functions of the People's Counsel shall be set forth by legislative act. The Council may provide for a People's Council Citizens' Advisory Board to be appointed by the County Council.

Article III. Executive Branch.

Section 301. Composition.

The Executive Branch of the County government shall consist of the County Executive and all officers, agents, and employees under his/her supervision and authority.

Section 302. Executive Powers and Duties.

All executive power vested in Harford County by the Constitution and laws of Maryland and this Charter shall be vested in the County Executive, who shall be the chief executive officer of the County, and who shall faithfully execute the laws. He/She shall devote his/her full time to the duties of his/her office. The duties and responsibilities of the County Executive shall include, but not be limited to: (1) preparing and submitting to the Council the annual County budget in the manner and form provided in Article V of this Charter; (2) preparing and submitting to the Council and the public, within four months after the close of the fiscal year, an annual report on the activities and accomplishments of the County government, including a detailed financial statement; (3) providing the Council with any information concerning the Executive Branch which

the Council may require for the exercise of its powers; (4) recommending to the Council such measures for legislative action as he/she may deem to be in the best interests of the County; (5) insuring that County funds in excess of those required for immediate needs are invested in the best interests of the County; (6) signing or causing to be signed on the County's behalf all deeds, contracts and other instruments; and (7) seeing that the affairs of the Executive Branch are properly and efficiently administered, and that employees of the Executive Branch faithfully perform their duties.

Section 303. Election of the County Executive.

The County Executive shall be nominated and elected by the qualified voters of the entire County at the same time as State officers and in the manner provided by law.

Section 304. Term of the County Executive.

The County Executive shall serve for a term beginning at noon on the first Monday in December next following his/her election, and ending at noon on the first Monday in December in the fourth year thereafter. No person shall be eligible to succeed himself/herself in the office of County Executive if he/she has served in such office for two consecutive four year terms.

Section 305. Qualifications of the County Executive.

The County Executive shall have been a resident and a qualified voter of the County for at least five years immediately preceding his/her election or appointment. At the time of his/her election or appointment he/she shall have attained the age of twenty-five years. During his/her term of office, he/she shall not hold any other office of profit in federal, state, county or municipal government. He/She shall not, during the whole term for which he/she was elected or appointed and for two years thereafter, be eligible for appointment to any County office or position carrying compensation.

Section 306. Compensation of the County Executive.

The County Executive shall receive compensation of not less than twenty-seven thousand five hundred dollars per annum. His/Her compensation may be changed by law passed by an affirmative vote of at least five members of the Council. Any increase or decrease in compensation which becomes law during one term of office shall not become effective before the next term.

Section 307. Vacancy in the Office of County Executive.

A vacancy in the office of County Executive shall exist upon the death, resignation, or removal of the County Executive, or upon his/her forfeiture of office. In the event of a vacancy, the Council shall, within thirty calendar days, appoint a County Executive for the remainder of the term. The appointment shall be made by an affirmative vote of at least four members of the Council.

Section 308. Removal of the County Executive from Office.

The County Executive may be removed from office by an affirmative vote of at least five members of the Council after a public hearing and upon a finding that he/she has failed to perform the duties of his/her office for a continuous period of six months or is unable by reason of physical or mental disability to perform the duties of his/her office. The decision of the Council may be appealed by the County Executive within ten days to the Circuit Court for Harford County by petition. Upon the filing of a petition, the Court may stay the removal pending its decision. The Court shall make independent determinations of fact, and its decision may be appealed to the Court of Appeals of Maryland.

Section 309. Forfeiture of Office by the County Executive.

The County Executive shall immediately forfeit his/her office if he/she ceases to be a qualified voter of the County or is convicted of a felony or a crime involving moral turpitude.

Section 310. Temporary Absence or Disability of the County Executive.

In the event of the temporary absence or disability of the County Executive, the Director of Administration shall perform the duties of the County Executive, unless the County Executive designates in writing some other person in the Executive Branch. Such designation shall be filed with the Council Administrator. Any such designation may be revoked by the County Executive at any time by filing a new designation with the Council Administrator. An Acting County Executive shall have the same rights, duties, powers, and obligations as an elected incumbent in said office, except the power of veto.

Section 311. Executive Veto.

Upon its enactment by the Council, any bill, except measures made expressly exempt from the executive veto by the Charter, shall be presented to the County Executive within five calendar days for approval or disapproval. Within twenty-one calendar days after presentation, the bill shall be returned to the Council with an approval endorsed thereon or with a statement, in writing, of the reasons for not approving the same. Upon approval by the County Executive, any such bill shall become law. Upon veto by the County Executive, the veto message shall be entered in the journal of the Council, and not later than at its next legislative session day, the Council may reconsider the bill. If, upon reconsideration, at least five members of the Council vote in the affirmative, the bill shall become law. Whenever the County Executive shall fail to return any bill within twenty-one calendar days after the date of its presentation to the County Executive, the Council Administrator shall forthwith record the fact of such failure in the journal, and the bill shall thereupon become law. The County Executive may disapprove individual items in budget and appropriation bills. Each item or items not disapproved in a budget and appropriation bill shall become law, and each item or items disapproved in a budget and

appropriation bill shall be subject to the same procedure as any other bill vetoed by the County Executive.

Section 312. Director of Administration.

The County Executive shall appoint a Director of Administration, subject to confirmation by the Council as required by Section 223 of this Charter, who shall be selected on the basis of his/her qualifications as a professional administrator and shall serve at the pleasure of the County Executive. The Director of Administration shall perform administrative duties and exercise general supervision over the agencies of the Executive Branch as the County Executive may direct. Prior to assuming the duties of his/her office, he/she shall be domiciled in the County. The Director of Administration shall be the budget officer. The chief budget officer of the county shall cause to be prepared and submitted to the County Executive for approval and submission to the Council and all county budgets, prepared in the manner and form provided in Article V of this Charter, and shall study the organization, methods, and procedures of each agency of the county government and submit to the County Executive periodic reports on their efficiency and economy.

Section 313. Administrative Appointments.

The County Executive shall appoint a single officer to head each agency of the Executive Branch, subject to confirmation by the Council, as required by Section 223 of this Charter, and may remove the same at his/her discretion. Within six (6) months after each election for County Executive, the County Executive shall appoint for confirmation or reconfirmation, as the case may be, all heads of each agency of the Executive Branch as defined by Section 402. He/She shall also appoint the members of all boards and commissions in the Executive Branch, except as otherwise provided for by law, subject to confirmation by the Council as required by Section 223 of this Charter, and may remove the same in accordance with this Charter or other applicable law. All employees of the Executive Branch, other than those specifically provided for in this Charter, shall be appointed and removed by the heads of the several agencies of the County Government in accordance with the provisions of the County personnel law. The Council shall have the power to approve those persons assigned by the Executive Branch to the Council to support it in the exercise and performance of its duties, powers and functions.

Section 314. Temporary Administrative Appointments.

(a) When a vacancy occurs in the position of the Director of Administration or the head of an agency of the Executive Branch, the County Executive shall appoint an Acting Director of Administration or acting head of the agency, as the case may be, to serve only for a period not exceeding sixty (60) calendar days. This limit may be extended by the Council for a period of time not to exceed an additional four (4) months.

(b) During the temporary absence of the Director of Administration or the head of an agency of the Executive Branch due to illness or approved leave of absence greater

than thirty (30) days, the County Executive shall appoint, subject to the approval of the Council, a temporary "Acting Director of Administration or head of an agency in the Executive Branch for the period of absence. No temporary absence due to illness or approved leave of absence shall exceed one (1) year.

(c) In no event shall the position be filled by an "Acting" person for a cumulative period greater than the times stated in Subsections (a) and (b) above. When a vacancy or absence that warrants a temporary appointment occurs, the County Executive shall insure that the appropriate procedures are immediately instituted to provide a qualified person for the position.

Article IV. Administrative Organization.

Section 401. Supervision and Control.

Except as otherwise provided in this Charter or in State law, all agencies of the County government shall be subject to the direction, supervision, and control of the County Executive.

Section 402. Agencies of the Executive Branch.

Except as otherwise provided in this Charter or in State law, all agencies of the County government shall be subject to the direction, supervision, and control of the County Executive.

Section 403. Department of Law.

(a) The Department of Law shall be administered by the County Attorney. At the time of his/her appointment, he/she shall have been a member in good standing of the Bar of the Maryland Court of Appeals for at least five years. Prior to assuming the duties of his/her office, he/she shall be domiciled in the County.

(b) The County Attorney shall be the chief legal officer of the Executive Branch in all matters and he/she shall be responsible for all the legal affairs of the Executive Branch. Except as otherwise provided for in State Law or this Charter, no agency 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.

(c) The County Executive may, with the approval of the Council, employ special legal counsel to work problems of an extraordinary nature when the work to be done is of such character or magnitude as to require services in addition to those regularly provided by the Department of Law.

(d) Neither the County Attorney nor any assistant in the Department of Law may at any time, while holding such office, practice as an attorney before the Council or any agency of the County government other than to represent the County's interests.

Section 404. Department of the Treasury.

(a) The Department of the Treasury shall be administered by the Treasurer. He/She shall be appointed on the basis of his/her knowledge and experience in governmental accounting and financial administration, of which at least five years shall have been in an executive or supervisory capacity.

(b) The Treasurer shall be the custodian of all County funds, securities, and insurance policies; shall collect taxes, special assessments, license fees, and other revenue; manage indebtedness; invest and disburse County funds; conduct internal audits of all County offices; prepare an annual financial report containing a detailed account of all monies received and paid out by the County; and perform such other functions as may be prescribed by law.

Section 405. Department of Planning and Zoning.

(a) The Department of Planning and Zoning shall be administered by the Director of Planning. He/She shall have a degree from a recognized college or university and shall have completed a program of studies in city and urban planning of sufficient scope for acceptance to membership in the American Institute of Planners. At the time of his/her appointment, he/she shall have had five years' experience in an executive position with a planning or zoning agency of a state or local government.

(b) The Director of Planning 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 master plans and the preparation and revision from time to time of rules and regulations governing subdivisions. He/She 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 relating to planning and zoning shall be approved by legislative act of the Council prior to their taking effect as law.

Section 406. Planning Advisory Board.

(a) There shall be a Planning Advisory Board consisting of five qualified voters of the County. Members of the Planning Advisory Board shall be appointed by the County Executive for terms coterminous with his/hers and confirmed by the Council. Not more than three members of the Board shall be members of the same political party. 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. A member of the Board may be removed only for cause by the County Executive subject to approval by the Council. The County Executive shall designate a member of the Board as chairperson.

(b) 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 chairperson. The 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 of the Council on any matter pending before the Board. It shall keep a record of its transactions, findings, determinations, and decisions, and it shall keep minutes of its proceedings, all of which shall be filed with the Director of Planning and shall be public records.

(c) The Planning Advisory Board shall make recommendations to the Director of Planning and the Council relating to master plans, zoning maps, and rules and regulations relating to planning and zoning. At such times as the County Executive shall fix, the Planning Advisory Board shall consider an itemized list of all capital projects and the capital improvement program which all 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 Director of Planning shall transmit to the County Executive, together with his/her recommendations, a list of projects recommended by said Board to be undertaken in the periods aforesaid and its estimate of the cost thereof. At least once every eight years, the Board shall prepare general guidelines for use by the Department of Planning and Zoning in the preparation or revision of master plans. The County Executive or the Council may provide for reference to the Board, for review and recommendations, any additional matters related to the Board's functions and duties.

Section 407. Department of Public Works.

(a) The Department of Public Works shall be administered by a Director of Public Works. The Director shall be a registered professional engineer licensed under the provisions of the law of this state or any other state and shall have had a responsible position in engineering management over a period of at least five (5) years prior to appointment and shall have a demonstrated ability to manage public works and utilities that will, in the judgment of the County Executive and Council, provide the qualifications to perform the duties and responsibilities of the Director of the Department of Public Works.

(b) The Director of Public Works shall be responsible for the performance of all functions and duties involving: (1) public works or utilities survey reports, maps, drawings, specifications and estimates; (2) the supervision of the execution and performance of all contracts for capital projects; (3) the construction of capital projects by County employees; (4) the construction, maintenance and cleaning of roads, streets, alleys, bridges, viaducts, subways, and underpasses; (5) the acceptance of roads and dedicated ways as prescribed by law; (6) the maintenance of water mains, sewers, drains, and culverts; (7) the maintenance and operation of sewage disposal and treatment plants; (8) the collection of garbage and other refuse and the operation and maintenance of facilities for its disposal; (9) the regulation, operation, maintenance, and control of water supply; and (10) such other duties as may be provided from time to time

by directive of the County Executive or by legislative act of the Council not inconsistent with this Charter.

Section 408. Public Works Advisory Board.

(a) There shall be a Public Works Advisory Board consisting of five qualified voters of the County. Members of the Public Works Advisory Board shall be appointed by the County Executive for terms coterminous with his/hers and confirmed by the Council. Not more than three members of the Board shall be members of the same political party. Vacancies shall be filled for the unexpired term in the manner of original appointment. Each member shall serve until his/her successor is appointed and qualified. A member of the Board may be removed only for cause by the County Executive subject to approval by the Council. The County executive shall designate a member of the Board as Chairperson.

(b) The Public Works Advisory Board shall make recommendations to the County Executive and the Council relating to plans, policies, and programs on any matter under the jurisdiction of the Department of Public Works. The County Executive or the Council may provide for reference to the Board, for review and recommendations, any additional matters related to the Board's functions and duties.

Section 409. Department of Parks and Recreation.

(a) The Department of Parks and Recreation shall be administered by the Director of Parks and Recreation. He/She shall be thoroughly trained in theory and practice relating to parks and recreation and the operation and maintenance of park and recreation facilities. At the time of his/her appointment, at least five years of his/her experience shall have involved a position of administrative leadership and responsibility in a government park or recreation agency.

(b) The Director of Parks and Recreation shall be responsible for the organization and conduct of recreation programs and the operation of parks, playgrounds and other recreational facilities. He/She shall encourage the development of cooperative programs and joint use of facilities with the Board of Education. He/She shall have such other duties as may be provided from time to time by directive of the County Executive or by legislative act of the Council not inconsistent with this Charter.

Section 410. Parks and Recreation Advisory Board.

(a) There shall be a Parks and Recreation Advisory Board consisting of seven qualified voters of the County. Members of the Parks and Recreation Advisory Board shall be appointed by the County Executive for terms coterminous with his/hers and confirmed by the Council. Not more than four members of the Board shall be members of the same political party. 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. A member of the Board may be removed only for cause by the County

Executive subject to approval by the Council. The County Executive shall designate a member of the Board as chairperson.

(b) The Parks and Recreation Advisory Board shall make recommendations to the County Executive and the Council relating to plans, policies, and programs for public recreation, the organization of recreation councils, the operation and maintenance of public parks, and the acquisition of land for public parks. The County Executive or the Council may provide for reference to the Board, for review and recommendations, any additional matters related to the Board's functions and duties.

Section 411. Human Relations Commission.

(a) There shall be a Human Relations Commission consisting of fifteen qualified voters of the County. Members of the Human Relations Commission shall be appointed by the County Executive for terms coterminous with his/hers and confirmed by the Council. Members of the Commission shall be selected to represent all segments of the County population. Vacancies shall be filled for the unexpired term in the manner of original appointment. Each member shall serve until his/her successor is appointed and qualified. A member of the Commission may be removed only for cause by the County Executive subject to approval by the Council. The County Executive shall designate a member of the Commission as chairperson.

(b) The Human Relations Commission shall study the nature and causes of social friction in the community and make recommendations to the County Executive and the Council with a view toward alleviating social problems and promoting equality, understanding, and harmonious relations between the citizens of the County. The County Executive or the Council may provide for reference to the Commission, for review and recommendations, any additional matters related to the Commission's functions and duties.

Section 412. Citizen Advisory Boards.

The Council or the County Executive may appoint for designated periods one or more temporary advisory boards of citizens of the County who shall, without compensation other than necessary expenses, assist in the consideration of County administrative policies and programs. Advisory boards appointed by the County Executive under the provisions of this Section shall not be subject to the confirmation procedures set forth in Section 223 of this Charter.

Section 413. Reorganization.

The County Executive may propose changes in the organization of the Executive Branch including the establishment or abolition of agencies, and in the assignment of functions, powers, and duties among agencies. Reorganization proposals shall be set forth in executive order in statutory form and be submitted to the Council. The executive

order shall become effective and have the force of law sixty calendar days after submission unless disapproved by a vote of at least four members of the Council.

Section 414. Department of Procurement.

(a) The Department of Procurement shall be administered by the Director of the Department of Procurement. He/She shall have had a responsible position in procurement or purchasing over a period of at least five (5) years prior to his/her appointment and shall have a demonstrated ability in the management of procurement or purchasing.

(b) The Director shall be responsible for: (1) providing for the purchasing or contracting for supplies and contractual services including capital projects and consultant services needed by all agencies of Harford County, Maryland, or any other public or quasi-public agency that elects to utilize the services of the Department, in accordance with and in the manner prescribed by the County Council by law; (2) providing for the purchase, sale or lease of real property by the County in accordance with and in the manner prescribed by the County Council by law; (3) performing such other duties as may be prescribed by the County Executive or by legislative act of the County Council.

(c) The County Council may enact such legislation as it may deem advisable to provide for procurement and purchasing and sales of supplies, materials and real property.

(d) The Council shall enact legislation to implement the procurement and purchasing authority of Harford County, Maryland.

Section 415. Board of Estimates.

(a) There shall be a Board of Estimates composed of the County Executive, or his/her designee, the President of the County Council, or another Council member as his/her designee, one citizen of Harford County, Maryland, appointed by the County Executive, one citizen of Harford County, Maryland, appointed by the County Council, the Director of the Department of Procurement, the Director of the Department of Public Works and the Treasurer of Harford County. The County Executive shall be the chairperson of the Board and the Director of the Department of Procurement shall act as the Secretary.

(b) The Board shall be responsible for the awarding of contracts and supervising of purchasing by the County to the extent and in the manner provided for by the County Council by law, and shall perform such other duties and responsibilities involving contracts and purchasing as may be provided for by the County Council by law.

Article V. Budget and Finance.

Section 501. Fiscal Year and Tax Year.

The fiscal or budget year and the tax 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, unless otherwise prescribed by State law.

Section 502. Definitions of Terms Used in This Article.

(a) The term "County" or "County Government" shall include all agencies and their officers, agents, and employees who receive or disburse County funds.

(b) The term "County funds" shall mean any monies appropriated or approved by the Council or to which the County may at any time have legal or equitable title.

(c) 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.

(d) 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.

(e) 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.

(f) 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.

Section 503. Comprehensive Scope of Budget.

(a) 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 surplus or deficit in the general fund and all special funds of the County government.

(b) The County budget, excluding all water and sewer budgets, all capital budgets, and all grant budgets for any fiscal year shall not exceed the County budget, excluding all water and sewer budgets, all capital budgets, and all grant budgets for fiscal year 1979 adjusted by the change in the United States Government Consumer Price Index for Urban Wage Earners and Clerical Workers, 1967 = 100, Baltimore, Maryland, as published by the Bureau of Labor Statistics of the United States Department of Labor for

the prior calendar year and adjusted by the percentage change in the estimated County population as of January 1st in the budget year as determined by the State Department of Health and Mental Hygiene.

Section 504. Formulation of Current Expense Budget.

Not later than four months prior to the beginning of each fiscal year, the head of each agency which receives or disburses County funds shall furnish to the County Executive annual work programs setting forth the 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 that 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 County Executive may request. The County Executive may amend the budget proposals, except for the budget request of the Legislative Branch and any County Board of Appeals established pursuant to Article 25A of the Annotated Code of Maryland, and shall cause to be prepared the County Budget as set forth in Sections 506, 507 and 508 of this Charter.

Section 505. Formulation of Capital Budget and Capital Program.

At such time as the County Executive may direct, each agency which receives or disburses County funds shall submit to the County Executive 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 County Executive may amend the capital budget and capital program proposals and shall cause to be prepared the County budget as set forth in Sections 506, 507 and 508 of this Charter.

Section 506. Contents of the Current Expense Budget.

The proposed current expense budget shall contain the following information: (1) a statement of all revenue estimated to be received by the County during the ensuing fiscal year, classified 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 cash surplus 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 revenue 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 and contingent liabilities; (6) a statement of the proposed contingency reserves, all of which shall not exceed three percent of the general fund and of any other fund; (7) a comparative statement of the receipts, amounts budgeted, and actual 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 Council may require.

Section 507. Contents of the Capital Budget and Capital Program.

The proposed capital budget and capital program shall be arranged 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. 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.

Section 508. 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.

Section 509. Submission of the County Budget.

Not later than three months prior to the beginning of each fiscal year, the County Executive shall submit to the Council the proposed County budget for that fiscal year.

Section 510. Filing of Proposed Budget.

The proposed County budget shall be filed with the Council Administrator and copies thereof shall be made available to the public upon request.

Section 511. Public Budget Hearings.

Upon receipt of the proposed County Budget, the Council Administrator shall cause to be published in at least two newspapers published in the County, a notice of the place and time of at least two public hearings on the budget by the Council. The Council may hold such other preliminary 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 session and after the public budget hearings prescribed in this Section.

Section 512. Action on the Budget by the Council.

(a) After the public hearings, the Council may decrease or delete any items in the budget except those required by the laws of this State or of this County, and except any

provisions for debt service on obligations then outstanding or for estimated cash deficits. The Council shall have no power to change the form of the budget as submitted by the County Executive, or to alter the revenue estimates except to correct mathematical errors, or to increase any expenditure recommended by the County Executive for current expense or capital purposes.

(b) The adoption of the current expense budget and the capital budget shall be by the affirmative vote of at least four members of the council by a law to be known as the Annual Budget and Appropriation Ordinance. Any borrowing to finance capital projects must be authorized by an existing law of the General Assembly of Maryland or by a law of the Council adopted in accordance with this Charter.

(c) The Annual Budget and Appropriation Ordinance shall be adopted by the Council not later than one month prior to the beginning of each fiscal year, and if the Council fails to do so, the proposed current expense budget, as submitted by the County Executive and as may have been amended by the Council 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 Council.

Section 513. Reproduction of the Budget.

The budget as adopted shall be reproduced and made available to the public upon request.

Section 514. Effective Date of the Budget.

The adopted budget shall take effect on the first day of the fiscal year to which it applies.

Section 515. Tax Levy and Balanced Budget.

(a) When the County budget shall have been finally adopted in the Annual Budget and Appropriation Ordinance, the 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.

(b) The Council shall not levy property tax which would result in a total collection of property taxes greater than the amount collected in fiscal year 1979 and adjusted by the C.P.I. for Urban Wage Earners and Clerical Workers, 1967 = 100, Baltimore, Maryland, as published by the Bureau of Labor Statistics of the United States Department of Labor and the percentage change in the estimated county population as of January 1st in the budget year as determined by the State Department of Health and Mental Hygiene.

(c) In the event that any annual collection of real property taxes exceeds the limits set forth in this Section, then said excess shall be carried over and applied in the budget in the following fiscal year.

(d) The provisions of this amendment to the Charter of Harford County, Maryland, shall become null and void and of no effect on December 15, 1980. Charter provisions, Sections 503 and 515, affected by this amendment, shall revert to the Charter language in effect on November 6, 1978, unless the provisions of this amendment have been extended by an appropriate Charter amendment in the General Elections of 1980.

Section 516. Transfer of Appropriations.

Transfers of appropriations between general classifications of expenditures in the current expense budget within the same agency and within the same fund may be authorized by the County Executive. Transfers between agencies of the County government and within the same fund of the current expense budget may be made only during the last quarter of the fiscal year, and then only on the recommendation of the County Executive and with the approval of the Council. Inter-project transfers of appropriations between capital projects in the capital budget may be authorized by legislative act of the Council upon request of the County Executive, but no new project shall be created nor any abandoned except in accordance with Section 521 of this Charter. Nothing contained herein shall be construed to prevent the Council, upon request of the County Executive, from providing by a law for inter-fund cash borrowings to meet temporary cash requirements nor to prevent reimbursements among funds for goods supplied or services rendered.

Section 517. Supplementary Appropriations.

During any fiscal year, the Council, upon the recommendation of the County Executive, may, by law, make additional or supplementary appropriations from unexpended and unencumbered funds set aside for contingencies in the County budget from revenues received from anticipated sources but in excess of budget estimates therefor or from revenues received from sources not anticipated in the budget provided that the Treasurer shall first certify in writing that such funds are available for such appropriations. No supplemental appropriation shall exceed the amount of funds so certified.

Section 518. Emergency Appropriations.

(a) To meet a public emergency affecting life, health, or property, the Council may, by law, upon the recommendation of the County Executive, make emergency appropriations from contingent funds in the budget, from revenue received from anticipated sources but in excess of the budget estimates therefor, or from revenues received from sources not anticipated in the budget for the current fiscal year. To the extent that there may be no available unappropriated revenues to meet such emergency appropriations, the Council may, by law, authorize the issuance of

emergency notes which may be renewed from time to time. 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.

(b) Revenues from grant allocations which were unanticipated in any current fiscal year may be appropriated by legislative act of the County Council upon request of the County Executive. The appropriation shall be made to the proper grant account established for the revenues and any surplus grant funds remaining at the end of the fiscal year shall be carried over to the following fiscal year without the necessity of further action by the County Council.

Section 519. Unexpended Appropriations.

Unless otherwise provided by law, all unexpended and unencumbered appropriations in the current expense budget remaining at the end of the fiscal year shall revert into the County general fund. No appropriation for a capital project in the capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; provided that any capital project shall stand abandoned if three fiscal years elapse without any expenditure from or encumbrance of the appropriation made therefor. The balances remaining to the credit of the completed or abandoned capital projects shall be available for appropriation in subsequent capital budgets.

Section 520. Limitations on Expenditures.

No expenditures of County funds shall be made or authorized in excess of the available unencumbered appropriations therefor. Nothing in this Charter shall prevent the making of contracts providing for the payment of funds at a time beyond the fiscal year in which such contracts are made, provided the nature of such transactions reasonably requires the making of such contracts. Any contract, lease, or other obligation in excess of three thousand dollars requiring the payment of funds from the appropriations of a later fiscal year shall be authorized by legislative act.

Section 521. Restriction 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 that upon receipt of a recommendation in writing from the County Executive, the Council may after public hearing and with the affirmative vote of at least five of its members, amend the County budget. The County may increase the total amount of appropriations for a County capital budget only if the increased appropriations are to be funded from revenues received from anticipated sources but in excess of budget estimates therefor or from revenues received from sources not anticipated in the budget.

Section 522. Enterprise Accounting.

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 that upon receipt of a recommendation in writing from the County Executive, the Council may after public hearing and with the affirmative vote of at least five of its members, amend the County budget. The County may increase the total amount of appropriations for a County capital budget only if the increased appropriations are to be funded from revenues received from anticipated sources but in excess of budget estimates therefor or from revenues received from sources not anticipated in the budget.

Section 523. Composition and Limitations on County Funds.

(a) All revenues and receipts from utility assessments; from special services or benefit 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. 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.

(b) No general fund revenues or receipts shall be dedicated to, expended for, or used to supplement appropriations from the special funds except as a loan to such special fund as authorized by Section 516 of this Charter.

(c) Upon request of the County Executive, the Council may, by the annual budget and appropriation ordinance, or by other legislative act, 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.

(d) Notwithstanding other provisions of this section, the Council may establish a reserve fund for permanent public improvements, into which there may be paid by the annual budget and appropriation ordinance cash surpluses not otherwise appropriated or toward the financing of which taxes or other sources of revenue may be dedicated.

Section 524. Indebtedness.

(a) The County may incur debt. No indebtedness for a term of one year or greater shall be incurred by the County to meet current operating expenses. All County indebtedness for a term in excess of one year shall become due not later than 30 years after the date of issuance, except debt incurred to finance water, sewer and wastewater facilities, which shall become due not later than 40 years after the date of issuance.

(b) If at any time the Council shall have failed to appropriate and to make available sufficient funds to provide for the timely payment of the interest and principal then due upon all County indebtedness, it shall be the duty of the Treasurer to pay, or to make available for payment, to the holders of such indebtedness from the first revenues thereafter received applicable to the general funds of the County, a sum equal to such interest and principal.

(c) Notwithstanding the time limitations for repayment in (a), each series of bonded indebtedness shall be made payable within the probable useful life of the improvement or undertaking with respect to which the indebtedness is to be incurred, or if the indebtedness is to be incurred for several improvements or undertakings, within the average probable useful life of all such improvements or undertakings, and the County Council, based upon the advice of the Department of the Treasury, shall determine the probable useful life of such improvements or undertakings, which determination shall be conclusive.

(d) Indebtedness of the County may be sold at, above, or below par.

Section 525. Competitive Bidding.

The Council shall prescribe by law for competitive bidding for any single purchase by, or contract with, the County in excess of an amount to be established by law, except contracts for professional services customarily negotiated.

Section 526. Furthering Legislation.

The council may adopt budget and fiscal laws to implement the objects and purposes of this Article.

Article VI. Personnel.

Section 601. Personnel System.

The Council shall establish by law a system of personnel administration. This system shall provide means to recruit, select, develop, and maintain an effective and responsive work force, and shall include policies and procedures for employee hiring and advancement, training and career development, job classification, salary administration, retirement, fringe benefits, discipline, discharge and other related activities. All appointments and promotions in the County service shall be made without regard to sex, race, religion or political affiliation, and shall be based on merit and fitness.

Section 602. Classified and Exempt Services.

County positions shall be either in the classified or the exempt services. The exempt service shall consist of:

- (1) elected officials;
- (2) members of boards and commissions;
- (3) the Director of Administration;
- (4) the heads of the departments in the Executive Branch;
- (5) the Council Administrator;
- (6) one clerk or secretary for each of the following officers: the County Executive, the Director of Administration, and the head of each department appointed by the County Executive;
- (7) temporary or seasonal employees;
- (8) employees required to be covered by the State merit system; and
- (9) Deputy County Attorneys in the County Law Department.

Section 603. Salaries and Wages.

Salaries and wages of both classified and exempt service employees shall be determined in accordance with established classification and salary plans. For such plans to become effective, they shall be submitted by the County Executive to the Council for legislative action thereon. If the Council fails to take final action upon a salary plan within sixty calendar days of its submission to the Council by the County Executive, then such plan shall stand approved.

Section 604. Personnel Law.

The personnel law of the County shall include but not be limited to provisions for the preparation and establishment of: (1) a position classification plan; (2) pay plans; (3) a plan for the recruitment of capable persons; (4) the construction, maintenance, and expiration of eligibility lists; (5) certification and appointment procedures; (6) probationary requirements; (7) promotion, transfer, and separation procedures; (8) disciplinary procedures; (9) training and career disciplinary plans; (10) grievance procedures; (11) a schedule of work hours; (12) a plan for sick leave, vacation, and other fringe benefits; (13) special rules relating to public safety; and (14) plans for the maintenance of personnel records.

Section 605. Personnel Officer.

The Personnel Officer shall be responsible for administration of the personnel policies established by this Charter or by law. He/She shall be appointed solely on the basis of his/her knowledge and experience in personnel management and administration.

Section 606. Personnel Advisory Board.

There shall be a Personnel Advisory Board consisting of three qualified voters of the County, not more than two of whom shall be of the same political party. Members of the Personnel Advisory Board shall be appointed by the County Executive for terms coterminous with his/hers and confirmed by the Council. Vacancies shall be filled for the unexpired term in the manner of original appointment. Each member shall serve until his/her successor is appointed and qualified. A member of the Board may be removed only for cause by the County Executive subject to approval by the Council. The County Executive shall designate a member of the Board as chairperson.

Section 607. Powers and Duties of the Personnel Advisory Board.

The Personnel Advisory Board shall have the power and the duty: (1) to recommend to the County Executive for transmission to the Council, personnel rules and regulations which shall have the force of law upon adoption by the Council; (2) to hear appeals from employees in the classified service or appeals by any person who has taken or sought to take an examination concerning any action of the Personnel Officer or the appointing authority of the employee. After a hearing, which shall be public if so requested by the aggrieved employee, the Personnel Advisory Board may issue such order as it finds proper by the facts presented in the case. All data pertinent to the decision shall be subject to the scrutiny of the aggrieved party or his/her attorney; (3) to hear and decide 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 career service and personnel rules and regulations and to report to the County Executive and the Council on the operation of the personnel system; and (5) to carry out such other functions as may be assigned by law. In case of any appeal to the Personnel Advisory Board, its decision shall be final on all parties concerned.

Section 608. Political Activities.

Participating in politics or political campaigns and the free expression of political opinions by employees of the County shall not be prohibited, and each employee shall retain all rights and obligations of citizenship provided in the Constitution and laws of the State of Maryland and in the Constitution and laws of the United States of America, except as may be provided by law.

Article VII. Planning and Zoning.

Section 701. Adoption of Proposed Master Plans.

It shall be the function and duty of the Department of Planning and Zoning to prepare and propose master plans from time to time. Such plans may be initiated by order of the County Executive or by legislative act of the Council. All proposed master plans shall be

referred to the Planning Advisory Board for its review and recommendations. The Board shall complete its review within ninety days. After review by the Board, the County Executive shall forward all proposed master plans to the Council for legislative action.

Section 702. Elements of Master Plans.

Master plans adopted by the Council shall serve as a guide to public and private actions and decisions to insure the development of public and private property in appropriate relationships. Elements of the plans may be exercised in words, graphics, or other appropriate form. They shall be interrelated and each element shall describe how it relates to each of the other elements and to the statement of objectives, principles, policies and standards. A plan shall contain as a minimum the following elements:

(a) A statement of objectives, principles, policies and standards which shall serve as a guide for the development and economic and social well-being of the County.

(b) A land use plan element which shall show proposals for the most appropriate and desirable patterns for the general location, character, extent, and interrelationship of the manner in which the community should use its public and private land at specified times as far into the future as is reasonable. Such land use may include, without being limited to, public and private, residential, commercial, industrial, agricultural, and recreational land uses.

(c) A transportation plan element which shall show proposals for the most appropriate and desirable patterns for the general location, character and extent of the channels, routes, and terminals for transportation facilities, and for the circulation of persons and goods at specified times as far into the future as is reasonable. Such channels, routes and terminals may include, without being limited to, all types of highways or streets, railways, waterways, airways, routings for mass transit, and terminals for people, goods, and vehicles related to highways, airways, waterways and railways.

(d) A community facilities plan element which shall show proposals for the most appropriate and desirable patterns for the general location, character, and extent of public and semi-public buildings, land, and facilities for specified times as far into the future as is reasonable. Such facilities may include, without being limited to, parks and recreation areas, schools and other educational and cultural facilities, libraries, churches, hospitals, social welfare and medical facilities, institutions, fire stations, police stations, jails or other public office or administrative facilities.

(e) The plans may include, without being limited to, any additional elements such as community renewal, housing, flood control, pollution, conservation, natural resources, the general location and extent of public utilities, and other programs which will further advance the purposes of these plans.

Section 703. Adoption of Zoning Ordinances and Zoning Maps.

The Council shall enact laws establishing zoning regulations and comprehensive zoning maps, and these laws may be petitioned to referendum in accordance with Section 220 of this Charter. All decisions of the Council in zoning cases, whether by piecemeal rezoning, special exception, variance, or otherwise, shall be rendered by written decisions of the Council, and these decisions may be appealed by the Circuit Court of Harford County in accordance with Section 709 of this Charter, but may not be petitioned to referendum.

Section 704. Procedural Requirements in Zoning Cases.

(a) Any application in a zoning case, and any amendment thereto, shall contain specific allegations setting forth the basis for the granting of the request. Any application must disclose the names and addresses of all persons having legal or equitable interest in the property which is the subject of the zoning case, including shareholders owning more than five percent of the stock in a corporation having any interest in any land involved in the application, excepting those corporations which are listed and regularly traded on a recognized stock exchange.

(b) Before any application in a zoning case may be granted, there shall be a public hearing held before the body or the officer having authority to decide the case. Notice of the public hearing shall be published once a week for two consecutive weeks in at least two newspapers published in the County. The second place notice shall be published not less than fourteen days before the hearing.

(c) All testimony received in any zoning case shall be under oath, shall be subject to cross-examination, and shall be recorded.

(d) The Council shall reasonably employ its subpoena power to compel the attendance of witnesses and the production of evidence upon request by any applicant in a zoning case or any other interested person.

(e) The record in all zoning cases shall include the application, all documents or communications submitted for the consideration of the body or officer hearing the case, the recorded testimony received at the hearing, any reports or communications to or from any public officials or agency concerning the application, and the final decision of the body or officer hearing the case.

(f) The burden of proof in any zoning case shall be upon the applicant.

Section 705. Decisions in Zoning Cases.

(a) The final decision in a Zoning case shall be based solely upon record evidence, and shall be supported by specific written findings of fact and conclusions of law.

(b) The votes or abstentions thereon of all members of the bodies deciding the case must be recorded.

(c) An affirmative vote of at least four members of the Council shall be necessary to decide any zoning case before the Council.

(d) Applications in zoning cases on which a decision has not been finally rendered within ninety calendar days from the conclusion of the hearing by the Council or from the filing and service of a hearing examiner's decision in cases heard by a hearing examiner, as hereinafter provided, shall automatically be considered to have been denied by the Council.

(e) Provisions shall be made for all persons attending every zoning hearing to register and all persons registered shall be notified by mail of the decision in the zoning case.

Section 706. Restrictions in Zoning Cases.

(a) State and County officials who are employees may not appear in a representative capacity on behalf of any private party in any zoning case.

(b) No person shall influence or attempt to influence, directly or indirectly, either the Board of Appeals or one of its hearing examiners in arriving at a decision in any pending zoning case, except as that person may appear before the Board of Appeals or one of its hearing examiners at a public hearing and as a party or as a representative or witness on behalf thereof.

(c) In order to assure compliance herewith, any person contacting a member of the Board of Appeals in violation of Subsection (b) shall be immediately informed of the provisions of this section.

(d) Any person who knowingly and intentionally violates any of the provisions of this section shall, upon conviction, be imprisoned for not more than six months, or be fined not more than one thousand dollars, or both imprisoned and fined.

Section 707. Conflicts of Interest.

All public officials participating in the decision on or the processing of, any application in a zoning case shall file a public statement under oath, not later than the first day of January of each year, with the Clerk of the Circuit Court for Harford County, disclosing any interest in land located in Harford County held by himself or his spouse during the preceding year. It shall also be the responsibility of said individuals to update said statement within thirty days after acquisition or divestment of interest in land. As used herein interest includes both legal and equitable interest and includes the ownership of more than five percent of the stock of a corporation which holds an interest in land in Harford County. None of the foregoing requirements shall be construed as to waive or

supercede any provisions of Section 803 of this Charter, and violations herein shall be punishable under Section 803(c) of this Charter.

Section 708. Zoning Hearing Examiners.

The Council may employ one or more hearing examiners. An examiner shall be an attorney admitted to practice before the highest court of a state, and shall demonstrate a knowledge of administrative and zoning law, practice, and procedure. He/She may not practice law before any County agency except as may be permitted by law, and he/she may not represent a client in any zoning case. Examiners shall also be subject to the provisions of Sections 707, 801, 802 and 803 of this Charter.

Section 709. Appeals to Circuit Court.

Any person aggrieved by any final decision in a zoning case shall have the right to appeal that decision to the Circuit Court for Harford County and shall have the further right of appeal to the Court of Appeals of Maryland. The words "person aggrieved" shall be liberally construed to substantially broaden that class of persons, and shall be interpreted to effectuate the general purposes of this Article.

Article XIII. General Provisions.

Section 801. Code of Ethics.

The Council shall enact a code of ethics, and provide for the enforcement and penalties for violations thereof, covering all elected and appointed officers and employees of the County paid in whole or in part from County funds, and including persons appointed to serve on boards or commissions. The code of ethics shall provide for the establishment of a ceiling on and the regulation of campaign expenditures for offices established by this Charter. The code of ethics shall also provide for the establishment of a five member board to administer the code. Members of such board, to be known as the Board of Ethics, shall be appointed by the County Executive and confirmed by the Council. Of the five members, two members shall be appointed for initial terms of three years, two members shall be appointed for initial terms of two years, and one member shall be appointed for an initial term of one year. After expiration of the initial terms, all terms shall be for four years. Not more than three members of the Board shall be members of the same political party.

Section 802. Public Disclosure.

The County Council shall enact a public disclosure law applying to all public officials of the County including the County Executive and any official participating in a zoning case. The law shall require an annual public disclosure of assets, liabilities, income, expenses, and any other financial information that the County Council may deem desirable.

Section 803. Conflict of Interest.

(a) No officer or employee of the County, whether elected or appointed, shall in any manner whatsoever be interested in, or receive any benefit from, the profits or emoluments of any contract, job, work, or service for the County. No such officer or employee shall accept any service or thing of value, directly or indirectly, upon more favorable terms than those granted to the public generally, from any person, firm, or corporation having dealings with the County, nor shall be receive, directly or indirectly, any part of any fee, commission, or other compensation paid or payable by the County, or by any person in connection with any dealings or proceedings before any agency of the County government. No such officer or employee shall directly or indirectly be the broker or agent who procures or receives any compensation in connection with the procurement of any type of bonds for County officers, employees, persons, or firms doing business with the County. No such officer or employee shall solicit or accept any compensation or gratuity in the form of money or otherwise for any act or commission in the course of his public work; provided that the head of any department or board of the County may permit an employee to receive a reward publicly offered and paid for the accomplishment of a particular task.

(b) The provisions of this section shall be broadly construed and strictly enforced for the purpose of preventing officers and employees from securing any pecuniary advantages, however indirect, from their public associations, other than their compensation provided by law. In order to guard against injustice, the Council may specifically authorize any County officer or employee to own stock in any corporation or to maintain a business in connection with any person, firm or corporation dealing with the County, if, on full public disclosure of all pertinent facts to the Council by such officer or employee, the Council shall determine that such stock ownership or connection does not violate the public interest.

(c) Any officer or employee of the County who intentionally violates any of the provisions of this section shall, on conviction, forfeit his/her office and be imprisoned for not more than six months or fined not more than \$1,000.00, or both. If any person shall offer, pay, refund, or rebate any part of any fee, commission, or other form of compensation to any officer or employee of the County in connection with any County business or proceeding, he/she shall, on conviction, be punished by imprisonment for not more than six months or a fine of not more than \$1,000.00, or both. Any contract made in violation of this section may be declared void by the County Executive or the Council. The penalties in the section shall be in addition to all other penalties provided by law.

Section 804. Private Use of Public Employees.

No officer or employee of the county, elected or appointed, shall compel any other officer or employee of the County to do or perform any private service or work outside of his public office or employment.

Section 805. Additional Compensation.

No County officer or employee who is compensated by salary shall receive any additional salary for serving as an Ex Officio Member of a County Board, Commission, or Agency.

Section 806. Right to Information.

Any person shall have the right to inspect and obtain copies of any public record in the custody of the County government as provided for in State law. In accordance with State law, the Council may prescribe reasonable regulations for such inspection and establish reasonable fees for the production of requested copies.

Section 807. Rules and Regulations.

In order for any administrative rules and regulations by an agency of the Executive Branch to be effective they must have been the subject of at least one advertised public hearing and be on file with the President of the Council and the Director of Administration. Administrative rules and regulations shall be codified in the Harford County Code or an annual cumulative supplement thereto.

Section 808. Bonding of Officers.

Officers of the Executive Branch who have possession of or control over any funds of the County shall be bonded for the faithful performance of their duties in such sum as may be fixed and with sureties to be approved by the Council on recommendation of the County Executive Surety bond premiums shall be paid by the County.

Section 809. Subpoena Power.

The Council, the County Executive, the Director of Administration, the Personnel Advisory Board, and the County Auditor 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 law or by this Charter.

Section 810. Separability.

If any article, section, subsection, sentence, clause, or phrase 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, subsections, sentences, clauses, or phrases of the Charter and their application to all other persons and circumstances shall be separable and shall not be affected by any such decision.

Section 811. Definitions and Rules of Construction.

As used in this Charter:

- (a) The word "bill" shall mean any measure introduced in the Council for legislative action.
- (b) When used in connection with any action by the Council, the words, "act," "ordinance," "law," "public local law," and "legislative act" shall be synonymous and shall mean any bill enacted in the manner and form provided in this Charter.
- (c) The word "law" shall be construed as including all acts, public local laws, ordinances, and other legislative acts of the 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.
- (d) The words "enact," "enacted," or "enactment", when used in connection with the legislative acts of the Council, shall mean the action by the Council in approving any item of legislative business prior to its submission to the County Executive for his/her approval or veto.
- (e) The word "State" shall mean the State of Maryland.
- (f) The word "person" shall include the words "individual," "corporation," "partnership," and "association" unless such a construction would be unreasonable.
- (g) The word "officer" shall include the words "Council member."
- (h) The words "County Executive" shall be construed as meaning the chief executive officer of the County and the elected Executive Officer mentioned in Section 3, Article XI-A of the Constitution of Maryland.
- (i) Whenever in this Charter the masculine gender is used, it shall be construed to include the feminine gender.
- (j) The word "agency" when used to designate a subordinate element of government shall be construed as including all offices, departments, institutions, boards, commissions, and corporations of the County government, and, when so specified, all offices, departments, institutions, boards, commissions, and corporations which receive or disburse County funds.
- (k) Reference to a span of time when computed in days is not intended to include Saturdays, Sundays, or holidays of the State or Nation. The words "calendar days" are used in those instances where the span of time is intended to include Saturdays, Sundays, and holidays of the State or Nation. Reference to a span of time is not

intended to include the day the event occurs, but shall include the last day of a period so computed, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the day which is neither a Saturday, Sunday, or legal holiday.

(l) The term "zoning case" shall include zoning reclassification cases and Board of Appeals cases.

(m) The words "qualified voter" shall be construed to mean a person who is qualified to be a registered voter, but without any requirement that the person actually be registered to vote. However, for the purposes of Sections 204, 211, 220, and 303 of this Charter, the words "qualified voters" shall be construed to mean the registered voters of the County.

Article IX. Effect and Amendment of Charter.

Section 901. Effective Date of Charter.

This Charter shall become effective on the thirtieth day following its adoption, except as otherwise specifically provided in the Transitional Provisions (Article X) of this Charter.

Section 902. Existing Laws.

The Public Local Laws of Harford 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 903. Existing Officers and Employees.

All appointed officers and employees of the County government holding office at the effective date of this Charter, except the officers holding the offices specifically abolished by this Charter, shall continue to be employed at their existing compensation subject to the provisions of this Charter.

Section 904. Reference in State Constitution and Laws to County Commissioners.

All references to the Constitution and the laws of this state to the County Commissioners shall, at such time as the elected members of the first Council and the first County Executive take office, be construed to refer to the Council and to the County Executive whenever such construction would be reasonable. The 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 905. Charter Amendments.

Amendments to this Charter may be proposed by legislative act of the Council. Amendments may also be proposed by petition filed with the President of the County Council and signed by not less than twenty percent of the registered voters of the County, or 10,000 of such registered voters in case twenty percent of the number of registered voters is greater than 10,000. When so proposed, whether by legislative act of the Council or by petition, the question 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. If at said election the majority of votes cast on the question shall be in favor of the proposed amendment, the amendment shall stand adopted from and after the thirtieth calendar day following said election. Any amendments to this Charter, proposed in the manner aforesaid, shall be published by the President of the County Council in at least two newspapers 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.