

THE EFFECTIVE DATE OF THIS RESOLUTION IS JULY 17, 2018

RESOLUTION NO. 18-21

RE: Charter Amendment - Revising Subsection 411(a)  
County Attorney

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, Subsection 411(a), currently states that the County Attorney serves at the pleasure of the Executive.

The County Council believes that because the Charter requires that the County Attorney shall be a legal advisor to both the Executive and the Council, the Council should have a role in the removal of the County Attorney.

The County Council, therefore, adopts this Resolution proposing to amend Subsection 411(a) of the County Charter to read:

**411. County Attorney**

(a) The Executive shall appoint a County Attorney, subject to confirmation by the Council. The County Attorney shall be the chief legal officer of the County and conduct all the law business of the County. The County Attorney shall be a legal advisor to the Executive, the Council, all County departments, agencies, offices and other instrumentalities of the Government. The County Attorney shall serve at the pleasure of the Executive and the Council. The County Attorney may be removed from office by either: (1) the Executive with the consent of five (5) members of the Council; or (2) upon a vote of at least six (6) Council members.

The County Council held a duly advertised public hearing on this proposed Charter Amendment on June 19, 2018. The public had an opportunity to comment on the proposed Resolution.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the County Council of Frederick County that the following proposed amendments to the Frederick County Charter, Article 4, Executive, Subsection 411(a), County Attorney, 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:

**411. County Attorney**

(a) The Executive shall appoint a County Attorney, subject to confirmation by the Council. The County Attorney shall be the chief legal officer of the County and conduct all the law business of the County. The County Attorney shall be a legal advisor to the Executive, the Council, all County departments, agencies, offices and other instrumentalities of the Government. The County Attorney shall serve at the pleasure of the Executive and the Council. The County Attorney may

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Underlining indicates matter to be added to the Charter.

[Single boldface brackets] indicate matter to be deleted from the Charter

be removed from office by either: (1) the Executive with the consent of five (5) members of the Council; or (2) upon a vote of at least six (6) Council members.

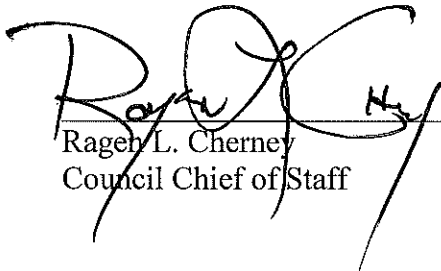
AND BE IT HEREBY FURTHER RESOLVED by the County Council of Frederick County, that pursuant to Section 701 of the Frederick County Charter and Article XI-A, §5 of the Maryland Constitution, the amendments shall be published by the President of the County Council once a week for five successive weeks prior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

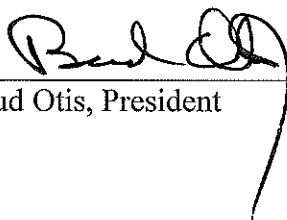
AND BE IT HEREBY FURTHER RESOLVED by the County Council of Frederick County, that pursuant to Section 701 of the Frederick County Charter and Article XI-A, §5 of the Maryland Constitution, this proposed Charter Amendment shall be submitted to the voters of the County at the next general or congressional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

The undersigned hereby certifies that this Resolution was approved and adopted on the 17th day of July, 2018.

ATTEST:

COUNTY COUNCIL OF  
FREDERICK COUNTY, MARYLAND

  
Ragen L. Cherney  
Council Chief of Staff

By:   
Bud Otis, President 