

HOWARD COUNTY CHARTER

Adopted November 5, 1968



PREAMBLE

We, the People of Howard County, in the State of Maryland, in order to obtain the benefits of home rule and to separate the legislative, executive and judicial functions of government, do, in accordance with the Constitution and laws of the State of Maryland, adopt, ordain and establish as our Charter and form of government, this

CHARTER OF HOWARD COUNTY

TABLE OF CONTENTS

PREAMBLE

ARTICLE I

NAME AND RIGHTS OF THE COUNTY

Section 101	Body Corporate and Politic	1
Section 102	Exercise of Powers	1
Section 103	Name and Boundaries	1

ARTICLE II

THE LEGISLATIVE BRANCH

Section 201	Composition	1
Section 202	The County Council	1
202(a)	Mode of Election	1
202(b)	Qualifications	1
202(c)	Term of Office	1
202(d)	Compensation	1
202(e)	Vacancies	1
Section 203	Officers	2
203(a)	Presiding Officer	2
203(b)	Other Officers and Duties	2
Section 204	Action by Council	2
Section 205	Enumerated Powers Not to be Exclusive	2
Section 206	Limitation on Exercise of Council's Powers	2
Section 207	Legislative Powers of Council	2
Section 208	Sessions of the County Council; Quorum; Rules of Procedure	2
208(a)	Total Session Days	2
208(b)	Annual Legislative Session	2
208(c)	Monthly Legislative Session-Day	2
208(d)	Non-Legislative Meetings	2
208(e)	Emergency Sessions	2
208(f)	Quorum	2
208(g)	Rules of Procedure	2
208(h)	Public Meetings	3
208(i)	Journal	3
Section 209	Legislative Procedure	3
209(a)	Enacting Clause	3
209(b)	Titles	3
209(c)	Procedure for Passage of Laws	3
209(d)	Procedure for Passing Emergency Laws	3
209(e)	Votes Required	3
209(f)	Publication of Proposed Laws	3
209(g)	Effective Date of Laws; Emergency Measures	3
209(h)	Executive Veto	3
209(i)	Failure of Bills	4
Section 210	Recording, Printing, and Compilation of Laws	4
210(a)	Recording of Laws	4
210(b)	Printing and Publication of Laws	4
210(c)	Compilation of Laws	4
210(d)	Cumulative Supplement	4

Section 211	The Referendum	4
211(a)	Scope of the Referendum	4
211(b)	Form of Petition	4
Section 212	County Auditor	4
Section 213	Special Audits	5
Section 214	Investigation by the Council	5
Section 215	Non-Interference with Executive Branch	5
Section 216	Special Assistance	5
ARTICLE III	THE EXECUTIVE BRANCH	
Section 301	Composition	5
Section 302	The County Executive	5
302(a)	Mode of Election	5
302(b)	Qualifications	5
302(c)	Term of Office	6
302(d)	Salary	6
302(e)	Change in Salary	6
302(f)	Vacancy	6
302(g)	Temporary Absence or Disability	6
302(h)	Inability to Perform Duties	6
302(i)	Powers and Duties	6
Section 303	Term and Compensation of Officers and Employees in the Executive Branch	7
Section 304	Temporary Appointments	7
304(a)	County Administrator	7
304(b)	Other Officers	7
304(c)	Limitation on Term of Temporary Appointees	7
Section 305	Organization Staffing	8
ARTICLE IV	OFFICES, DEPARTMENTS, AND BOARDS	
Section 401	General Supervision	8
Section 402	Creation of Additional Offices and Departments	8
Section 403	The Office of County Administrator	8
403(a)	The County Administrator	8
403(b)	Nature of Office and Duties	8
Section 404	The Office of Law	8
404(a)	The County Solicitor	8
404(b)	Powers and Duties	9
404(c)	Assistants to the County Solicitor	9
404(d)	Other Legal Assistance	9
404(e)	Prohibitions	9
Section 405	The Office of Finance	9
405(a)	The Director of Finance	9
405(b)	General Powers and Duties	9
405(c)	Appropriation to Control Expenditures	9
Section 406	The Office of Planning and Zoning	9
406(a)	The Director of Planning	9
406(b)	Duties and Functions of the Office	9
Section 407	The Planning Board ✓	10
407(a)	Composition of the Board	10

407(b)	Meetings and Rules of Procedure	10
407(c)	Recommendations on Planning and Zoning	10
407(d)	Recommendations on Capital Programs and Capital Budgets	11
407(e)	Other Recommendations	11
407(f)	Master Plan Guidelines	11
407(g)	Public Hearings	11
407(h)	Initiation of Studies	11
Section 408	The Office of Civil Defense	11
Section 409	The Assessment Office	11
Section 410	The Department of Public Works	11
410(a)	The Director of Public Works	11
410(b)	Duties and Functions of the Department	11
Section 411	The Public Works Board	12
411(a)	Composition of the Board	12
411(b)	Duties and Functions of the Board	12
Section 412	The Police Department	12
412(a)	The Chief of Police	12
412(b)	Duties and Functions of the Department	12
Section 413	The Fire Department	13
413(a)	The Fire Administrator	13
413(b)	Duties and Functions of the Department	13
Section 414	The Fire Board	13
414(a)	Composition of the Board	13
414(b)	Duties and Functions of the Board	13
Section 415	The Department of Recreation and Parks	13
415(a)	The Director of Recreation and Parks	13
415(b)	Duties and Functions of the Department	13
Section 416	The Recreation and Parks Board	13
416(a)	Composition of the Board	13
416(b)	Duties and Functions of the Board	13
Section 417	The Board of Education	14
Section 418	The Department of Libraries	14
Section 419	The Department of Health	14
Section 420	The Department of Welfare	14
Section 421	Reorganization of Departments Under State Law	14

ARTICLE V

APPEAL BOARDS

Section 501	The County Board of Appeals	14
501(a)	Appointment; Term; Compensation	14
501(b)	Powers and Functions	14
501(c)	Rules of Practice and Procedure	15
501(d)	Appeals from Decisions of the Board	15
501(e)	Employees of the Board	15
501(f)	Furthering Legislation	15
Section 502	The Appeal Tax Court	15

ARTICLE VI

BUDGETARY AND FISCAL PROCEDURES

Section 601	Fiscal Year and Tax Year	15
Section 602	Definition of Terms Used in This Article	15
Section 603	Comprehensive Scope of Budget	16
Section 604	Submission and Contents of the County Budget	16

604(a)	Contents of the Current Expense Budget	16
604(b)	Contents of the Capital Budget and Capital Program	16
604(c)	Contents of the Budget Message	16
Section 605	Filing of Proposed Budget; Copies	16
Section 606	Public Hearing	16
Section 607	Action on the Budget by the County Council	16
Section 608	Reproduction of Budget; Effective Date; Tax Levy and Balanced Budget	17
608(a)	Reproduction of Budget	17
608(b)	Effective Date	17
608(c)	Tax Levy and Balanced Budget	17
Section 609	Transfer of Appropriations	17
Section 610	Supplementary and Emergency Appropriations	17
610(a)	Supplementary	17
610(b)	Emergency	17
Section 611	Lapsed Appropriations	18
Section 612	Appropriation Control and Certification of Funds	18
Section 613	Restrictions of Capital Projects; Amendment to Capital Budget after Adoption of Budget	18
Section 614	Enterprise Accounting	18
Section 615	Composition and Limitation upon County Funds and Levies; Special Taxes; Bond Obligation	18
615(a)	Special Funds; Revenue and Receipts	18
615(b)	General Revenue and Receipts; Appropriations	18
615(c)	Prohibitions	18
615(d)	Levy for Roads	19
615(e)	Bond Interest and Redemption Obligations	19
615(f)	Working Capital Funds	19
615(g)	Reserve Fund for Permanent Public Improvements	19
Section 616	Borrowing Limitations	19
Section 617	Form and Term of Bonds	19
Section 618	Contents of Bond Issue Authorization Ordinances	19
Section 619	Supplemental Legislation by Council	19

ARTICLE VII

MERIT SYSTEM

Section 701	Scope of the Merit System	20
Section 702	Exempt and Classified Service	20
Section 703	The Personnel Board	20
Section 704	Appointment, Promotion and Discipline	20
704(a)	Personnel Rules	20
704(b)	Appointments	20
704(c)	Disciplinary Actions	20
704(d)	Action by Council	20

Section 705	Appeals	20
Section 706	Classification and Pay Plans	21
706(a)	Preparation of Classification Plan	21
706(b)	Allocation of Positions to Classes	21
706(c)	Revision of Classification Plan	21
706(d)	Administration of pay plan	21
706(e)	Revisions of Pay Plan	21
Section 707	Pay Plan for Exempt Positions	21
Section 708	Certification of Pay	21
Section 709	Prohibitions	21
709(a)	Discriminations	21
709(b)	Political Endorsements	21
709(c)	Influence	21
709(d)	Involuntary Assessments	22
709(e)	Solicitation for Political or Partisan purposes	22
709(f)	Voluntary Contributions	22
709(g)	Political Affiliations	22
709(h)	Fraud	22
709(i)	Rendering Personal Services	22
709(j)	Improper Administration	22
Section 710	Penalties	22
ARTICLE VIII	CENTRALIZED PURCHASING	
Section 801	Responsibility for Purchasing	22
Section 802	County Purchasing Policies and Practices	22
Section 803	Application of this Article to Departments and Agencies under State Law	23
Section 804	Competitive Bidding	23
Section 805	Conformity with Budget Limitations and Allotments	23
Section 806	Contract Execution	23
Section 807	Cooperative Purchasing	23
Section 808	Furthering Legislation	23
ARTICLE IX	GENERAL PROVISIONS	
Section 901	Conflict of Interest	23
901(a)	Prohibitions	23
901(b)	Rules of Construction; Exceptions by Council	24
901(c)	Penalties	24
Section 902	Citizens Advisory Boards	24
Section 903	Removal of Members of Boards and Commissions	24
Section 904	Construction of Powers	24
Section 905	Additional Compensation Prohibited	24
Section 906	Copies of Books and Papers on Demand	24
Section 907	Inspection of Books, Accounts and Papers	24
Section 908	Bonding of Officers	25
Section 909	County Seal and County Flag	25
Section 910	Subpoena Power	25
Section 911	Custody of Papers and Records	25

Section 912	Separability	25
Section 913	Citation	25
Section 914	Definitions and Rules of Construction	25
ARTICLE X	MANNER OF AMENDING OR TERMINATING THIS CHARTER	
Section 1001	Amendment	26
Section 1002	Decennial Charter Revision Commission	26
Section 1003	Termination	26
ARTICLE XI	TRANSITIONAL PROVISIONS	
Section 1101	Nature of This Article	26
Section 1102	Effective Date of This Charter	27
Section 1103	Method of Selection of First Council	27
1103(a)	The Existing County Commissioners	27
1103(b)	Manner of Election of Additional Members of the First Council	27
Section 1104	Manner of Election of the First Executive	27
Section 1105	Manner of Nomination	27
Section 1106	Terms of Office of the First Executive and Members of the First Council	27
Section 1107	Reference in State Constitution and Laws to County Commissioners	27
Section 1108	Time Certain Articles Become Operative	27
Section 1109	Existing Laws	27
Section 1110	Existing Officers and Employees	27
Section 1111	Existing County Seal	27
Section 1112	Abolition of Certain Offices, Boards and Commissions	28
1112(a)	The Howard County Metropolitan Commission	28
1112(b)	The County Treasurer	28
1112(c)	The Board of Parks for Howard County	28
1112(d)	The Howard County Planning Commission	28
1112(e)	The Board of Zoning Appeals	28
1112(f)	The Office of Zoning Commissioner	28
1112(g)	The Roads Department	28
1112(h)	The Office of Buildings Engineer	28
1112(i)	The Office of Housing Administrator	28
1112(j)	The Offices of Clerk and Assistant Clerk To the Board of County Commissioners	28
1112(k)	The Office of Attorney to the Board of County Commissioners	28
Section 1113	Other Offices and Agencies	29
Section 1114	Transfer of Records and Property	29
Section 1115	Termination of This Article	29

**APPENDIX Governmental Organization of Howard County Under Proposed
Home Rule Charter**

ARTICLE I

NAME AND RIGHTS OF THE COUNTY

Section 101. **BODY CORPORATE AND POLITIC.** Howard County as it now exists constitutes a body corporate and politic. Under this Charter it shall have all rights and powers of local self-government and home rule as are now or may hereafter be provided or necessarily implied by this Charter and by the Constitution and laws of the State of Maryland.

Section 102. **EXERCISE OF POWERS.** The powers mentioned in the preceding section shall be exercised only by the County Council of Howard County, the County Executive and other agents, officers and employees of the County acting under their respective authorities or under such other authority as may be provided by this Charter or the laws of this State. In the exercise of such powers, the citizens of Howard 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 "Howard County, Maryland," and it shall thus be designated in all actions and proceedings touching its rights, powers, properties, liabilities and duties. Its boundaries and county seat shall be and remain as they are at the time this Charter takes effect unless otherwise changed in accordance with law.

ARTICLE II

THE LEGISLATIVE BRANCH

Section 201. **COMPOSITION.** The legislative branch of the County government shall consist of the County Council and the officers and employees thereof.

Section 202. **THE COUNTY COUNCIL.** The legislative power of the County is vested in the County Council of Howard County which shall consist of five members who shall be elected from the County at large.

(a) **MODE OF ELECTION.** The members of the Council shall be nominated and elected by the qualified voters of the County as provided by law.

(b) **QUALIFICATIONS.**

1. **IN GENERAL.** Members of the Council shall be qualified and registered voters of the County for a period of not less than two years prior to their election and shall be not less than twenty-five years of age at the time of their election.

2. **OTHER OFFICES.** No person shall qualify or serve as a member of the Council while he holds any other office or employment for profit of or under State or County government, and no member of the Council shall, during the whole term for which he was elected, be eligible for any appointive County office, position or employment carrying compensation.

3. **FORFEITURE OF OFFICE.** If a member of the Council ceases to be qualified and registered voter of the County or is convicted of any crime involving moral turpitude, he shall immediately forfeit his office.

(c) **TERM OF OFFICE.** Members of the Council shall qualify for office on the first Monday in December following their election, or as soon thereafter as practicable and shall enter upon the duties of their office immediately upon their qualification. They shall hold office for a term of four years commencing at the time of their qualification and continuing until their successors shall qualify.

(d) **COMPENSATION.** Each member of the Council shall be paid for the performance of public duties under this Charter the sum of Thirty-Six Hundred Dollars (\$3,600.00) per annum. Such salary shall be in full compensation for all services required by this Charter to be performed by the members of the Council, but shall not preclude reasonable and necessary expenses as may be provided in the Budget.

(e) **VACANCIES.** A vacancy occurring in the office of Council member prior to the expiration of his term shall be filled within thirty days after the vacancy occurs by appointment of a person whose name is to be submitted in writing to the Council by the State Central Committee of Howard County representing the political party to which the previous member

belonged. If a name is not submitted by the appropriate State Central Committee within twenty-five days after the vacancy occurs or if the previous incumbent was not a member of a political party, then the vacancy shall be filled by a majority vote of the remaining members of the Council.

Section 203. OFFICERS.

(a) **PRESIDING OFFICER.** The Council at its first meeting in December of each year shall elect from its membership a Chairman and Vice Chairman. The Chairman, or in his absence the Vice Chairman, shall preside at all meetings. On all questions before the Council, the Chairman and Vice Chairman shall have and may exercise the vote to which each is entitled as a Council member.

(b) **OTHER OFFICERS AND DUTIES.** The Council shall employ a Secretary, who shall keep minutes of all meetings and maintain its Journal. There may be such other officers of the Council as may be provided in its Rules of Procedure. Officers of the Council shall perform duties and functions not inconsistent with those assigned to the legislative branch by this Charter or the Rules of Procedure of the Council.

Section 204. **ACTION BY COUNCIL.** In all of its functions and deliberations, the Council shall act as a body and shall have no power to create standing committees or to delegate any of its functions and duties to a smaller number of its members than the whole.

Section 205. **ENUMERATED POWERS NOT TO BE EXCLUSIVE.** The enumeration of powers in this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, the Council shall have and may exercise all legislative powers which, under the Constitution and laws of this State, it would be competent for this Charter specifically to enumerate.

Section 206. **LIMITATION ON EXERCISE OF COUNCIL'S POWERS.** In the exercise of all its powers, the Council shall be subject to the express limitations imposed by this Charter and by all applicable provisions of the Constitution and laws of this State.

Section 207. **LEGISLATIVE POWERS OF COUNCIL.** The Council is vested with the law-making power of the County, including all such powers as heretofore have been exercised by the General Assembly of Maryland and transferred to the people of the County by the adoption of this Charter. The Council shall also have and may exercise such legislative powers as may be bestowed upon counties by the Constitution and laws of this State from time to time. The Council shall provide for the punishment of violations of any provisions of this Charter and may provide for punishment of violations of ordinances, resolutions, rules and regulations. Maximum penalties shall be as provided in State law and prosecution in such cases shall be as provided by law for the prosecution of misdemeanors.

Section 208. SESSIONS OF THE COUNTY COUNCIL; QUORUM; RULES OF PROCEDURE.

(a) **TOTAL SESSION DAYS.** The Council may sit up to forty-five days in each year for the purpose of enacting legislation.

(b) **ANNUAL LEGISLATIVE SESSION.** The Council shall meet for an annual legislative session of up to thirty legislative days commencing on the second Monday of May of each year.

(c) **MONTHLY LEGISLATIVE SESSION-DAY.** The Council shall also meet on the first Monday of each month, except December in councilmanic election year, for the purpose of enacting legislation, but if the said first Monday shall be a holiday the said session-day shall be held on the next succeeding day which is not a holiday.

(d) **NON-LEGISLATIVE MEETINGS.** The Council may also meet for the purpose of approving the County budget and performing other duties properly exercisable by the Council under the provisions of this Charter other than enacting legislation at such times and at such places as the Council may determine.

(e) **EMERGENCY SESSIONS.** The Council may be called into emergency session for the purpose of enacting emergency legislation either by the County Executive or by a majority of the councilmen.

(f) **QUORUM.** A majority of the members of the Council shall constitute a quorum for the transaction of business, except that for emergency sessions two-thirds of the members of the Council shall be required.

(g) **RULES OF PROCEDURE.** It shall be the duty of the Council to adopt and publish Rules of Procedure of the Council.

(h) **PUBLIC MEETINGS.** All hearings and legislative sessions of the Council shall be open to the public. Nothing contained herein, however, shall be construed to prevent the Council from holding a closed session; but no ordinance, resolution, rule or regulations shall be adopted at such session.

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

Section 209. LEGISLATIVE PROCEDURE.

(a) **ENACTING CLAUSE.** The style of the enacting clause for all laws of the Council shall be: "Be it enacted by the County Council of Howard County, Maryland." All laws shall be passed by original bill.

(b) **TITLES.** Each law enacted by the Council shall embrace but one subject and that subject shall be described in its title; and no law or section of law shall be revised or amended by reference to its title or section only.

(c) **PROCEDURE FOR PASSAGE OF LAWS.** A proposed law may be introduced by bill by any member of the Council on any legislative session-day of the Council. Not later than the next calendar day following the introduction of a bill, the Chairman of the Council shall schedule a public hearing thereon. Such public hearing shall be held not less than seven calendar days after its introduction, provided that the Council may reject any proposed law on its introduction without a hearing by a vote of two-thirds of the members. The hearing may, but need not be, held on a legislative session-day and may be adjourned from time to time. After the public hearing as herein provided, a bill may be finally passed on a legislative session-day. The provisions of this sub-section shall not be applicable to the annual budget and appropriation ordinance of Howard County as defined in Article VI, Section 603 of this Charter.

(d) **PROCEDURE FOR PASSING EMERGENCY LAWS.** Upon introduction by bill of an emergency law, the Chairman shall schedule a public hearing thereon which shall not be less than seven calendar days after its introduction. The public hearing may, but need not be, held on a legislative session-day and may be passed on a legislative session-day by an affirmative vote of two-thirds of the members of the Council.

(e) **VOTES REQUIRED.** No bill shall become law unless it be passed by the affirmative vote of a majority of the members of the Council, or such greater number as may elsewhere be required in this Charter, and on its final passage the yeas and nays and the names of members voting for and against the bill shall be recorded in the Journal.

(f) **PUBLICATION OF PROPOSED LAWS.** On the introduction of any bill, a copy thereof and notice of the time and place of the hearing shall be posted by the Secretary of the Council, within twenty-four hours, on an official bulletin board to be set up by the Council in a public place, and additional copies of the bill shall be made available to the public and to the press. In addition, the title of each bill and the time and place of the hearing thereon shall be published in at least two newspapers of general circulation published in the County. Every copy of each bill shall bear the name of the member or members of the Council introducing it and the date it was introduced for the consideration of the Council; and no bill shall be passed before the seventh calendar day after such date. Upon the passage of any bill by the Council, it shall receive such publication as required in Section 210 of this Article.

(g) **EFFECTIVE DATE OF LAWS; EMERGENCY MEASURES.** All laws shall take effect sixty days after their enactment, unless by the affirmative vote of two-thirds of the members of the Council any such law shall be declared to be effective on a later date, or declared an emergency measure affecting the public health, safety or welfare, in which latter event the same shall take effect from the date of its enactment. The term "emergency measure" shall not include any measure creating or abolishing any office; or changing the salary, term or duty of any officer; or granting any franchise or special privilege; or creating any vested right or interest.

(h) **EXECUTIVE VETO.** Upon the passage of any legislation by the Council, with the exception of such measures as may in this Charter be made expressly exempt from the executive veto, the same shall be presented within three calendar days to the County Executive for his approval or disapproval, and within ten calendar days after such presentation he shall return any such legislation to the Council with his approval endorsed thereon or with a statement in writing of his reasons for not approving the same. Upon approval by the County Executive, any such legislation shall stand enacted. Any such legislation presented to the County Executive and returned with his veto may be reconsidered by the Council. His objections shall be entered upon the Journal of the Council, and not later than at its next legislative session-day, the Council may reconsider the enactment thereof notwithstanding the executive veto, and if two-thirds of the members of the Council vote in the affirmative, the legislation shall stand enacted. Whenever the County Executive shall fail to return any such legislation within ten days after the date of its presentation to him, the Secretary of the Council shall forthwith record the fact of such failure in the Journal, and such legislative act shall thereupon stand enacted. The County Executive may strike out or reduce any item in a supplementary appropriation bill and the procedure in such a case shall be the same as in the case of the veto of a bill by the County Executive.

(i) **FAILURE OF BILLS.** Any bill not passed within sixty- five calendar days after its introduction, or prior to November in a councilmanic election year, shall fail.

Section 210. RECORDING, PRINTING, AND COMPILATION OF LAWS.

(a) **RECORDING OF LAWS.** All laws enacted shall be authenticated by the signature of the Secretary to the Council and shall be recorded in full in a properly indexed book kept for the purpose.

(b) **PRINTING AND PUBLICATION OF LAWS.** The Council shall cause each ordinance, resolution, rule and regulation having the force and effect of law and each amendment to this Charter to be printed promptly following its enactment and they shall receive such publication as may from time to time be required by law. The rules, regulations, ordinances, resolutions and charter amendments shall be made available to the public at reasonable prices to be fixed by the Council.

(c) **COMPILATION OF LAWS.** At its first annual legislative session and at intervals not greater than every ten years thereafter, the Council shall provide for a compilation and codification of all public local laws of the County; all rules, regulations, resolutions and ordinances having the force and effect of law theretofore issued or approved by the County Commissioners; and all rules, regulations, resolutions and ordinances of the Council in effect at such times other than those of a temporary or special character. Each such codification shall be submitted to the Council, and if legalized by law, shall be known as "The Howard County Code." It shall be published, together with an index and such appropriate notes, citations, annotations and appendices as may be determined by the Council and the Office of Law. The first such codification shall be completed in time for submission to the second annual legislative session of the first Council for legislative re-enactment.

(d) **CUMULATIVE SUPPLEMENT.** Not earlier than ninety calendar days after the close of the annual legislative session, the County Solicitor shall cause to be prepared and published a cumulative supplement to The Howard County Code, with an index and such appropriate notes, citations, annotations and appendices as he may deem desirable or as may be required by the Council.

Section 211. THE REFERENDUM.

(a) **SCOPE OF THE REFERENDUM.** The people of Howard County reserve to themselves the power known as "The Referendum," by petition to have submitted to the registered voters of the County to approve or reject at the polls, any law or part of any law of the Council. The referendum petition against any such law shall be sufficient if signed by five per centum of the registered voters of the County, but in any case not less than 1,500 nor more than 5,000 signatures shall be required. Such petition shall be filed with the Board of Supervisors of Election of Howard County within sixty days after the law is enacted. If such a petition is filed as aforesaid, the law or part thereof to be referred shall not take effect until thirty days after its approval by a majority of the qualified voters of the County voting thereon at the next ensuing election held for members of the House of Representatives of the United States; provided, however, that if more than one-half but less than the full number of signatures required to complete any referendum petition against such law be filed within sixty days from the date it is enacted, the time for the law to take effect and the time for filing the remainder of signatures to complete the petition shall be extended for an additional thirty days. Any emergency measure shall remain in force from the date it becomes law notwithstanding the filing of such petition, but shall stand repealed thirty days after having been rejected by a majority of the qualified voters voting thereon. No law making any appropriation for current expenses shall be subject to rejection or repeal under this section.

(b) **FORM OF PETITION.** A petition may consist of several papers, but each paper shall contain a fair summary of the Act or the part of the Act petitioned upon; and there shall be attached to each such paper an affidavit of the person procuring the signatures thereon that, to the said person's own personal knowledge, each signature thereon is genuine and bona fide, and that to the best of his knowledge, information and belief the signers are registered voters of the State of Maryland and Howard County, as set opposite their names. The Board of Supervisors of Elections shall verify the registration of said petitioners.

Section 212. COUNTY AUDITOR. The Council shall, by resolution, appoint a County Auditor who shall hold office for an indefinite term at the pleasure of the Council and shall receive such compensation as the Council may determine. He shall be a certified public accountant licensed for the practice of his profession under the laws of this State, and shall be appointed on the basis of his knowledge of governmental accounting and auditing and his experience pertaining to the duties of his office. He shall, not later than three 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 offices, departments, institutions, boards,

commissions, corporations, courts and other agencies of the County government. The Council may in its discretion except those agencies whose entire records, accounts and affairs are completely audited each year with the approval of or by the State government. Such audit shall include a report thereon together with such explanatory comments as the Auditor may deem appropriate. The report and explanatory comments shall be published in at least two newspapers of general circulation in the County, and copies of the complete audit shall be open for the inspection of the public and the press in the County Auditor's office. All records and files pertaining to the receipt and expenditure of County funds by all officers, agents and employees of the County and all offices, departments, institutions, boards, commissions, courts and corporations and other agencies thereof, shall at all times be open to the inspection of the County Auditor. He shall promptly call to the attention of the Council and the County Executive any irregularity or improper procedure which he may, from time to time, discover. 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 not inconsistent with those provided herein. All actions of the Council pursuant to this section shall be exempt from the executive veto.

Section 213. SPECIAL AUDITS. Either the Council or the County Executive may at any time order the examination or audit of the accounts of any department, office or agency receiving funds from the County government. Upon the death, resignation, removal or expiration of the term of any County administrative officers, the County Auditor shall report the results of his audit to the County Executive and the Council, and copies shall be made available to the public and press no later than four 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 214. INVESTIGATION 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 department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. It shall be deemed a misdemeanor for any person to fail or refuse to obey a lawful order issued in the exercise of these powers by the Council and upon conviction thereof shall be punishable by fine of not more than \$100, or by imprisonment for not more than thirty days, or both.

Section 215. NON-INTERFERENCE WITH EXECUTIVE BRANCH. Neither the Council nor any of its members shall attempt to influence the head of any department, office or agency of the County government concerning the appointment of any person to, or his removal from, any office or employment, nor in any way take part in the appointment of or removal of officers and employees of the County except as specifically provided in this Charter. Formal communications from the Council to the executive branch shall be addressed to the Executive, and neither the Council nor any member thereof shall give orders either publicly or privately to any subordinate of the County Executive.

Section 216. SPECIAL ASSISTANCE. The Council may at its discretion, and subject to the provisions in its budget or supplementary appropriation, by resolution employ such legal, financial or other technical advisors as it may from time to time deem necessary for the performance of any of its functions.

ARTICLE III

THE 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 supervision and authority.

Section 302. THE COUNTY EXECUTIVE. The executive power of the County shall be vested in the County Executive who shall be the chief executive officer of the County and the official head of the County government. In such capacity he shall be the elected executive officer mentioned in Section 3 of Article XIA of the Constitution of this State. He shall devote full time to the duties of his office.

(a) MODE OF ELECTION. The Executive shall be nominated and elected by the qualified voters of the County as provided by law.

(b) QUALIFICATIONS.

1. IN GENERAL. The executive shall be a qualified and registered voter of the County for a period of not less than five years prior to his election and shall be not less than thirty years of age at the time of his election.

2. OTHER OFFICES. No person shall qualify or serve as Executive while he holds any other office or employment

for profit of or under State, County or Federal government, and no Executive shall, during the whole term for which he was elected, be eligible for appointment to any County office, position or employment carrying compensation.

3. **FORFEITURE OF OFFICE.** If an Executive ceases to be a qualified and registered voter of the County or is convicted of any crime involving moral turpitude, he shall immediately forfeit his office.

(c) **TERM OF OFFICE.** The Executive shall qualify for the office on the first Monday in December following his election, or as soon thereafter as practicable and shall enter upon the duties of his office immediately. He shall hold office for a term of four years commencing at the time of his qualification and continuing until his successor shall qualify. No person shall be eligible to succeed himself in office if he has served as Executive for two consecutive four-year terms.

(d) **SALARY.** Subject to the provisions of Section 302(e) of this Article, the Executive shall be paid an annual salary of Eighteen Thousand Dollars (\$18,000.00).

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

(f) **VACANCY.** Whenever for any cause the office of the Executive shall become vacant, the same shall be filled by resolution within thirty days by the affirmative vote of a majority of the members of the Council. The person so elected by the Council shall possess the same qualifications for the office as hereinbefore provided in Section 302(b) hereof, shall belong to the same political party as his predecessor (unless his predecessor was not a member of a political party) and shall serve the unexpired term of his predecessor and until his successor shall qualify.

(g) **TEMPORARY ABSENCE OR DISABILITY.** The Executive shall within thirty days upon taking office, designate in writing the County Administrator or other appointive officer to perform the duties of the Executive during the latter's temporary inability to perform by reason of absence from the County or disability. Such designation shall be filed with the Secretary of the Council. Any such designation may be revoked by the Executive at any time by filing a new designation with the Secretary of the Council. An Acting Executive shall have the same rights, duties, powers, and obligations as an elected incumbent in said office except the power of veto.

(h) **INABILITY TO PERFORM DUTIES.** If an Executive is unable to perform the duties and responsibilities of his office as set forth in Section 302(i) of this Article for a continuous period of six months, his office may be declared vacant by the affirmative vote of not less than two-thirds of the members of the Council and such vacancy shall thereupon be filled in the manner above provided in Section 302(f) of this Article.

(i) **POWERS AND DUTIES.** The Executive shall be responsible for the proper and efficient administration of such affairs of the County as are placed in his charge or under his jurisdiction and control under this Charter or by law. His express responsibilities, duties and powers shall include, but not be limited to, the following:

1. To supervise, direct and control the offices and departments of the County Government, subject to law and the provisions of this Charter;
2. To present to the Council the annual County budget in the manner and form hereinafter in this Charter provided;
3. To report to the Council and the public at least once a year a general statement of finances, government and affairs of the County, with a summary statement of the activities of the several departments and offices thereof;
4. To present to the Council from time to time such other information concerning the business and affairs of the County as he may deem necessary, or as the Council by resolution may request, and to recommend such measures for legislative action as he may deem to be in the best interest of the County;
5. To see that the County officers, boards, agencies, commissions, departments and employees faithfully perform their duties;
6. To see that the laws of the State pertaining to the affairs, good order and government of the County, and the

acts, resolutions, ordinances and public local laws of the County are duly executed and enforced within the County;

7. To make or cause to be made any study or investigation which in his opinion may be in the best interests of the County, including but not limited to investigations of the affairs, functions, acts, methods, personnel or efficiency of any department, office or officer under his jurisdiction;

8. To veto, in his discretion, legislative acts of th Council, in the manner, at the times and subject to the limitations provided in Article II, Section 209(h) of this Charter;

9. To appoint, subject to confirmation by the affirmative vote of a majority of the members of the Council, the County Solicitor;

10. To appoint the County Administrator and the heads of all offices and departments which are subject to his supervision and control under this Charter or by law;

11. Unless otherwise specified in this Charter, to appoint the members of all boards, commissions, authorities and corporations created in or pursuant to this Charter or by law;

12. To sign or cause to be signed on the County's behalf all deeds, contracts and other instruments, including those which prior to the adoption of this Charter required the signature of the Chairman or any member of the Board of County Commissioners, and to affix the County Seal thereto;

13. Except as otherwise expressly provided in this Charter, to issue, or cause to be issued, all executive orders, directives, licenses and permits, including those which prior to the adoption of this Charter, were issued or granted by the County Commissioners;

14. To prepare and issue, or cause to be prepared and issued, rules and regulations of the character which prior to the adoption of this Charter were prepared or issued by the County Commissioners, provided that before taking effect, all such rules and regulations, other than those concerned exclusively with the internal operating procedure of the executive branch of the County government, shall be approved by the Council;

15. To perform such other executive duties as may be prescribed by this Charter or required by ordinance or resolution of the Council or as may be necessarily implied from the powers and duties herein specified.

Section 303. TERM AND COMPENSATION OF OFFICERS AND EMPLOYEES IN THE EXECUTIVE BRANCH. Subject to the applicable merit system provisions of this Charter and other laws, all officers, agents and employees in the executive branch of the County shall hold such terms and receive such compensation as may from time to time be provided by this Charter or by law not inconsistent therewith. Officers and employees in the exempt service as defined in Article VII, Section 702 of this Charter, shall have their compensation fixed by an executive pay plan adopted by the Council upon recommendation of the Executive. The executive pay plan shall exclude the Executive and other elective officials whose salaries may not be changed during their term of office.

Section 304. TEMPORARY APPOINTMENTS.

(a) **COUNTY ADMINISTRATOR.** During the temporary absence of the County Administrator, or if the office of County Administrator shall become vacant, the Executive shall appoint an Acting County Administrator pending, in the case of a vacancy, the appointment of a successor. In his capacity as Acting County Administrator, the appointee need not possess, but the successor shall possess, all those qualifications hereinabove in this Article specified for an original appointee.

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

(c) **LIMITATION ON TERM OF TEMPORARY APPOINTEES.** No person shall serve as Acting County Administrator or acting head of any office or department for a period longer than sixty days, provided, however, such limit may be extended an additional four months by resolution of the Council.

Section 305. ORGANIZATION STAFFING. Subject to the provisions of Article VII of this Charter, other law, and the provisions of the annual budget, the head of each office or department may appoint staff and clerical personnel to positions authorized by the Executive, but no such appointment shall be made if the cost thereof exceeds the budgetary allotment therefor.

ARTICLE IV

OFFICES, DEPARTMENTS, AND BOARDS

Section 401. GENERAL SUPERVISION. Except as otherwise provided in this Charter or in the laws of this State, the offices and departments of the County government shall be subject to the supervision and control of the Executive, who shall be responsible for their efficient operation and management.

Section 402. CREATION OF ADDITIONAL OFFICES AND DEPARTMENTS. Additional offices and departments shall be created only by legislative action of the Council.

Section 403. THE OFFICE OF COUNTY ADMINISTRATOR.

(a) THE COUNTY ADMINISTRATOR. The County Administrator shall be appointed solely on the basis of his managerial and administrative qualifications for the performance of the duties of his office as hereinafter set forth. He shall have had, prior to his appointment, at least five years experience as a manager, either in public service or private business, or both. He shall also be thoroughly familiar with modern accounting methods, budget procedures, personnel administration, data processing and purchasing. At the time of his appointment, he may, but need not be, a resident of Howard County or of the State of Maryland, but during his tenure of office he shall reside within the County.

(b) NATURE OF OFFICE AND DUTIES. The County Administrator shall perform such administrative duties and exercise such general supervision over the offices and departments of the County government as the Executive may direct. In addition, the County Administrator shall have the following express duties and responsibilities:

1. To be the Chief Budget Officer of the County. As such, he shall prepare and submit to the Executive for his approval and submission to the Council all County budgets, prepared in the manner and form provided in Article VI of this Charter; study the organization, methods and procedures of each office, department, board, commission, institution and agency of the County government and submit to the Executive periodic reports on their efficiency and economy.

2. To be the Personnel Officer of the County. As such, he shall have the duties and perform the functions as are provided in Article VII of this Charter and such other duties and functions, not inconsistent therewith, as may be provided in the personnel laws of the County.

3. To be the Purchasing Agent of the County. As such, he shall be responsible for the administration of the central purchasing policies of the County set forth in Article VIII of this Charter.

4. To be the Central Services Officer of the County. As such, he shall be responsible for making available to the other offices, departments, boards, institutions and agencies of the County such duplicating, stenographic, mail, messenger, data processing, communications and other central services as may be specified from time to time by directive of the Executive or by legislative act of the Council.

5. To make periodic reports, with such recommendations as he may deem appropriate, to the Executive concerning the affairs of the County government.

6. To do and perform such other duties as may be prescribed by this Charter or required by ordinance or resolution of the Council or as may be necessarily implied by the powers and duties herein specified.

Section 404. THE OFFICE OF LAW.

(a) THE COUNTY SOLICITOR. The Office of Law shall be administered by the County Solicitor. Prior to his appointment, he shall have been a resident of the County for at least two years, a member in good standing of the Bar of the Court of Appeals, and shall have been actively engaged in the general practice of his profession in the State of Maryland for at least five years.

(b) **POWERS AND DUTIES.** The County Solicitor shall be the legal advisor of the County and of its several offices, departments, boards, commissions and other agencies. Except as otherwise provided in this Charter, no office, department, board, commission, agency or branch of the County government which receives County funds shall have any authority or power to employ or retain any legal counsel other than the County Solicitor. The County Solicitor shall also be the legal advisor and legislative draftsman for the Council. He shall, upon request, give advice and opinions upon any legal questions affecting the interests of the County when the same are submitted to him: (1) by resolution of the Council, (2) by written request of the Executive, or (3) by written request, approved by the Executive, of the head of any office or department in the executive branch or any board, commission or agency. All deeds, bonds, contracts, releases, agreements, advertisement bids and other legal papers, documents and instructions involving the interests of the County to be executed and approved by any officer of the County shall be submitted to the County Solicitor and shall be approved by him as to their form and legal sufficiency in compliance with the laws and conditions under which executed. The County Solicitor shall have the right of access at all times to the official records of any office, department, board, commission or agency of the County. The County Solicitor shall have such additional legal duties as may be prescribed by directive of the Executive act of the Council not inconsistent with this Charter.

(c) **ASSISTANTS TO THE COUNTY SOLICITOR.** The County Solicitor with the approval of the Executive may appoint, subject to the provisions of Article VII of this Charter, such assistants to serve as members of his legal staff as may be necessary for the proper conduct of the business of his office.

(d) **OTHER LEGAL ASSISTANCE.** Nothing in this Article or Article VII shall be construed as preventing the Executive, with the approval of the Council, from engaging the services for a temporary period of any attorney or attorneys for legal work of an extraordinary nature when the work to be done is of such character or magnitude as to require legal services in addition to those provided by the regular staff of the Office of Law. Notwithstanding other provisions of this section, the Board of Education shall have the right to employ its own counsel in accordance with Article 77, Annotated Code of Maryland.

(e) **PROHIBITIONS.** Neither the County Solicitor nor any assistant in the Solicitor's office may at any time, while holding such office practice as an attorney before the Council or any office, department, board, commission or agency of the County in any capacity other than representing the County's interests.

Section 405. THE OFFICE OF FINANCE.

(a) **THE DIRECTOR OF FINANCE.** The Office of Finance shall be administered by the Director of Finance, who shall be appointed by the Executive. He shall be appointed on the basis of his experience in financial administration.

(b) **GENERAL POWERS AND DUTIES.** The Director of Finance shall have charge of the administration of the financial affairs of the County, including the collection of State and County taxes, special assessments, the Metropolitan District charges, fees and other revenues and funds of every kind due to the County; the enforcement of the collection of taxes in the manner provided by law; the custody and safekeeping of all funds and securities belonging to or by law deposited with, distributed to or handled by the County; the disbursement of County funds; the keeping and supervision of all accounts; the control of all expenditures on the basis of budgetary appropriations and allotments; the preparation for bond sales and advising on debt management; and such other functions as may be prescribed by directive of the Executive or by legislative act of the Council not inconsistent with this Charter.

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

Section 406. THE OFFICE OF PLANNING AND ZONING.

(a) **THE DIRECTOR OF PLANNING.** The Office of Planning and Zoning shall be administered by the Director of Planning, who shall be appointed by the Executive. He shall be a trained planner with wide and varied experience in the fields of planning and zoning, and for at least five years he shall have been involved in a position of administrative leadership and responsibility.

(b) **DUTIES AND FUNCTIONS OF THE OFFICE.** The Office of Planning and Zoning shall be charged with the duty and responsibility of comprehensive planning for the growth and development of the County. Such duty and responsibility shall include, but not be limited to, the following functions:

1. The preparation and revision of a Master Plan for land use and land conservation which shall be prepared in accordance with general guidelines promulgated by the Planning Board at least once every five years.
2. The preparation of comprehensive multi-year development plans for public services including transportation, public facilities, water, sewerage, and park lands.
3. The preparation and revision from time to time of rules and regulations governing the subdivision of land and land development.
4. The submission of all of the foregoing plans, zoning maps, and rules and regulations to the Planning Board for its recommendations prior to public hearing by the Council.
5. The preparation and submission of a zoning map and of zoning rules and regulations to the Council.
6. The administration and enforcement of rules and regulations governing the subdivision of land and land development.
7. The administration and enforcement of the zoning code.
8. The receipt, administrative processing, and the preparation of findings on all applications and petitions for reclassifications of zoning districts and amendments to the zoning map.
9. The submission of its findings on all applications and petitions for reclassifications of zoning districts and amendments to the zoning map to the Planning Board for its recommendations prior to public hearing by the Council.
10. The receipt, administrative processing, and the preparation of findings on all other zoning applications and petitions not covered by Section 406(b)8 above.
11. The submission of its findings on all other zoning applications and petitions covered by Section 406(b)10 above to the Planning Board for its recommendations prior to action thereon by the Board of Appeals.
12. Providing assistance to the Board of Education in the preparation of comprehensive multi-year school site and development plans.
13. Provided that nothing herein contained shall be construed as affecting the adoption or change in the General Plan, zoning map, rules, regulations or ordinances unless approved by the Council, after public notice and hearing.

Section 407. THE PLANNING BOARD.

(a) **COMPOSITION OF THE BOARD.** The Planning Board shall consist of five members. Board members shall be appointed by the Executive, subject to confirmation by the Council and shall serve for overlapping terms of five years from the first day of May of the year of their appointments, or until their successors are appointed. Vacancies, except those at the expiration of a term, shall be filled in the same manner as original appointment and for the unexpired term. Members of the Board shall receive no compensation for their services except reasonable and necessary expenses as may be provided in the budget. The Board shall annually select a Chairman and a Vice Chairman from its membership. The Director of Planning shall serve as Executive Secretary to the Board and shall attend all meetings of the Board.

(b) **MEETINGS AND RULES OF PROCEDURE.** The Planning Board shall hold regular monthly meetings. Special meetings may be held at any time, at the call of the Chairman. The Planning Board shall adopt rules for the transaction of its business. It shall keep a record of its resolutions, transactions, findings, determinations and decisions and it shall keep minutes of its proceedings, all of which shall be filed in the Office of Planning And Zoning and shall be public record. With the approval of the Council, the Board may retain such legal counsel or consultants as may be necessary to carry out its functions and duties.

(c) **RECOMMENDATIONS ON PLANNING AND ZONING.** The Planning Board shall make recommendations to the Council on all matters relating to the comprehensive planning and zoning of the County, the adoption of rules and regulations, any amendments thereto, and amendments to the zoning map, in accordance with procedures set forth in Section 406(b) above. Said recommendation shall be made within a reasonable period of time, but in any event no more than forty-five days from the date that the proposal or application shall have been received by the Office of Planning and Zoning unless a longer period of time is allowed by the Council.

(d) **RECOMMENDATIONS ON CAPITAL PROGRAMS AND CAPITAL BUDGETS.** The Planning Board shall consider an itemized list of capital projects, or capital program, which the various agencies of the County government propose to undertake in the ensuing fiscal year and the next succeeding five fiscal years thereafter. The itemized list of capital projects, or capital program, from all County agencies, shall be submitted to the Board not less than four months prior to the beginning of each fiscal year. After consideration by the Planning Board, the Director of Planning shall transmit to the Budget Officer, three months prior to the beginning of each fiscal year, a capital program recommended by said Board to be undertaken in the periods aforesaid together with its estimate of the cost thereof. The impact of any zoning reclassifications during the past year shall be reflected in the capital program.

(e) **OTHER RECOMMENDATIONS.** The Executive, at his discretion, or the Council, by resolution, may provide for reference to the Planning Board, for its recommendations, any matter related to the general duties and functions of the Board.

(f) **MASTER PLAN GUIDELINES.** At least once every five years the Planning Board shall prepare general guidelines to be used by the Office of Planning and Zoning in the preparation and/or the revision of a Master Plan for land use and land conservation.

(g) **PUBLIC HEARINGS.** Prior to making recommendations to the Council, as set forth in Section 407(c) above, concerning adoption of the Master Plan and any development plan, the Planning Board shall hold at least one public hearing thereon at which interested persons shall be afforded a reasonable opportunity to be heard. Notice of the time and place of such hearing shall be published, at least thirty days prior to the hearing, at least twice in two newspapers of general circulation in the County. In addition, the Board shall hold hearings at its discretion or upon written request of the Executive or on resolution of the Council on any matter pending before the Board.

(h) **INITIATION OF STUDIES.** The Planning Board may initiate studies related to the general duties and functions of the Board. For the purpose of conducting such studies, the Board shall have the assistance of the staff of the Office of Planning and Zoning to the extent budgeted for.

Section 408. THE OFFICE OF CIVIL DEFENSE. The Office of Civil Defense shall constitute the local organization for civil defense required to be established by law. The Director of said office shall be appointed by the Governor of this State upon the recommendation of the Executive. The Office shall have such duties and functions as may from time to time be provided by Federal or State law, or by legislative act of the Council not inconsistent therewith.

Section 409. THE ASSESSMENT OFFICE. The Assessment Office shall be under the direction and control of the Supervisor of Assessments who is appointed by the State Department of Assessments and Taxation from a list of persons submitted by the Council in accordance with law. The function of the Assessment Office is the valuation and assessment of real and personal property for the purposes of State and County taxation in accordance with law and the administrative regulations of the State Department of Assessments and Taxation.

Section 410. THE DEPARTMENT OF PUBLIC WORKS.

(a) **THE DIRECTOR OF PUBLIC WORKS.** The Department of Public Works shall be administered by a Director of Public Works, who shall be appointed by the Executive. He shall have demonstrated ability in the management of public works and utilities and shall have had responsible charge of engineering works over a period of at least two years prior to his appointment. He shall have such other qualifications as may be prescribed by law. He shall be appointed solely with regard to his qualifications for the duties and responsibilities of the office.

(b) **DUTIES AND FUNCTIONS OF THE DEPARTMENT.** The Department of Public Works shall be responsible for the following functions:

1. Duties related to County public works and public utility surveys, reports, maps, drawings, specifications, and estimates, and the custody of maps and plans of the County for public works and utilities.
2. Preparing specifications and participating with the County Purchasing Agent in the tabulations of bids and in the determination of the lowest responsible bidder with respect to all public works contracts and supervising the execution of and performance of all contracts for capital projects.
3. Preparing specifications for the County Purchasing Agent in connection with the purchasing of materials, supplies, and equipment.

4. Construction, maintenance, and cleaning roads, streets, alleys, bridges, viaducts, and other public places.
5. Acceptance of roads and dedicated ways as prescribed by law and in accordance with policies and decisions of the Council.
6. Construction and maintenance of water mains, sewers, drains, and culverts.
7. Construction, maintenance, and operations of sewage disposal and treatment plants.
8. Collection of garbage and other refuse, and operations and maintenance of facilities for their disposal.
9. Construction, operation, maintenance, and control of water supply systems, and fire hydrants.
10. Administration and enforcement of the rules and regulations relating to water and sewer systems.
11. Operation, maintenance, and management of County public land and buildings, except those designated by the Council or Executive to be excluded from the responsibility of the Department.
12. MAINTENANCE AND REPAIR OF MOTOR TRANSPORT
13. Performance or procurement, in accordance with central purchasing procedures, of engineering services for all agencies of the County government.
14. Administration, enforcement and inspections associated with laws and regulations relating to building and housing codes and to the issuance of permits and licenses of all kinds within the authority of the County, including, but not limited to, those relating to weights and measures, electrical installations, plumbing, taxicabs, dogs, amusement devices, miscellaneous industrial and commercial uses, water, sewer and gas installations, public gatherings, motion pictures, stock car racing, and trailer camps or trailer coach parks; provided, however, that all licenses and permits issued shall be approved or rejected by such other offices, departments, agencies, or boards of the County government as may be provided from time to time by legislative act.
15. Performance of such other functions as may be prescribed by directive of the Executive or by legislative act of the Council not inconsistent with this Charter.

Section 411. THE PUBLIC WORKS BOARD.

(a) **COMPOSITION OF THE BOARD.** The Public Works Board shall consist of three members. Board members shall be appointed by the Executive, subject to confirmation by the Council and shall serve for overlapping terms of six years from the first day of May of the year of their appointments, or until their successors are appointed. Vacancies, except those at the expiration of a term, shall be filled in the same manner as original appointment and for the unexpired term. Members of the Board shall receive no compensation for their services except reasonable and necessary expenses as may be provided in the budget. The Board shall annually select a Chairman and a Vice Chairman from its membership. The Director of Public Works shall serve as Executive Secretary to the Board and shall attend all meetings of the Board.

(b) **DUTIES AND FUNCTIONS OF THE BOARD.** The Public Works Board shall make recommendations to the Executive and the Council relating to plans and policies on matters under the jurisdiction of the Department of Public Works. The Executive, at his discretion, or the Council by resolution, may provide for reference to the Board, for review and recommendations, of any matter related to the Board's functions and duties.

Section 412. THE POLICE DEPARTMENT.

(a) **THE CHIEF OF POLICE.** The Police Department shall be commanded and administered by a Chief of Police, who shall be appointed by the Executive. He shall be experienced in the command of uniformed patrol and the detection and investigation of crime. He shall be appointed solely on the basis of his qualifications for the duties of his office. All orders to the Police Department shall be directed through the Chief of Police or an officer acting in his absence. The Chief of Police shall be responsible for the efficiency, good conduct and discipline of the Department.

(b) **DUTIES AND FUNCTIONS OF THE DEPARTMENT.** The Police Department shall be responsible for preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, operation and enforcement of the laws and the rules and regulations made in the furtherance thereof. The Department shall have and perform such other duties and functions as may be prescribed by directive of the Executive or by legislative act of the Council not inconsistent with this Charter.

Section 413. THE FIRE DEPARTMENT.

(a) **THE FIRE ADMINISTRATOR.** The Fire Department shall be administered by a Fire Administrator, who shall be appointed by the Executive from a list of at least three nominees submitted by the Fire Board. The persons so nominated shall be selected solely on the basis of their qualifications for the office and with regard to their experience in command of uniformed fire suppression or fire prevention units. A vacancy in the position of Fire Administrator shall be filled as provided in Section 414(b).

(b) **DUTIES AND FUNCTIONS OF THE DEPARTMENT.** The Fire Department shall be responsible for the administration of the affairs of the County in fire suppression, fire prevention, fire training, arson investigation, and for advising the County Administrator concerning fire communications. The Department shall have and perform such other duties and functions as may be prescribed by directive of the Executive or by legislative act of the Council not inconsistent with this Charter. Nothing herein shall permit the Fire Administrator to participate in the corporate affairs of any volunteer fire company.

Section 414. THE FIRE BOARD.

(a) **COMPOSITION OF THE BOARD.** The Fire Board shall consist of seven members. Six members shall be selected by the Howard County Volunteer Fireman's Association for such terms and in accordance with such procedures as shall be determined by it. The seventh member shall be appointed by the Executive, subject to confirmation by the Council, and shall serve for a term concurrent with that of the Executive. Members of the Board shall receive no compensation for their services except reasonable and necessary expenses as may be provided in the Budget.

(b) **DUTIES AND FUNCTIONS OF THE BOARD.** The Fire Board shall advise and consult with the Executive, the Fire Administrator and other County officials and employees from time to time on matters concerning, the administration of fire suppression, fire prevention, fire training, arson investigation and fire communications activities. Whenever the position of Fire Administrator shall be vacant, the Fire Board shall proceed to prepare its list of nominees forthwith. If thirty days shall elapse after a vacancy shall occur in the position of Fire Administrator without any such nominations by the Fire Board, the Executive shall proceed to appoint a qualified person to the position.

Section 415. THE DEPARTMENT OF RECREATION AND PARKS.

(a) **THE DIRECTOR OF RECREATION AND PARKS.** The Department of Recreation and Parks shall be administered by the Director of Recreation and Parks, who shall be administered by the Director of Recreation and Parks, who shall be appointed by the Executive. He shall be thoroughly trained and experienced in theory and practice relating to public recreation and the operation and maintenance of recreation facilities.

(b) **DUTIES AND FUNCTIONS OF THE DEPARTMENT.** The Department of Recreation and Parks shall be responsible for the organization and conduct of Recreation and Parks shall be responsible for the organization and conduct of recreation programs and the operation of parks, playgrounds and other recreational facilities. It shall encourage the development of cooperative programs and joint use of facilities with the Department of Education. The Department shall have such other duties as may be prescribed by directive of the Executive or by legislative act of the Council not inconsistent with this Charter.

Section 416. THE RECREATION AND PARKS BOARD.

(a) **COMPOSITION OF THE BOARD.** The Recreation and Parks Board shall consist of seven voting members, three ex officio members and four appointive members. The ex officio members of the Board shall be the Executive, the Chairman of the Planning Board, and the Chairman of the Board of Education or their designated representatives. The ex officio members shall serve for their respective elected and appointed terms of office. The appointive members shall be appointed by the Executive, subject to confirmation by the Council and shall serve for overlapping terms of four years from the first day of May of the year of their appointments, or until their successors are appointed. Vacancies, except those at the expiration of a term, shall be filled in the same manner as original appointment and for the unexpired term. Members of the Board shall receive no compensation for their services except reasonable and necessary expenses as may be provided in the budget. The Board shall annually select a Chairman and a Vice Chairman from its membership. The Director of Recreation and Parks shall serve as Executive Secretary to the Board and shall attend all meetings of the Board.

(b) **DUTIES AND FUNCTIONS OF THE BOARD.** The Recreation and Parks Board shall make recommendations to the Executive and the Council relating to plans and policies for public recreation, the organization of recreation councils, the establishment of recreation programs, and plans for the acquisition of land for public recreation and open space prepared by

the Office of Planning and Zoning. The Executive, at his discretion, or the Council by resolution, may provide for reference to the Board, for review and recommendations, of any matter related to the Board's functions and duties.

Section 417. THE BOARD OF EDUCATION. The Board of Education shall be constituted and shall do and perform such duties and functions as provided by law. Nothing in this Charter shall be held or construed as affecting or in anywise changing the organization, operation and administration of the school system by the Board of Education as provided by law.

Section 418. THE DEPARTMENT OF LIBRARIES. The Department of Libraries shall consist of the Board of Library Trustees, the Librarian and all other officers, agents and employees in the public library system of the County. The Board of Library Trustees shall be constituted and shall do and perform such duties and functions as may from time to time be provided by law. All references in this Charter to the head of an office or department shall be construed as including the Librarian as head of the Department of Libraries, but nothing in this Charter shall be held or construed as affecting or in anywise changing the organization, operation and administration of the Library system by the Board of Library Trustees as provided by law.

Section 419. THE DEPARTMENT OF HEALTH. The Department of Health shall consist of the Health Officer and all officers, agents and employees under his authority and supervision or under the authority and supervision of the Board of Health of the County. The Board of Health shall be constituted as provided by law. With the advice and consent of the State Board of Health, the Executive shall submit to the Council his recommendation for the appointment of a Health Officer, and when approved by the Council, the same shall constitute the appointment required by law. All references in this Charter to the head of an office or department shall be construed as including the Health Officer as head of the Department of Health, but nothing in this Charter shall be held or construed as affecting or in anywise changing the administration of the health programs of the County in accordance with the requirements of law.

Section 420. THE DEPARTMENT OF WELFARE. The Department of Welfare shall consist of the Board of Welfare, the Director of Welfare and all officers, agents and employees under their authority and supervision. The members of the Board of Welfare shall be appointed and shall do and perform such duties and functions as may from time to time be provided by law. The Executive shall serve as a member of said Board ex officio. All references in this Charter to the head of an office or department shall be construed as including the Director of Welfare, but nothing in this Charter shall be held or construed as affecting or in anywise changing the administration of the welfare program of the County in accordance with the requirements of law.

Section 421. REORGANIZATION OF DEPARTMENTS UNDER STATE LAW. If the General Assembly shall at any time transfer to the voters of the County or to the Council jurisdiction or control over the affairs of any of the departments of the County government in excess of the jurisdiction or control vested in the County government by law or by this Charter, then to the extent of such transfer, the Council may by legislative act provide for the reorganization of such departments and the administration of their affairs within the executive branch under County law.

ARTICLE V

APPEAL BOARDS

Section 501. THE COUNTY BOARD OF APPEALS.

(a) **APPOINTMENT; TERM; COMPENSATION.** The County Board of Appeals shall consist of three qualified voters of the County appointed by the Council. Appointees shall serve for three years from the first day of January of the year of their appointments, or until their successors are appointed. Vacancies, except those at the expiration of a term, shall be filled in the same manner as the original appointment and for the unexpired term. Appointments shall be made so that not more than two members of the Board shall be members of the same political party. The members of the Board shall be paid at the rate of Twelve Hundred Dollars (\$1,200.00) per year, unless such compensation be changed as provided in Section 501(f) of this Article. Members of the Board shall receive reasonable and necessary expenses as may be provided in the budget.

(b) **POWERS AND FUNCTIONS.** The Board of Appeals shall have and may exercise functions and powers relating to the hearing and deciding, either originally or on appeal or review, such matters as are or may be set forth in Article 25A, Section 5, sub-paragraph U of the Annotated Code of Maryland, excluding those matters set forth in Section 406(b)13 hereof, including but not limited to, the following:

1. Appeals from orders relating to zoning.
2. Appeals from orders relating to licenses and permits.

3. Appeals from orders relating to building.

4. Appeals from executive, administrative and adjudicatory orders.

(c) **RULES OF PRACTICE AND PROCEDURE.** The Board of Appeals shall have authority to adopt and amend rules of practice governing its proceedings which shall have the force and effect of law when approved by legislative act of the Council. Such rules of practice and procedure shall not be inconsistent with the Administrative Procedure Act, Article 41, of the Annotated Code of Maryland. The rules may relate to filing fees, meetings and hearings of the Board, the manner in which its Chairman shall be selected and the terms which he shall serve as Chairman and other pertinent matters deemed appropriate and necessary for the Board. Two members of the Board shall constitute a quorum and decisions of the Board shall be made after notice and hearing de novo upon the issues before said Board. All hearings held by the Board shall be open to the public and provision shall be made for all interested citizens and citizens groups to be heard. The Board shall cause to be maintained complete public records of its proceedings, with a suitable index.

(d) **APPEALS FROM DECISIONS OF THE BOARD.** Within thirty days after any decision of the Board of Appeals is entered, any person, officer, department, board or bureau of the County, jointly or severally aggrieved by any such decision, may appeal to the Circuit Court for Howard County, in accordance with the Maryland Rules of Procedure. The Board of Appeals shall be a party to all appeals and shall be represented at any such hearing by the office of the County Solicitor.

(e) **EMPLOYEES OF THE BOARD.** The Board may appoint, within budgetary limitations, such employees, and the Executive shall make available to the Board such services and facilities of the County as are necessary or appropriate for the proper performance of its duties.

(f) **FURTHERING LEGISLATION.** The Council shall have the power to enact by ordinance furthering legislation not inconsistent with the provisions of this Article to implement and define the powers and functions of the Board of Appeals as herein specified. The Council may by legislative act increase the compensation of the members of the Board of Appeals provided in Section 501(a) of this Article and thereafter decrease such compensation; provided, however, that no reduction shall affect the compensation of a member of the Board of Appeals during his current term, and in no event shall the Council have the power to decrease the compensation of members of the Board below the figure provided in this Charter. To the extent permitted by State law, the Council shall also have the power, by legislative act, to prescribe other appeals to be heard by the Board of Appeals in addition to those specified in this Article.

Section 502. **THE APPEAL TAX COURT.** The Appeal Tax Court shall be appointed by the Council as provided by law. The Appeal Tax Court shall operate as a separate agency of the County government; provided, however, that if and when the General Assembly shall authorize the transfer of the duties and functions of the Appeal Tax Court to the Board of Appeals, then, and to the extent of such authority, the Council shall transfer its duties and functions to the Board of Appeals by legislative act and the Appeal Tax Court shall stand abolished.

ARTICLE VI

BUDGETARY AND FISCAL PROCEDURES

Section 601. **FISCAL YEAR AND TAX YEAR.** Unless and until changed in accordance with the provisions of law, 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.

Section 602. DEFINITION ON TERMS USED IN THIS ARTICLE.

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

(b) 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.

(c) The term "operating expense program" shall mean a summary projection of receipts and operating expenses for the fiscal year covered by the current expense budget and the next succeeding five fiscal years.

(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.

Section 603. COMPREHENSIVE SCOPE OF BUDGET. The County budget shall consist of the current expense budget and operating expense program, 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 the budget, as submitted, by the Council and the Board of Appeals.

Section 604. SUBMISSION AND CONTENTS OF THE COUNTY BUDGET. Not later than sixty days prior to the end of the fiscal year, the Executive shall submit to the Council the proposed County budget for the ensuing year.

(a) **CONTENTS OF THE CURRENT EXPENSE BUDGET.** The proposed current expense budget shall contain not less than the following information: (1) a statement of all revenue estimated to be received by the County during the ensuing fiscal year, classified so as to show the receipts by funds and sources of income; (2) a statement of debt service requirements for the ensuing fiscal year; (3) a statement of the estimated 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 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; (6) a statement of the proposed contingency reserves which shall not exceed three per centum of the general fund and of any other fund; (7) a comparative statement of the receipts and expenditures for the last completed fiscal year, the estimated receipts and expenditures of the currently ending fiscal year, and the expenditures recommended by the 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 Executive may deem advisable or the Council may require.

(b) **CONTENTS OF THE CAPITAL BUDGET AND CAPITAL PROGRAM.** The proposed capital budget and capital program shall be so arranged as to set forth clearly the plan of proposed capital projects to be undertaken in the ensuing fiscal year and in each of the next five fiscal years, and also the proposed means of financing the same. 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.

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

Section 605. FILING OF PROPOSED BUDGET; COPIES. The proposed County Budget shall be filed with the Secretary of the Council and a copy shall be delivered to each member of the Council. At least three complete copies shall be open to inspection by the public during regular business hours. One copy shall be supplied to each newspaper of general circulation in the County and to each County library. The budget message and supporting summary tables shall be reproduced in multiple copies, and a copy shall be made available to any interested person on request.

Section 606. PUBLIC HEARING. Upon receipt of the proposed County Budget, the Secretary of the Council shall cause to be published in at least two newspapers of general circulation in the County a notice of the place and time of a public hearing on the budget by the Council. Such hearing shall be held not less than fifteen nor more than twenty days after the date of the filing of the proposed budget by the Executive. The Council may hold such other preliminary public hearings on the budget for the purpose of obtaining information as it may determine but no action shall be taken by the Council on the budget except in public meeting and after the public hearing specified above.

Section 607. ACTION ON THE BUDGET BY THE COUNTY COUNCIL. After the public hearing specified in the preceding section, the Council may decrease or delete any items in the budget except those required by the public general laws of this State 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 Executive, to alter the revenue estimates except to correct mathematical errors, or to increase any expenditure recommended by the Executive for current or

capital purposes. The adoption of the current expense budget and the capital budget shall be by the affirmative vote of not less than a majority of the Council on an ordinance to be known as the Annual Budget and Appropriation Ordinance of Howard County. Any borrowing to finance capital projects must be authorized by an existing law of the General Assembly of Maryland (including laws authorizing borrowing on behalf of the Metropolitan Commission) or by a law of the Council adopted in accordance with this Charter. The Council may adopt from time to time bond issue authorization ordinances pursuant to an enabling law or laws then in force and effect to provide the means of financing such capital projects as are to be financed from borrowing. Such bond issue authorization ordinances are not subject to referendum. All of said ordinances referred to in this Section shall be exempt from the executive veto. The Annual Budget and Appropriation Ordinance shall be adopted by the Council on or before the first day of the last month of the fiscal year currently ending, and if the Council fails to do so, the proposed current expense budget submitted by the Executive shall stand adopted, and funds for the expenditures proposed in the current expense budget shall stand appropriated as fully and to the same extent as if favorable action thereon had been taken by the Council.

Section 608. REPRODUCTION OF BUDGET; EFFECTIVE DATE; TAX LEVY AND BALANCED BUDGET.

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

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

(c) **TAX LEVY AND BALANCED BUDGET.** 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.

Section 609. TRANSFER OF APPROPRIATIONS.

(a) Transfer of appropriations between general classifications of expenditures in the current expense budget within the same office or department and within the same fund may be authorized by the Executive. Transfers between offices, departments, institutions, boards, commissions or other agencies of the County government and within the same fund of the current expense budget may be made during the last quarter of the fiscal year and then only on the recommendation of the Executive and with the approval of the Council.

(b) Interproject transfers of appropriations between capital projects in the capital budget may be authorized by legislative act of the Council upon request of the Executive, but no new project shall be created nor any abandoned except in accordance with Section 613 of this Article.

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

Section 610. SUPPLEMENTARY AND EMERGENCY APPROPRIATIONS.

(a) **SUPPLEMENTARY.** During any fiscal year, the Council, upon the recommendation of the Executive, may make additional or supplementary appropriations from unexpended and unencumbered funds set aside for contingencies in the County budget, provided that the Director of Finance shall first certify in writing that such funds are available for such appropriation. No supplemental appropriation shall exceed the amount of the funds so certified.

(b) **EMERGENCY.** To meet a public emergency affecting life, health, or property, the Council may, by ordinance, upon recommendation of the Executive, make emergency appropriations from contingent funds, from revenues 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 ordinance, authorize the issuance of emergency notes which may be renewed from time to time; provided, however, that such notes and renewals shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made. The total of emergency appropriations in any fiscal year shall not exceed five per centum of all appropriations made in the budget for such year.

Section 611. LAPSED APPROPRIATIONS. Unless otherwise provided by public general law, all unexpended and unencumbered appropriations in the current expense budget remaining at the end of the fiscal year shall lapse into the County treasury. No appropriation for a capital project in the capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; provided, however, 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 612. APPROPRIATION CONTROL AND CERTIFICATION OF FUNDS. No office, department, institution, board, commission or other agency of the County government shall during any fiscal year expend, or contract to expend, any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, for any purpose in excess of the amounts appropriated or allotted for the same general classification of expenditure in the budget for such fiscal year, or in any supplemental appropriation as hereinabove provided; and no such payment shall be made nor any obligation or liability incurred, except for small purchases in an amount less than Fifty Dollars (\$50.00), unless the Director of Finance shall first certify that the funds for the designated purpose are available. Any contract, verbal or written, made in violation of this Section shall be null and void, and if any officer, agent or employee of the County shall knowingly violate this provision, he shall be personally liable and such action shall be cause, after public hearing, for his removal from office by the Executive or by majority vote of the Council, notwithstanding the provisions of Article VII of this Charter. Nothing in this Section or elsewhere in this Charter contained shall prevent the making of contracts of lease or for services 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. But any contract, lease or other obligation requiring the payment of funds from appropriations of a later fiscal year shall be made or approved by ordinance. No contract for the purchase of real or leasehold property shall be made unless the funds therefor are included in the capital budget.

Section 613. RESTRICTIONS OF CAPITAL PROJECTS; AMENDMENT TO CAPITAL BUDGET AFTER ADOPTION OF BUDGET. No obligations of the County shall be authorized in any fiscal year for or on account of any capital project not included in the County budget as finally adopted for such year; provided, however, that upon receipt of a recommendation in writing from the Executive and the Planning Board, the Council may after public hearing and with the affirmative vote of two-thirds of its members, amend the County budget in accordance with such recommendation without increasing the total amount of appropriations therefor.

Section 614. ENTERPRISE ACCOUNTING.

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

(b) The accounting system of each utility shall conform to generally accepted principles of utility accounting and shall be kept on an accrual basis.

(c) If for any two consecutive fiscal years any utility shall operate at a net loss as shown by its annual profit and loss statement, it shall be the duty of the Executive to recommend and the Council, by ordinance, to adopt for that utility a schedule of rates which in its judgment will produce revenue at least equal to expense.

Section 615. COMPOSITION AND LIMITATION UPON COUNTY FUNDS AND LEVIES; SPECIAL TAXES; BOND OBLIGATION. For the fiscal and tax year beginning July 1, 1969 and thereafter, the following provisions shall apply:

(a) SPECIAL FUNDS: REVENUE AND RECEIPTS; APPROPRIATIONS. 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.

(b) GENERAL REVENUE AND RECEIPTS; APPROPRIATIONS. All other revenues and receipts of the County from taxes, grants, State revenues and other receipts shall be paid into and appropriated from the general fund which shall be the primary fund for the financing of current expenses for the conduct of County business.

(c) PROHIBITIONS. No general fund revenues or receipts as defined in sub-section (b) of this Section shall be dedicated to, expended for, or used to supplement, appropriations from the special funds referred to in sub-section (a) of this Section, except as a loan to such special fund as authorized by Section 609(c) of this Article which authorizes inter-fund borrowing.

(d) **LEVY FOR ROADS.** No tax for the purpose of raising revenues for the construction and maintenance of public roads shall be levied upon any assessable property in the County except on a Countywide basis.

(e) **BOND INTEREST AND REDEMPTION OBLIGATIONS.** Nothing in this Section shall be construed to prevent the County from fulfilling any obligation to levy, if necessary, a tax upon all or a portion of the assessable property within the County to provide for the payment of the interest on and principal of any bonds issued upon the full faith and credit of the County.

(f) **WORKING CAPITAL FUNDS.** Upon request of the 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.

(g) **RESERVE FUND FOR PERMANENT PUBLIC IMPROVEMENTS.** Notwithstanding the provisions of Section 615(c) above, the Council may establish a Reserve Fund for Permanent Public Improvements, into which there may be paid by the annual budget and appropriation ordinance case surpluses not otherwise appropriated or toward which taxes or other sources of revenue may be dedicated; provided that the annual amount paid into such fund shall not exceed three per centum of the annual expense budget.

Section 616. BORROWING LIMITATIONS. Unless and until otherwise provided by legislative act of the Council within the limitations provided by public general law, the aggregate amount of bonds and other evidences of indebtedness outstanding at any one time shall not exceed twelve per centum upon the assessable basis of the County, except that (a) tax anticipation notes or other evidences of indebtedness having a maturity not in excess of twelve months, (b) bonds or other evidences of indebtedness issued or guaranteed by the County payable primarily or exclusively from taxes levied in or on, other revenues of, special taxing areas or districts heretofore or hereafter established by law, and (c) bonds or other evidences of indebtedness issued for self-liquidating and other projects payable primarily or exclusively from the proceeds of assessments or charges for special benefits or services shall not be subject to, or be included as bonds or evidences of indebtedness in computing or applying the per centum limitation above provided.

Section 617. FORM AND TERM OF BONDS. All bonds shall be in serial form and payable, as consecutively numbered, in annual installments, the first of which shall be payable not more than two years from the date of issue. Bonds shall be authenticated by the manual signature of the Director of Finance and shall bear the facsimile signature of the County Executive and a facsimile of the seal of the County attested by the facsimile signature of the County Administrator. Bonds may be registerable or non-registerable as to principal or interest. All interest coupons transferable by delivery shall be attached to the bonds and shall be authenticated by the facsimile signature of the Executive. All bonds shall be made payable within the probable useful life of the improvement or undertaking with respect to which they are to be issued, or, if the bonds are to be issued for several improvements or undertakings, then within the average probable useful life of all such improvements or undertakings. In the case of a bond issue for several improvements or undertakings having different probable useful lives, the Council shall determine the average of said lives, taking into consideration the amount of bonds to be issued on account of each such improvement or undertaking, and the period so determined shall be the average period of useful life. The determination of the Council as to the probable useful life of any such improvement or undertaking shall be conclusive. No bonds shall mature and be payable more than thirty years after their date of issuance except bonds issued under the authority of the Metropolitan Commission Act, as amended.

Section 618. CONTENTS OF BOND ISSUE AUTHORIZATION ORDINANCES. Each Bond Issue Authorization Ordinance as referred to in Section 607 of this Article shall include a statement of the purpose or purposes of the issue, and if the purpose is to finance one or more capital projects, it shall describe each of them sufficiently for purposes of identification. The Ordinance shall estimate the cost of the project or projects and the portion thereof to be defrayed from sources, specifically named, other than the proposed bond issue. The Ordinance shall also include the amount of the proposed issue; a statement showing that the proposed issue is within the legal limitation on the indebtedness of the County; the probable useful life of the project or average probable useful life of the projects to be financed; the date of the issue; the dates of the first and last serial maturities; the dates on which the interest shall be paid; a declaration that the principal of and the interest on the proposed issue are to be paid by ad valorem taxes on real and tangible personal property and intangible property subject to taxation by the County without limitation of rate or amount, and, in addition, upon such other intangible property as may be subject to taxation by the County within limitations prescribed by law; and that the full faith and credit of the County are pledged to such payments. The Ordinance shall also recite the procedure for the public sale of the proposed issue and shall contain such other matters relating to the authorization, issuance or sale of the issue as the Council shall deem desirable.

Section 619. SUPPLEMENTAL LEGISLATION BY COUNCIL. The Council may adopt budget and fiscal laws not inconsistent herewith or with the applicable provisions of the Constitution and State law to implement the objects and

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

ARTICLE VII

MERIT SYSTEM

Section 701. SCOPE OF THE MERIT SYSTEM. The Merit System of the County shall embrace all officers and employees of the County except the officers and employees of the Board of Education and all employees covered by the State Merit System.

Section 702. EXEMPT AND CLASSIFIED SERVICE. Elected officials, committing magistrates, attorneys, members of boards and commissions, the County Administrator, a secretary to the Executive, the Secretary of the Council, the heads of departments and offices, and temporary or seasonal employees are in the exempt service. All other officers and employees are in the classified service, except that, upon recommendation of the Executive, the Council may, by legislative action, establish additional exempt positions.

Section 703. THE PERSONNEL BOARD. The Personnel Board shall consist of five members. Board members shall be appointed by the Executive, subject to confirmation by the Council. One member of the Board shall always be a member of the classified service and he shall be selected for appointment from a list of three names nominated by secret ballot by the members of the classified service. Board members shall serve for five years from the first day of January of the year of their appointments, or until their successors are appointed, except that the respective terms of the five members first appointed shall be one, two, three, four and five years, respectively. Vacancies, except those at the expiration of a term, shall be filled in the same manner as the original appointment and for the unexpired term. Members of the Board shall receive no compensation for their services except reasonable and necessary expenses as may be provided in the budget. The Board shall annually select a Chairman and a Vice Chairman from its membership. The Personnel Officer shall serve as Executive Secretary to the Board and shall attend all meetings of the Board, except those meetings at which an appeal from an action of the Personnel Officer is to be heard.

Section 704. APPOINTMENT, PROMOTION AND DISCIPLINE.

(a) **PERSONNEL RULES.** The Personnel Officer shall prepare and the Personnel Board shall adopt rules and regulations which provide for the appointment, promotion, demotion and separation of employees solely upon a basis of merit. To this end, it shall prescribe a system of examinations as a prerequisite for the filling of all positions in the classified service. The rules of the Board shall make provision for prescribing minimum qualifications for each class of positions in the classified service.

(b) **APPOINTMENTS.** Appointments to permanent positions in the classified service shall be made from the five highest eligibles certified on the basis of examination.

(c) **DISCIPLINARY ACTIONS.** The Personnel Board in its rules governing the classified service shall set forth the disciplinary actions, including demotion, suspension, or dismissal, which may be taken by an appointing authority for employees in the classified service.

(d) **ACTION BY COUNCIL.** After adoption of personnel rules and regulations by the Personnel Board, the Personnel Officer shall transmit them to the Executive for submission to the Council for legislative action thereon at its first annual legislative session.

Section 705. APPEALS. Any employee in the classified service or any person who has taken or sought to take an examination may appeal to the Personnel Board from any action of the Personnel Officer or of the appointing authority of the employee. After a hearing, which shall be public, if so requested by the aggrieved employee, the Personnel Board may issue such order as it finds proper by the facts presented in the case. Such decisions by the Personnel Board shall be final on all parties concerned.

Section 706. CLASSIFICATION AND PAY PLANS.

(a) **PREPARATION OF CLASSIFICATION PLAN.** The Personnel Officer shall present to the Personnel Board within four months of the effective date of this Charter, a classification plan which describes the qualifications, duties, and general requirements for each class of position. The Personnel Board shall adopt the plan either in the form submitted or in such amended form as the Board may determine proper after opportunity for hearings thereupon by any interested person. After adoption of the classification plan by the Personnel Board, the Personnel Officer shall transmit it to the Executive for submission to the Council for legislative action thereon at its first annual legislative session.

(b) **ALLOCATION OF POSITIONS TO CLASSES.** Within three months of legislative action by the Council on the classification plan, the Personnel Officer shall allocate each position in the classified service to the appropriate class. Employees shall have a right to appeal such allocations to the Personnel Board, whose action upon such appeals shall be final.

(c) **REVISION OF CLASSIFICATION PLAN.** The Personnel Officer shall maintain the classification plan on a current basis in order that it may properly reflect the qualifications, duties and general requirements of each position in the classified service. Each such proposed change shall be submitted to the Personnel Board for its approval and to the Council for legislative action thereon.

(d) **ADMINISTRATION OF PAY PLAN.** The Personnel Officer shall prepare a pay plan and shall allocate each class of positions to the appropriate pay grade as shown in the pay plan. The pay plan and the allocations to grades therein shall be presented by the Personnel Officer to the Personnel Board not more than sixty days following legislative action on the classification plan by the Council. After hearing any appeals arising thereunder, the Board shall adopt a pay plan as submitted or amended by it. After adoption of the pay plan by the Board, the Personnel Officer shall transmit it to the Executive for submission to the Council for legislative action thereon.

(e) **REVISIONS OF PAY PLAN.** Not later than the first day of January of each year, the Personnel Officer shall submit his recommendations to the Personnel Board for changes deemed necessary to keep the pay plan on a current basis. The Personnel Board, not later than the first day of February, shall submit the pay plan with recommendations to the Executive. The Executive in the preparation of the annual expense budget shall consider for incorporation therein the pay plan recommendations of the Personnel Board. Prior to the adoption of the annual expense budget ordinance, the Council shall approve such of the proposed pay plan changes as it may deem proper. Should it approve less than the amounts contained in the annual expense budget, it shall adjust the appropriations sought for the various budget units in the light of such action.

Section 707. PAY PLAN FOR EXEMPT POSITIONS. The Personnel Officer, within one year of the effective date of this Charter and annually thereafter not later than the first day of February, shall prepare and transmit to the Executive a proposed pay plan for officers and employees in the exempt service of the County, excluding elected officials. The Executive in the preparation of the annual expense budget shall consider for incorporation therein the pay plan changes recommended by the Personnel Officer. Prior to adoption of the annual expense budget ordinance, the Council shall approve such of the proposed pay plan changes for exempt positions as it may deem proper. Should it approve less than the amounts contained in the annual expense budget, it shall adjust the appropriations sought for the various budget units in the light of such action.

Section 708. CERTIFICATION OF PAY. The Personnel Officer shall approve and certify the payment of all payrolls for employees in the classified service and withhold authorization for payment for personal services to any person or position in the classified service unless the persons named therein have been appointed and employed in accordance with the provisions of this Charter, the laws of the State, and applicable personnel rules and regulations, and unless there has been a budgetary provision or supplemental appropriation therefor.

Section 709. PROHIBITIONS.

(a) **DISCRIMINATION.** No person may be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to employment in the classified service because of his political or religious opinions or affiliations, race or sex.

(b) **POLITICAL ENDORSEMENTS.** No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service.

(c) **INFLUENCE.** No person may use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration. No person, directly or indirectly, may give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for securing or providing

any appointment, proposed appointment, promotion, or proposed promotion to, or any advantage in, a position in the classified service.

(d) **INVOLUNTARY ASSESSMENTS.** No employee in the classified service or member of the Personnel Board or the Personnel Officer shall directly or indirectly be required to:

1. Pay or promise to pay any assessment, subscription or contribution for or to any political party, political club, or political organization.

2. Solicit or take any part in soliciting for any political party, political club, or political organization of any assessment, subscription, dues, contribution or service.

(e) **SOLICITATION FOR POLITICAL OR PARTISAN PURPOSES.** No person shall solicit of any employee in the classified service any assessment, subscription, contribution or service for political or partisan purposes.

(f) **VOLUNTARY CONTRIBUTIONS.** The prohibitions contained in sub-sections (d) and (e) shall not be construed or applied as limiting the right of an employee in the classified service to make any voluntary contribution or the voluntary rendition of service to a political party, political club or political organization.

(g) **POLITICAL AFFILIATIONS.** No employee in the classified service shall be a member of any national, state or local committee of a political party or political organization, or a principal officer, as defined by the Personnel Board. This prohibition shall not be construed as limiting the right of an employee in the classified service to attend a political meeting or rally or to vote or otherwise express his opinion on public issues, provided that no political activity, other than voting, shall be engaged in by him during the hours of his regular employment.

(h) **FRAUD.** No person may make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any provision of this Article or in any manner commit or attempt to commit any fraud preventing the impartial execution of this Article and the rules promulgated thereunder.

(i) **RENDERING PERSONAL SERVICES.** No officer or employee of the County, elected or appointed, shall detail or cause any officer or employee of the County to do or perform any service or work outside of this public office or employment.

(j) **IMPROPER ADMINISTRATION.** No employee administering the merit system, examiner or other person may defeat, deceive or obstruct any person in his right to examination, eligibility, certification or appointment under this Article, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service.

Section 710. PENALTIES. The Council shall, by ordinance, provide appropriate penalties for violations of Section 709 of this Article at its first annual legislative session.

ARTICLE VIII

CENTRALIZED PURCHASING

Section 801. RESPONSIBILITY FOR PURCHASING. The County Administrator shall be responsible to the Executive for the execution of the County purchasing policies established in this Article.

Section 802. COUNTY PURCHASING POLICIES AND PRACTICES. The County Administrator shall be the County Purchasing Agent and shall have the following purchasing functions which he may delegate to a Deputy Purchasing Agent in his office and under his supervision:

(a) The making of all purchases, leases and contracts for all public works and services, and for all supplies, material and equipment for all offices, departments, institutions, boards, commissions and other agencies of the County government for which payment is to be made out of County funds.

(b) If recommended by the Executive and approved by legislative act of the Council, the establishment and operation of a County warehouse for County supplies, material and equipment and the maintenance of a sufficient stock of stable commodities to meet the requirements of the County government.

(c) The development and operation of a uniform and modern system of property accounting and stores control based upon perpetual inventory.

(d) The establishment, after consultation with the appropriate County officials, of suitable specifications and standards for all supplies, materials and equipment to be purchased and the inspection of all deliveries to determine compliance with such specifications and standards.

(e) The establishment and maintenance of a system of requisitions and receipts covering the furnishing of supplies, materials and equipment to the various offices, department, institutions, boards, commissions, and other agencies of the County.

(f) The establishment, with the approval of the Executive and by legislative act of the Council, of reasonable rules and regulations governing emergency purchases and contracts and those involving material, equipment or services of an unusual or non-competitive nature which shall not be subject to competitive bidding.

(g) The sale of surplus, old and waste supplies, materials and equipment of the County, or the transfer of the same between offices, departments or other agencies of the County government.

(h) The making of purchases for a stores revolving fund, which the Council is hereby authorized to establish, and of making sales from the stores to using agencies of the County.

Section 803. APPLICATION OF THIS ARTICLE TO DEPARTMENTS AND AGENCIES UNDER STATE LAW. The provisions of this Article shall apply to the Department of Education and other departments and agencies created by or operating under State law to the extent requested by them or as permitted by law. In the interests, however, of promoting uniformity and of effecting maximum savings for all purchases out of County funds, the purchasing facilities of the County government shall always be available to such departments and agencies, and their use shall be encouraged.

Section 804. COMPETITIVE BIDDING. The Purchasing Agent shall employ competitive bidding in accordance with policies established by the Council.

Section 805. CONFORMITY WITH BUDGET LIMITATIONS AND ALLOTMENTS. No deliveries of supplies, materials or equipment shall be made to any office, department, board, institution, commission or agency of the County government in excess of the available appropriation or allotment therefor, and except for small purchases in an amount less than Fifty Dollars (\$50.00), no payment shall be made out of County funds for the purchase of supplies, materials or equipment, unless the Director of Finance shall first certify that the funds for the designated purpose are available. Any purchase or contract not so certified by the Director of Finance shall be invalid and the County shall not be bound thereby.

Section 806. CONTRACT EXECUTION. All contract bid forms and all contracts shall be approved by the County Solicitor as to form and legality. Following such approval, all contracts shall be signed in behalf of the County by the Executive or his designee. A complete file of all contract bid forms and all contracts shall be maintained in the office of the County Purchasing Agent. A copy of each signed contract shall be forwarded promptly to the Director of Finance.

Section 807. COOPERATIVE PURCHASING. As appropriate, the Purchasing Agent may undertake programs involving joint or cooperative purchases with other public jurisdictions within the State or with the State of Maryland.

Section 808. FURTHERING LEGISLATION. Not later than its first annual legislative session, the Council, upon recommendations received from the Executive, or if he fails to do so, shall enact furthering legislation, not inconsistent with the provisions of this Charter or with the public general laws of this State, to implement the purchasing policies herein established. Such legislation shall provide for regulating the practices of the County Purchasing Agent and other officers, agents and employees of the County in regard to the issuance of inquiries, the receipt of bids, the placement of orders and other matters relating to the making of purchases and the award of contracts. Such legislation shall also prescribe procedures and establish minimum dollar amounts for competitive bidding.

ARTICLE IX

GENERAL PROVISIONS

Section 901. CONFLICT OF INTEREST.

(a) PROHIBITIONS. 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, from any person, firm or corporation having dealings with the County, upon more favorable terms than those granted to the public generally; nor shall he 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 with the County, or by any person in connection with any dealings with or proceedings before any branch, office, department, board, commission, or other agency of the County. 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 or 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 omission in the course of his public work; provided, however, that the head of any department or board of the County may permit an employee to receive a reward publicly offered and paid for, for the accomplishment of a particular task.

(b) **RULES OF CONSTRUCTION; EXCEPTIONS BY COUNCIL.** 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, however, to guard against injustice, the Council may, by resolution, 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 County Council by such officer or employee, the Council shall determine that such stock ownership or connection does not violate the public interest.

(c) **PENALTIES.** Any officer or employee of the County who willfully violates any of the provisions of this Section shall forfeit his office. 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 shall, on conviction, be punishable by imprisonment for not less than one or more than six months or a fine of not less than \$100.00 or more than \$1,000.00, or both. Any contract made in violation of this Section may be declared void by the Executive or by resolution of the Council. The penalties in this Section shall be in addition to all other penalties provided by law.

Section 902. CITIZENS ADVISORY BOARDS. The Council or the 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 as may be provided in the budget, assist in the consideration of County administrative policies and programs. It shall be the duty of each such advisory board to study conditions in its respective field, with particular reference to the policies and programs in Howard County, and to report its findings and recommendations to the Council or the Executive, as appropriate.

Section 903. REMOVAL OF MEMBERS OF BOARDS AND COMMISSIONS. A member of any Board or Commission may be removed from office for cause by the Executive with the approval of a majority of the entire Council, but such member shall first be presented with a written statement of the reasons therefor, and shall have the privilege of a public hearing if he so requests within ten days. A member of any Board or Commission who shall be absent from three consecutive regular meetings of such Board or Commission, unless excused by resolution thereof, shall be deemed to have vacated his office. Vacancies occurring in such office otherwise than by expiration of the term shall be filled for the unexpired balance of the term.

Section 904. CONSTRUCTION OF POWERS. The failure to mention a particular power or to enumerate similar powers in this Charter shall not be construed to exclude such powers or to restrict the authority that the County would have if the particular power were not mentioned or the similar powers not enumerated. The Charter shall be liberally construed to the end that, within the limits imposed by the Charter and by the Constitution and laws of the State, the County shall have all powers necessary and convenient for the conduct of its affairs including all powers that counties may assume under the Constitution and laws of the State concerning county home rule.

Section 905. ADDITIONAL COMPENSATION PROHIBITED. No County officer or employee who is compensated for his service by salary shall receive any additional salary for serving as an ex officio member of a County board, commission, or agency.

Section 906. COPIES OF BOOKS AND PAPERS ON DEMAND. The Executive shall, with reasonable promptness furnish to any resident of the County, on demand, a certified copy of any book, account or paper kept by any board, commission, office or department of the County government, or such part thereof as may be demanded, except criminal investigation reports, and individual personnel records, upon payment in advance by the person demanding the same, of a reasonable fee to be prescribed by resolution of the Council.

Section 907. INSPECTION OF BOOKS, ACCOUNTS AND PAPERS. All books, accounts, bids, contracts, papers and records of any board, commission, office or department, except criminal investigation reports and individual personnel

records, shall at all times be open to the inspection of any resident of the County or representative of the press, subject to such reasonable rules and regulations in regard to the time and manner of such inspection as the Executive may make.

Section 908. BONDING OF OFFICERS. The Director of Finance and such other officers and employees of the County as may be required by law shall post such bonds in such penalties, with such conditions and with such sureties as may be specified in such laws. Surety bond premiums shall be paid by the County.

Section 909. COUNTY SEAL AND COUNTY FLAG. In accordance with the powers granted to chartered counties of this State by law, the Council shall, by ordinance enacted at or before its first annual legislative session, adopt a County Seal and a County Flag; and thereafter it may use and alter the same at its pleasure. The Seal shall contain the corporate name of the County and such other information or insignia as the Council may determine. The Executive, the Secretary of the Council and such other officers as may be specified by ordinance of the Council shall have power to attest to the County Seal.

Section 910. SUBPOENA POWER. The Council, the Executive, the Personnel Board, the County Board of Appeals, the County Auditor and such other officers or agencies of the County as may be so empowered by ordinance of the Council or otherwise by law shall have the power to administer oaths, to compel the attendance of witnesses and to require the production of records and other materials in connection with any investigation, inquiry or hearing authorized by this Charter or by law.

Section 911. CUSTODY OF PAPERS AND RECORDS. The Council at its first legislative session shall provide for the custody and safekeeping of all deeds, bonds, contracts, releases and other papers and instruments involving the interests of the County.

Section 912. SEPARABILITY. If any Article, section or provision of this Charter shall be held unconstitutional, invalid or inapplicable to any person or circumstance, then it is intended and declared by the people of the County that all other Articles, sections or provisions of this Charter and their application to all other persons and circumstances shall be separable and shall not be affected by any such decision.

Section 913. CITATION. This Charter shall be known and may be cited as "The Howard County Charter."

Section 914. DEFINITIONS AND RULES OF CONSTRUCTION. As used in this Charter.

- (a) The word "bill" shall mean any measure introduced in the County Council for legislative action.
- (b) The words "act," "ordinance," "public local law" and "legislative act," when used in connection with any action by the Council, shall be synonymous, and shall mean any bill enacted in the manner and form provided in this Charter.
- (c) The word "resolution" shall mean a measure adopted by the Council having the force and effect of law but of a temporary or administrative character.
- (d) The word "law" shall be construed as including all acts, public local laws, resolutions 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.
- (e) The words "passage" and "adoption," 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 Executive for his approval or veto.
- (f) The word "enactment" shall mean the action or means whereby any bill after its passage attains the status of law.
- (g) The word "State" shall mean the State of Maryland.
- (h) The word "shall" shall be construed as mandatory and the word "may" shall be construed as permissive.
- (i) The word "person" shall include the words "individual," "corporation," "partnership" and "association," unless such a construction would be unreasonable.
- (j) The word "officer" shall include the word "councilman."

(k) Whenever in this Charter the masculine gender is used such words shall be construed to include the feminine gender, except where such construction would be absurd or unreasonable.

(l) The words "hereafter" and "heretofore" shall refer to the effective date of this Charter, unless such a construction would be unreasonable.

(m) : The "Howard County Metropolitan Commission" means the agency appointed by the Howard County Board of County Commissioners in accordance with Chapter 991 of the Acts of the Maryland General Assembly of 1943 and dealt with in Sections 165 through 192 of the Code of Public Local Laws of Howard County (1965 edition as amended and supplemented).

(n) The phrase "two-thirds of the members of the Council" shall mean at least two-thirds of all members and in the case of a five-man Council shall mean four members.

ARTICLE X

MANNER OF AMENDING OR TERMINATING THIS CHARTER

Section 1001. AMENDMENT. Amendments to this Charter may be proposed by an act of the Council approved by not less than two-thirds of its members, and such action shall be exempt from executive veto. Amendments may also be proposed by petition filed with the Executive and signed by not less than twenty per centum of the registered voters of the County, or 10,000 of such registered voters in case twenty per centum of the number of registered voters is greater than 10,000. When so proposed, whether by act of the Council or by petition, the Executive shall make available to the press and public a reasonable number of copies of the question which shall be submitted to the voters of the County at the next general or Congressional election occurring after the passage of said act or the filing of said petition; and if at said election the majority of votes cast on the question shall be in favor of the proposed amendment, such amendment shall be adopted from and after the thirtieth day following said election. Any amendments to this Charter, proposed in the manner aforesaid, shall be published by the Executive in at least two newspapers of general circulation published in the County for five successive weeks prior to the election at which the question shall be considered by the voters of the County.

Section 1002. DECENNIAL CHARTER REVISION COMMISSION. At or before the first annual legislative session of the Council after the publication of each decennial census of the population of the United States, beginning with the publication of the 1980 decennial census, the Council shall appoint by resolution a Charter Revision Commission for the purpose of making a comprehensive study of the County government and the updating of this Charter where necessary. The Commission shall be composed of five or more representative citizens of the County who shall report to the Council their findings and recommendations, together with drafts of any recommended revisions of the Charter, within twelve months after their appointment. The Charter Revision Commission shall receive from the County an appropriation sufficient to carry out its duties and responsibilities.

Section 1003. TERMINATION. The Council may, by ordinance, approved by the affirmative vote of at least two-thirds of the members, propose the termination of this Charter and return of the County to the County Commissioner form of government in effect prior to the adoption of this Charter. The same proposal may be made by petition signed by twenty per centum or more of the registered voters of the County, or 10,000 of such registered voters in case twenty per centum is greater than 10,000. Such petition shall be filed with the Executive. The question so proposed by act of the Council or by petition shall be published by the Executive in at least two newspapers of general circulation published in the County once each month for five successive months prior to the next general election or Congressional election occurring the passage of such act or the filing of such petition. At such election, such question shall be submitted to the voters of the County, and if the majority of votes cast on the question shall be in favor of repealing this Charter, then, at the next quadrennial election, County Commissioners shall be elected under the public general laws of the State of Maryland. When the County Commissioners so elected have qualified for office, this Charter shall terminate. All laws, regulations and ordinances in effect at the termination of this Charter shall remain in force until changed by action of the General Assembly of Maryland, or the Board of County Commissioners, as provided by the Constitution and public general laws of this State.

ARTICLE XI

TRANSITIONAL PROVISIONS

Section 1101. NATURE OF THIS ARTICLE. The provisions of this Article relate to the transition from the existing Commissioner form of government to the form of government provided in this Charter. Where inconsistent with the foregoing Articles of this Charter, the provisions of this Article shall constitute exceptions thereto.

Section 1102. EFFECTIVE DATE OF THIS CHARTER. This Charter shall take effect on the thirtieth day following its adoption.

Section 1103. METHOD OF SELECTION OF FIRST COUNCIL. In order that this Charter may become operative promptly after it becomes law, the following procedure shall govern the method of selection of the first Council.

(a) THE EXISTING COUNTY COMMISSIONERS. The County Commissioners in office at the effective date of this Charter shall continue to hold office and exercise and perform their present powers and duties until the additional members provided for in Section 1103(b) are elected and take office. At such time, the existing County Commissioners become Councilmen and the office of County Commissioner shall cease to exist in Howard County. Provided, however, that should one or more the incumbent County Commissioners choose to file as a candidate for the position of Executive they shall vacate their office as a County Commissioner at the time the additional members of the first Council take office as provided in Section 1106. Provided further, that in such an event an additional member shall be elected to the first Council as provided in Section 1103(b) and 1105 for each office of the Board of County Commissioners so vacated.

(b) MANNER OF ELECTION OF ADDITIONAL MEMBERS OF THE FIRST COUNCIL. A special election for two or more additional members for the first Council shall be held on Tuesday, January 22, 1969. The two or more members of the Council so to be elected shall meet the qualifications and shall be subject to the residence requirements as set forth in Article II of this Charter.

Section 1104. MANNER OF ELECTION OF THE FIRST EXECUTIVE. In order that this Charter may become operative promptly after it becomes law, a special election for the first Executive shall be held on Tuesday, January 22, 1969. The Executive so to be elected shall meet the qualifications and shall be subject to the residence requirement as set forth in Article III of this Charter.

Section 1105. MANNER OF NOMINATION. Nominations of the two or more additional members of the Council and the Executive may be made by: (1) a party primary election as provided for in Sections 5-1, 5-2, and 5-3 of Article 33 of the Annotated Code of Maryland to be held on December 19, 1968. Certificates of candidacy for the primary election shall be filed in the office of the Board of Supervisors of Elections of Howard County not later than nine P.M. on November 29, 1968. Provided, however, that if the General Assembly shall, by public local law, provide for the conduct of thyparty primary election concurrent with the November 1968 General Election, such law shall govern; (2) a primary meeting as provided for in Section 6-1 of Article 33 of the Annotated Code of Maryland; or (3) petition as provided for in Sections 7-1 and 7-2 of Article 33 of the Annotated Code of Maryland. Nominations by primary meeting and by petition shall be filed in the office of the Board of Supervisions of Elections of Howard County not later than nine P.M. on December 6, 1968.

Section 1106. TERMS OF OFFICE OF THE FIRST EXECUTIVE AND MEMBERS OF THE FIRST COUNCIL. In order to place the election of the Executive and members of the Council on the quadrennial basis provided in the Constitution of this State, the terms of the first Executive and the members of the first Council shall commence on Monday, January 28, 1969, and shall expire at such times as their successors, elected at the next quadrennial election, shall qualify for office.

Section 1107. REFERENCE IN STATE CONSTITUTION AND LAWS TO COUNTY COMMISSIONERS. All references in the Constitution and the laws of this State to the County Commissioners shall, at such time as the elected members of the first Council and first Executive take office, be construed to refer to the Council and to the Executive whenever such construction would be reasonable. The Council and Executive shall succeed to all powers vested heretofore in the County Commissioners by the Constitution and laws of this State.

Section 1108. TIME CERTAIN ARTICLES BECOME OPERATIVE. Except as otherwise expressly provided in this Charter, all the provisions of Article I to X, inclusive, of this Charter shall be operative at such time as the first Executive and the majority of the members of the first Council take office.

Section 1109. EXISTING LAWS. The Public Local Laws of Howard 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 and ordinances shall continue in full force and effect until repealed or amended.

Section 1110. EXISTING OFFICERS AND EMPLOYEES. All appointed officers and employees of the County 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 salaries subject to the provisions of this Charter.

Section 1111. EXISTING COUNTY SEAL. Until a new County Seal shall have been adopted by the County Council pursuant to the requirements of Article X, Section 1008 of this Charter, the seal of the Board of County Commissioners shall be and remain the official seal of the County.

Section 1112. ABOLITION OF CERTAIN OFFICES, BOARDS AND COMMISSIONS. Subject to the conditions, if any, specified in this Section, the following offices, boards, and commissions are abolished:

(a) **THE HOWARD COUNTY METROPOLITAN COMMISSION.** The Metropolitan Commission and its offices are abolished as of the effective date of this Charter and all employees, records, and equipment of the Metropolitan Commission are transferred to the Department of Public Works established by Article IV, Section 410, of this Charter. Members of the Metropolitan Commission in office at the time of its abolition shall continue in office as members of the Public Works Board established by Article IV, 410, of this Charter for the remainder of their term and until their successors are appointed. All of the functions and duties of the Metropolitan Commission as set forth in the Metropolitan Commission Act are transferred to the Department of Public Works, except that (1) the Council shall decide whether or not to enlarge the Metropolitan District, and (2) the Council and the Executive shall decide on water or sewer extensions and improvements by having made budgetary allocation therefor. The Executive shall recommend and the Council shall take legislative action on revision of the Metropolitan Commission Act in accordance with the general provisions of this Charter not later than the close of the second annual legislative session of the Council.

(b) **THE COUNTY TREASURER.** All powers and duties imposed by law upon the County Treasurer shall continue to be exercised and performed by the County Treasurer until the next general election for officers in the County government occurring after the adoption of this Charter; thereafter the office of County Treasurer shall stand abolished and all his powers and duties shall be performed by the Director of Finance, as provided in Article IV, Section 406 of this Charter. In the event that the incumbent County Treasurer should be appointed to the position of Director of Finance after the adoption of this Charter and prior to the next general election for County officers, the office of County Treasurer shall stand abolished upon his acceptance of such appointment. Unless otherwise hereafter provided by law, the Director of Finance shall give the same bonds for the faithful performance of his duties as are now required of the County Treasurer. All references in the law to the County Treasurer shall, after the abolition of said office, be construed to refer to the Director of Finance, whenever such construction would be reasonable.

(c) **THE BOARD OF PARKS FOR HOWARD COUNTY.** Members of the Board of Parks for Howard County in office at the time this Charter becomes effective, except the County Commissioner serving ex officio, shall continue in office as members of the Recreation and Parks Board established by Article IV, Section 413 of this Charter for the remainder of their term and until their successors are appointed.

(d) **THE HOWARD COUNTY PLANNING COMMISSION.** Members of the Howard County Planning Commission in office at the time this Charter becomes effective, except the County Commissioner service ex officio, shall continue in office as members of the Planning Board established by Article IV, Section 407 of this Charter, for the remainder of their term and until their successors are appointed. Not later than May 1, 1969, the Executive and the Council shall take necessary action to appoint a fifth member to the Planning Board as provided for in Article IV, Section 407(a) of this Charter.

(e) **THE BOARD OF ZONING APPEALS.** Members of the Board of Zoning Appeals of Howard County in office at the time this Charter becomes effective shall continue in office as members of the County Board of Appeals established by Article V, Section 501 of this Charter for the remainder of their term and until their successors are appointed.

(f) **THE OFFICE OF ZONING COMMISSIONER.** The Office of Zoning Commissioner is abolished as a separate agency at the time this Charter becomes effective and all personnel, records, and equipment of this Office are transferred to the Office of Planning and Zoning established by Article IV, Section 407 of this Charter.

(g) **THE ROADS DEPARTMENT.** The Roads Department is abolished as a separate agency at the time this Charter becomes effective and all personnel, records, and equipment of this Department transferred to the Department of Public Works established by Article IV, Section 210 of this Charter.

(h) **THE OFFICE OF BUILDINGS ENGINEER.** The Office of Buildings Engineer is abolished as a separate agency at the time this Charter becomes effective and all personnel, records, and equipment of this Office are transferred to the Department of Public Works established by Article IV, Section 410 of this Charter.

(i) **THE OFFICE OF HOUSING ADMINISTRATOR.** The Office of Housing Administrator is abolished as a separate agency at the time this Charter becomes effective and all personnel, records, and equipment of this Office are transferred to the Department of Public Works established by Article IV, Section 410 of this Charter.

(j) **THE OFFICE OF CLERK AND ASSISTANT CLERK TO THE BOARD OF COUNTY COMMISSIONERS.**

(k) **THE OFFICE OF ATTORNEY TO THE BOARD OF COUNTY COMMISSIONERS.**

Section 1113. OTHER OFFICES AND AGENCIES. All offices or agencies of the County government not abolished or reconstituted by this Charter shall retain their present organization and functions until such time as these may be changed by action of the Executive or by action of the Council in accordance with the provisions of Article IV, Section 402 of this Charter.

Section 1114. TRANSFER OF RECORDS AND PROPERTY. All records, property and equipment whatsoever of any office, division, department, board or commission, the functions of which are assigned to any other agency by this Charter, shall be transferred and delivered to the agency to which such functions are so assigned at such time as the Executive may direct. If part of the functions of any office, division, department, board or commission is by this Charter assigned to another agency, all records, property and equipment relating thereto shall be transferred and delivered to the agency to which such functions are so assigned. In case of controversy between two or more agencies as to right, such books, papers, other documents, equipment and personal property shall be transferred to such agency as the Executive may direct.

Section 1115. TERMINATION OF THIS ARTICLE. After the quadrennial election in November 1970, this Article shall cease to be part of this Charter.