

THE EFFECTIVE DATE OF THIS RESOLUTION IS July 2, 2024
RESOLUTION NO. 24-24

RESOLUTION OF THE COUNTY COUNCIL OF
FREDERICK COUNTY, MARYLAND

Re: Charter Amendment – Appointment and Removal of Department Heads and Others

The Frederick County Charter, Section 701, provides that the Charter may be amended by the procedures provided in Article XI-A of the Maryland Constitution.

Article XI-A, §5 of the Maryland Constitution provides, in relevant part, that amendments to any charter adopted by any County may be proposed by a Resolution of the County Council.

Article XI-A, §5 of the Maryland Constitution provides that a Charter Amendment shall be published by the President of the County Council once a week for five successive weeks prior to the election in at least one newspaper published in the County.

Article XI-A, §5 of the Maryland Constitution provides that an amendment so proposed shall be submitted to the voters of the County at the next general or congressional election occurring after the passage of the resolution.

Article XI-A, §5 of the Maryland Constitution provides that if at the election the majority of the votes cast for and against the amendment shall be in favor thereof, the amendment shall be adopted and become a part of the charter of the County from and after the thirtieth day after the election.

The Frederick County Charter currently provides that the County Executive appoints, and the County Council confirms, heads of departments, agencies, or offices under the control of the Executive. Specifically, Subsection 412 states:

412. Appointment and Removal of Department Heads and Others

(a) The Executive shall appoint an individual to head each principal operating department, agency or office under the control of the Executive, subject to confirmation of the Council. Individuals appointed under this subsection shall serve at the pleasure of the Executive.

(b) Except as provided in subsection (c) of this section or prescribed by law, the provisions of this Charter or by ordinance, the Executive shall appoint all members of boards and commissions. All members shall be subject to confirmation by the Council. Individuals appointed under this subsection shall serve at the pleasure of the Executive, unless otherwise provided by law, the provisions of this Charter or by ordinance.

(c) The membership of boards and commissions that are established exclusively to advise the Council shall be appointed and removed by the Council, at the Council's discretion, unless such matters are prescribed by law, the provisions of this Charter or by ordinance.

(d) If the Council fails to take action within thirty days upon an appointment made by the Executive pursuant to this section, the appointment shall become effective.

The County Council currently has no role in the removal of appointed heads of departments, agencies, or offices under the control of the Executive.

The County Council, therefore, adopts this Resolution to amend Subsection 412 of the County Charter to read:

412. Appointment and Removal of Department Heads and Others

(a) The Executive shall appoint an individual to head each principal operating department, agency or office under the control of the Executive, subject to confirmation of the Council. Individuals appointed under this subsection shall serve at the pleasure of the Executive.

(B) EXCEPT AS PROVIDED ELSEWHERE IN THIS CHARTER OR PRESCRIBED BY LAW, AFTER A PUBLIC HEARING ON THE MATTER, THE COUNCIL MAY REMOVE THE APPOINTED HEAD OF A DEPARTMENT, AGENCY, OR OFFICE UPON THE AFFIRMATIVE VOTE OF FIVE COUNCIL MEMBERS.

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE CHARTER.

~~[Strikethrough]~~ indicate matter deleted from the Charter.

([b] C) Except as provided in subsection (c) of this section or prescribed by law, the provisions of this Charter or by ordinance, the Executive shall appoint all members of boards and commissions. All members shall be subject to confirmation by the Council. Individuals appointed under this subsection shall serve at the pleasure of the Executive, unless otherwise provided by law, the provisions of this Charter or by ordinance.

([e] D) The membership of boards and commissions that are established exclusively to advise the Council shall be appointed and removed by the Council, at the Council's discretion, unless such matters are prescribed by law, the provisions of this Charter or by ordinance.

([d] E) If the Council fails to take action within thirty days upon an appointment made by the Executive pursuant to this section, the appointment shall become effective.

The County Council held a duly advertised public hearing on this proposed Charter Amendment on June 4, 2024. The public had an opportunity to comment on the proposed Amendment.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the County Council of Frederick County that the following amendment to the Frederick County Charter shall be submitted to the voters of the County at the next general or congressional election in accordance with Section 701 of the Frederick County Charter and Article XI-A, §5 of the Maryland Constitution:

412. Appointment and Removal of Department Heads and Others

(a) The Executive shall appoint an individual to head each principal operating department, agency or office under the control of the Executive, subject to confirmation of the Council. Individuals appointed under this subsection shall serve at the pleasure of the Executive.

(B) EXCEPT AS PROVIDED ELSEWHERE IN THIS CHARTER OR PRESCRIBED BY LAW, AFTER A PUBLIC HEARING ON THE MATTER, THE COUNCIL MAY REMOVE THE APPOINTED HEAD OF A DEPARTMENT, AGENCY, OR OFFICE UPON THE AFFIRMATIVE VOTE OF FIVE COUNCIL MEMBERS.

([b] C) Except as provided in subsection (c) of this section or prescribed by law, the provisions of this Charter or by ordinance, the Executive shall appoint all members of boards and commissions. All members shall be subject to

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE CHARTER.

~~[Strikethrough]~~ indicate matter deleted from the Charter.

confirmation by the Council. Individuals appointed under this subsection shall serve at the pleasure of the Executive, unless otherwise provided by law, the provisions of this Charter or by ordinance.

(([e] **D**) The membership of boards and commissions that are established exclusively to advise the Council shall be appointed and removed by the Council, at the Council's discretion, unless such matters are prescribed by law, the provisions of this Charter or by ordinance.

([d] **E**) If the Council fails to take action within thirty days upon an appointment made by the Executive pursuant to this section, the appointment shall become effective.

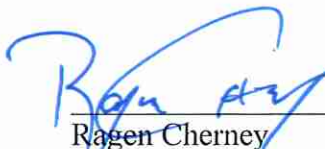
AND BE IT HEREBY FURTHER RESOLVED by the County Council of Frederick County, that pursuant to Section 701 of the Frederick County Charter and Article XI-A, §5 of the Maryland Constitution, the amendment shall be published by the President of the County Council at least once a week for five successive weeks prior to the election in at least one newspaper published in said County;

AND BE IT HEREBY FURTHER RESOLVED by the County Council of Frederick County, that pursuant to Section 701 of the Frederick County Charter and Article XI-A, §5 of the Maryland Constitution, this proposed Charter Amendment shall be submitted to the voters of the County at the next general or congressional election occurring after the passage of this Resolution.

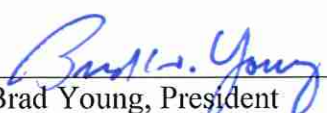
The undersigned hereby certifies that this Resolution was approved and adopted on the 2nd day of July, 2024.

ATTEST:

COUNTY COUNCIL OF
FREDERICK COUNTY, MARYLAND



Ragen Cherney
Council Chief of Staff

By: 

Brad Young, President

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE CHARTER.

[~~Strikethrough~~] indicate matter deleted from the Charter.