

## CHARTER

## CHARTER OF BALTIMORE COUNTY, MARYLAND\*

## \*Editor's notes:

Printed herein is the county Charter. The Charter was adopted by the voters on Nov. 6, 1956. History notes show the source of subsequent amendments. Except for the correction of obviously misspelled words, the Charter is published as found in the 2003 Baltimore County Code, as amended.

The original adoption of the Charter was upheld in *Connor v. Board of Election Supervisors of Baltimore County*, 212 Md. 379, 129A.2d 396 (1957).

**PREAMBLE**

We, the People of Baltimore County, in the State of Maryland, in order to obtain the benefits of self-government and home rule, do, in accordance with the Constitution and laws of the State of Maryland, adopt, ordain and establish as our Charter and form of government this

**CHARTER OF BALTIMORE COUNTY,  
MARYLAND****ARTICLE I. - NAME AND RIGHTS OF THE COUNTY****Sec. 101. - Body corporate and politic.**

Baltimore 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.

**Sec. 102. - Exercise of powers.**

The powers mentioned in the preceding section shall be exercised only by the county council of Baltimore 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.

**Sec. 103. - Name and boundaries.**

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

**ARTICLE II. - THE COUNTY COUNCIL****Sec. 201. - Composition, mode of election, etc.**

- (a) *Residence requirement.* There shall be a county council of Baltimore County composed of seven members, each one of whom shall, at the time of his election and for two years prior thereto and during his full term of office, reside in a different one of the seven councilmanic districts described in Section 206 of this Article.
- (b) *Mode of election.* All members of the county council shall be elected by the voters in the councilmanic district in

which they reside, and they shall likewise be nominated as members of the General Assembly are or may be nominated under provisions of the laws of the State of Maryland.

(Petitioned to referendum; approved by voters Nov., 1972)

*Annotation—Paragraph (b), as it existed before the referendum of 1972, was interpreted in *Gray vs. Board of Supervisors of Elections*, 243 Md. 657, 222 A.2d 176 (1966).*

*The procedure for selection of the initial council was upheld in *Tyler v. Board of Supervisors of Elections*, 213 Md. 37, 131 A.2d 247 (1957).*

#### Sec. 202. - Qualifications.

- (a) *In General.* In addition to the requirements of residence as provided in Section 201(a) of this Article, the members of the county council shall possess the same qualifications for their office as are provided in the Constitution of the State of Maryland for the office of state senator.
- (b) *Other offices.* No person shall qualify or serve as a member of the county council while he holds any other office or employment for profit of or under the state or county, and no member of the county council, during his term of office, shall be eligible for appointment to any county office, position or employment carrying compensation except the office of county executive.

(Bill No. 78, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

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

#### Sec. 203. - Term of office; qualifying time.

Members of the county council shall hold office for terms of four years commencing at the time of their election and continuing until their successors shall qualify. They shall qualify 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; provided, however, that the members of the first county council elected after the adoption of this Charter shall hold office only until the next quadrennial election and until their successors have qualified for office.

#### Sec. 204. - Compensation.

Compensation and allowances to be paid to members of the county council shall be set as provided in § 10-302 of the Local Government Article of the Annotated Code of Maryland, as amended.

(Bill No. 78, 1978, § 1; approved by voters Nov. 7, 1978; effective Dec. 8, 1978; Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

#### Sec. 205. - Vacancies.

A vacancy occurring in the office of councilmember prior to the expiration of his term shall be filled within thirty days after the vacancy occurs by appointment by the county executive of the person whose name shall be submitted to him in writing by the state central committee members representing the political party to which the previous member belonged, and whose legislative district is wholly or partially included in the councilmanic district in which the vacancy has occurred. Each of these members is entitled to one vote for each precinct in which his or her name was on the ballot. If the previous incumbent was not a member of a political party, then the county executive shall appoint the person selected by the remaining members of the county council. The member so appointed shall reside in the same councilmanic district as his predecessor and until his successor shall qualify.

(Bill No. 136, 1990, § 1) (Approved by voters Nov. 6, 1990; effective Dec. 7, 1990)

Sec. 206. - Council districts.

Baltimore County is divided into seven council districts enacted in accordance with Section 207 of this Charter.

(Bill No. 188, 1981, § 2) (Approved by voters Nov. 2, 1982; effective Dec. 3, 1982)

Sec. 207. - Revision of councilmanic districts.

- (a) *Redistricting commission; composition.* Not later than March 1 of the year after each decennial census of the United States, the County Council shall establish, by resolution, a councilmanic redistricting commission. The commission shall be composed of five members appointed by the County Council. A person who holds elective office is not eligible for appointment to the commission.
- (b) *Commission action.* The commission shall hold at least three public hearings, and, by October 15 of the year in which the commission is appointed, the commission shall recommend to the county council legislation to revise, amend, or reconstitute, but not to increase or decrease the number of, councilmanic districts in effect at such time. The legislation shall provide for councilmanic districts that are compact, contiguous, and substantially equal in population, and in which due regard is given to current natural, geographic, and community boundaries.
- (c) *Council action.* The county council shall hold one or more public hearings on the recommendation of the commission, and by January 31 of the year following the appointment of the commission, the council shall adopt a final redistricting plan by legislative act adopted by a majority plus one of the total number of county council members. The final plan may not increase or decrease the number of councilmanic districts in effect at the time. The plan shall provide for councilmanic districts that are compact, contiguous, and substantially equal in population, and in which due regard is given to current natural, geographic, and community boundaries.
- (d) *Final redistricting plan.* The final redistricting plan adopted by the county council is not subject to the executive veto provided in Article III, Section 308(g), but is subject to the referendum provision of Article III, Section 309.

(Bill No. 78, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978) (Bill No. 67-02, 2002, § 1) (Approved by voters Nov. 5, 2002; effective Dec. 5, 2002)

**Editor's note**— By Bill 59-11, § 1, the County Council revised and reconstituted the councilmanic districts in accordance with the 2010 census.

Sec. 208. - Sessions of the county council; quorum; rules of procedure.

- (a) *Total session days.* The county council may sit forty-five days in each year for the purpose of enacting legislation; such legislative days may, but need not, be consecutive.
- (b) Repealed by Bill No. 46, 1965.
- (c) *Monthly legislative session-day.* The county council shall also meet on the first Monday of each month 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) *Meetings.* The county council may also meet for the purpose of approving the county budget and performing other duties properly exercisable by the county council under the provisions of this Charter other than enacting legislation at such other times and at such places as the council may determine.
- (e) *Emergency sessions.* The county council may be called into emergency session for the purpose of enacting legislation either by the county executive or by a majority plus one of the total number of county council members established by this Charter, provided, however, that before any bill shall be passed at such an emergency session, it

shall require the affirmative vote of a majority plus one of the total number of county council members established by this Charter. (Bill No. 78, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

(f) *Quorum.* At all meetings of the county council, other than emergency sessions, a majority of the total number of county council members established by this Charter shall constitute a quorum for the transaction of business. (Bill No. 78, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

(g) *Rules of procedure.* It shall be the duty of the county council to adopt rules of procedure.

(Bill No. 93, 1962, § 1; Bill No. 46, 1966)

*Cross references: Rules of procedure for county council, app. B.*

### ARTICLE III. - THE LEGISLATIVE BRANCH

#### Sec. 301. - Composition.

The legislative branch of the county government shall be composed of the county council and the officers and employees thereof.

#### Sec. 302. - Officers.

- (a) *Presiding officer.* The county council at its first regular session in each calendar year shall elect from its membership by a vote of the majority of the total number of council members established by this Charter a chairman who shall preside at all meetings. In the event of his absence or inability to act, the members present, by an order entered in the journal, shall select one of their number to act as chairman pro tem, who, while so acting, shall have all the authority of the chairman. On all questions before the county council, the chairman pro tem shall have and may exercise the vote to which he is entitled as a council member. (Bill No. 79, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)
- (b) *Other officers and duties.* There shall be a secretary appointed by the county council, who shall keep minutes of its meetings, and such other officers of the county council as may be provided in its rules of procedure. All officers of the council shall have such other duties and functions in addition to those provided herein as may be specified in such rules.

#### Sec. 303. - Action by council; committees, appointment of.

The county council shall have the power to create standing committees. All committees shall be appointed by the chairman or by a majority plus one of the total number of council members established by this Charter. If a committee is created, any meeting held shall comply with the notice and agenda requirements of Section 308(a) of this Charter. All votes of each member of the county council or any committee thereof shall be recorded in a permanent record which shall be available for inspection by the public.

(Bill No. 79, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

*Annotation—Practice whereby a county councilman, with regard to his own district, has primary responsibility for identifying which proposals in recommended comprehensive rezoning should be adopted did not violate the requirement of § 303 of the county Charter, prior to the amendment of this section by Bill No. 63, 1974, that the county council act as a body. *Nottingham Village, Inc. v. Baltimore County*, 266 Md. 339, 292 A.2d 680 (1972); *Ford v. Baltimore County, Maryland*, 268 Md. 172, 300 A.2d 204 (1973).*

#### Sec. 304. - Enumerated powers not to be exclusive.

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

#### Sec. 305. - Limitation on exercise of county council's powers.

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

#### Sec. 306. - Legislative powers of county council.

The county council shall be the elected legislative body of the county and is vested with all the law-making power thereof, including all such powers as may heretofore have been exercised by the General Assembly of Maryland and transferred to the people of the county by the adoption of this Charter. The county council shall also have and may exercise all legislative powers heretofore vested in the county commissioners of Baltimore County, including the power to accept gifts and grants. The county council may enact public local laws for the county and is authorized to repeal or amend such local laws as have heretofore been enacted by the General Assembly of Maryland upon matters covered by the Express Powers Act of 1918 (Title 10 of the Local Government Article of the Annotated Code of Maryland) as now in force or hereafter amended. The county council may also provide for the enforcement of all ordinances, resolutions, bylaws and regulations adopted under the authority of law by fines, penalties and imprisonment, within the limits prescribed by law. (Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

*Annotation—Mandamus will not lie to control the exercise of judgment and discretion by public officials. County Council of Baltimore County v. Egerton Realty, Inc., 217 Md. 234, 140 A.2d 511 (1958).*

*This section cited in Hormes v. Baltimore County, 225 Md. 371, 170 A.2d 772 (1961).*

**Editor's note**—In Chapter 119 of the Laws of Maryland of 2013, Article 25A of the Annotated Code of Maryland, 1957 Edition, was revised generally as Title 10 of the Local Government Article of the Annotated Code of Maryland.

#### Sec. 307. - The Metropolitan District.

- (a) *In General.* The Metropolitan District, established by the Acts of the General Assembly of Maryland of 1924, Chapter 539, commonly known and hereinafter referred to as "The Metropolitan District Act," and now operating pursuant to said Act as amended, shall upon the adoption of this Charter be under the jurisdiction of the county executive and the county council instead of the county commissioners as heretofore.
- (b) *Division of executive and legislative functions.* The affairs of the Metropolitan District shall continue, as heretofore, to be administered as a division of the department of public works, as more particularly provided in Article V of this Charter. The county executive, or the chief engineer of the Metropolitan District acting under his authority and under the supervision of the county administrative officer, shall have in respect of the Metropolitan District all duties and powers relating to the appointment and discharge of staff, professional and clerical employees, subject, however, to the merit system provisions of Article VIII hereof, the preparation of all accounts and reports, the giving of notices, the fixing of special assessments and connection charges, and all other executive functions relating to the day-to-day administration of the affairs of the district as may be provided in the Act aforesaid. The county council shall have in respect of the Metropolitan District all duties and powers relating to the approval of extensions to the boundaries of the Metropolitan District, the issuance of bonds or other evidences of indebtedness by the district, and all other legislative functions which prior to the adoption of this Charter were vested in the county commissioners under the Act aforesaid. (Bill No. 19-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

- (c) *Compensation.* The compensation provided in this Charter for the members of the county council and the county executive having taken into account the nature and extent of their respective duties under this Section, the members of the county council and the county executive shall receive no additional compensation for the performance of their duties provided herein.
- (d) *Purpose of this section; rules of construction.* The purpose of this section is to provide for the orderly transition of the rights, powers, duties and obligations of the county commissioners under The Metropolitan District Act to the county council and county executive under this Charter. Except for the provisions of subsection (c) of this section, nothing contained herein or elsewhere in this Charter shall be held or construed to alter or amend the provisions of The Metropolitan District Act, or to enlarge, diminish or change in any manner whatsoever the rights, duties, powers and obligations of the mayor and city council of Baltimore under and by virtue of said Act, or the rights, duties, powers and obligations of any party to any contract made pursuant thereto.

Sec. 308. - Legislative procedure.

- (a) *Public meetings.* All meetings of the county council or any committee thereof shall be open to the public. Except for emergency sessions called pursuant to Section 208(e), at least five calendar days prior to any meeting, a notice of the meeting shall be submitted to a newspaper of general circulation in the county, and copies of the agenda for the meeting shall be made available for inspection in the office of the county council. The notice shall state when and where the meeting is to be held, and shall indicate that copies of the agenda may be inspected at the office of the county council. If an item on the agenda is carried forward to a subsequent meeting to be held within five calendar days, additional notice of agenda shall not be required. (Bill No. 79, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)
- (b) *Enacting clause.* The style of the enacting clause for all laws of the county council shall be: "Be it enacted by the County Council of Baltimore County, Maryland," and all laws shall be passed by original bill.
- (c) *Titles.* Every copy of each bill shall bear the name of the county council member(s) introducing it and the date of introduction to the council. Each law enacted by the county council shall embrace but one subject, which shall be described in its title; and no law, or section of law, shall be revived or amended by reference to its title or section only. (Bill No. 79, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)
- (d) *Votes required.* No bill shall become law nor any action requiring approval of the county council become effective unless it is passed or approved by the affirmative vote of a majority of the total number of county council members established by this Charter, or such greater number as may elsewhere be required in this Charter, and on final passage of a bill the vote of each member of the county council shall be recorded in the journal, a permanent record, which shall be available for inspection by the public. (Bill No. 79, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)
- (e) *Publication of county laws.* After the introduction of any bill, a notice shall be published at least once on each of two successive weeks in a newspaper of general circulation in the county, and copies of the bill shall be made available for inspection in the office of the county council and at each branch of the Baltimore County Public Library. One such notice shall also be published within one week after the bill is enacted, and, as soon as practicable, copies of the act shall be made available for inspection in the office of the county council and each branch of the Baltimore County Public Library. (Bill No. 79, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)
- (f) *Effective date of laws; emergency measures.* All public local laws and ordinances enacted by the county council shall take effect forty-five days after enactment, unless by the affirmative vote of a majority plus one of the total number of county council members established by this Charter any such law or ordinance shall be declared to be effective on an earlier or 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 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. (Bill No. 79, 1978, § 1; approved by voters Nov. 7, 1988; effective Dec. 8, 1978; Bill No. 101, 1988, § 1; approved by voters Nov. 8, 1988; effective Dec. 9, 1988; Bill No. 15-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

(g) *Executive veto.* Upon the passage of any legislation by the county council, including any public local law, ordinance or other act having the force of law, with the exception only of such measures as may in this Charter be made expressly exempt from the executive veto, the same shall be presented within two calendar days to the county executive for his approval or disapproval, and within ten days after such presentation he shall return any such legislation to the county council with his approval endorsed thereon or with a statement in writing of his reasons for not approving the same. Upon approval by the county executive any such legislation shall stand enacted. Any such legislation presented to the county executive and returned with his veto may be reconsidered by the county council. His objections shall be entered upon the journal of the council, and, not later than at its next regular session, the county council may consider the enactment thereof notwithstanding the executive veto. The vote of each member of the county council thereon shall be recorded in the journal, and if a majority plus one of the total number of the county council members established by this Charter 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 county council shall forthwith record the fact of such failure in the journal, and such legislation shall thereupon stand enacted. (Bill No. 101, 1988, § 1) (Approved by voters Nov. 8, 1988; effective Dec. 9, 1988)

(h) *Failure of bills.* Any bill not passed within sixty-five days after its introduction shall fail. ( Bill No. 15-18, § 1, approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

Sec. 309. - The referendum.

(a) *Scope of the referendum.* The people of Baltimore 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 enacted law or ordinance or part of any such law or ordinance of the county council. The referendum petition against any such law or ordinance shall be sufficient if signed by ten per cent of the qualified voters of the county calculated upon the whole number of votes cast in the county for Governor at the last preceding gubernatorial election. Such petition shall be filed with the board of supervisors of elections of Baltimore County within forty-five days after the enactment of the laws to be referred to the voters at the next general election. If such a petition is filed as aforesaid, such law or ordinance or part thereof to be so 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 said next general election; provided, however, that if more than one-third but less than the full number of signatures required to complete any referendum petition against such law or ordinance is filed within forty-five days after the date of its enactment, the time for the law to take effect and the time for filing the remainder of the signatures to complete the petition shall be extended for an additional thirty days with like effect. An "emergency measure," or a law or ordinance declared to be effective on a date earlier or later than forty-five (45) days after enactment, shall remain in force from the date of its enactment 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 maintaining the county government, or for maintaining or aiding any public institution, not exceeding the next previous appropriation for the same purpose, shall be subject to rejection or repeal under this section. This increase in any such appropriation for maintaining the county government or for maintaining or aiding any public institution shall take effect only as in the case of other laws, and such increase, or any part thereof, specified in the petition may be referred to a vote of the people of the county upon petition as above provided. (Bill No. 79, 1978, § 1; approved by voters Nov. 7, 1978; effective Dec. 8, 1978; Bill No. 101, 1988, § 1; approved by voters Nov. 8, 1988; effective Dec. 9, 1988)

(b) *Form of petition.* A petition may consist of several papers, but each paper shall contain the full text 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 signature thereon that each signature was signed before him, that, to the best of the said person's knowledge, information and belief, each signature thereon is genuine and bona fide and the signers are registered voters in the State of Maryland and Baltimore County, as set opposite their names; and no other verification shall be required of the person procuring the signatures. (Bill No. 79, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

- (c) *Verification and challenge.* Within 90 days of the filing of a petition, the board of supervisors of elections of Baltimore County shall verify the registration of each signator and the form of the petition, and shall report the results of its verification investigation to the county council. Any court proceedings to challenge the findings of the board of supervisors of elections must be commenced within 90 days of the date of the report. (Bill No. 79, 1978, § 2) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)
- (d) *Furthering legislation.* The provisions of this section shall be self-executing; provided, however, that legislation in furtherance hereof and not in conflict herewith may be enacted by the county council. (Bill No. 104, 1970, § 1; Bill No. 79, 1978, § 3; approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

*Annotation—Where County Charter designated Board of Supervisors of Elections as agency to receive petitions for referendum, such board had responsibility to determine validity of signatures thereon. Gittings v. Board of Supervisors of Elections for Baltimore County, 38 Md. App. 674, 382 A.2d 349 (1978).*

**Editor's note—** The publisher corrected a former reference to "Investigation of the county council" in subsection (c) of this section to read "Investigation to the county council" to conform with the language as adopted by the County Council in Bill No. 79, 1978.

#### Sec. 310. - Noninterference with executive branch.

Unless for the purpose of inquiry or information, neither the county council nor any member thereof shall deal directly with any officer, agent or employee in the executive branch of the county government other than the county executive. Except through legislation duly enacted, neither the county council nor any member thereof shall, either directly or indirectly, give orders to any officer, agent or employee of the executive branch of the county government, nor shall they in any manner attempt to influence or coerce any such officer, agent or employee in the performance of his duties.

*Annotation—This section cited in Hormes v. Baltimore County, 225 Md. 371, 170 A.2d 772 (1961).*

#### Sec. 311. - County auditor.

The county council shall by resolution appoint a county auditor who shall hold office for an indefinite term at the pleasure of the council and shall receive such compensation as the council may determine. He shall be a certified public accountant licensed for the practice of his profession under the laws of this state, and shall be appointed on the basis of his knowledge of governmental accounting and auditing and his experience pertaining to the duties of his office. The county auditor may assist the external auditor in conducting a financial audit required by section 312. The county auditor may also conduct a financial audit of any organization funded in whole or in part by county funds, if directed by a majority of the county council. The county auditor shall prepare and submit to the county council and the county executive reports in internal accounting control, administrative and operating practices and procedures, and other pertinent financial and compliance matters. The county auditor's duties may include operational and performance auditing of any office, department or agency funded in whole or in part by county funds, as assigned and directed by a majority of the county council by resolution. All records and files pertaining to the receipt and expenditure of county funds by all officers, agents and employees of the county, and all records and files pertaining to management and performance of the functions and activities of any office, department, or agency funded in whole or in part by county funds, and all offices, departments, institutions, boards, commissions, and other agencies thereof shall at all times be open to the inspection of the county auditor. The County Auditor shall bring to the attention of the council immediately and at the next legislative session-day and to the attention of the county executive any irregular or improper procedure which he may discover.

The county council shall have the power to implement the provisions of this section and to assign additional duties and functions to the county auditor not inconsistent with those provided herein. All actions of the county council pursuant to this section shall be exempt from the executive veto.

(Bill No. 79, 1978, § 1; approved by voters Nov. 7, 1978; effective Dec. 8, 1978; Bill No. 105, 1986, § 1; approved by voters Nov. 4, 1986; effective Dec. 4, 1986; Bill No. 129, 1990, § 1; approved by voters Nov. 6, 1990; effective Dec. 7, 1990; Bill No. 100-96, § 1; approved by voters Nov. 5, 1996; effective Dec. 5, 1996)

#### Sec. 312. - External auditor; financial audit.

A financial audit for all offices, departments, institutions, boards, commissions, and other agencies of the county government, except those whose entire records, accounts and affairs are completely audited by other independent auditors, shall be made within 6 months following the close of each fiscal year of the county by an independent firm of certified public accountants whose members are licensed for the practice of their profession under the laws of this state. The selection of such firm and its employment by contract shall be made by the county executive with the advice and consent of the county council. All records of the county auditor and all records and files pertaining to the receipt and expenditure of county funds by all officers, agents and employees of the county and all offices, departments, institutions, boards, commissions, and other agencies thereof shall be open to the inspection of the auditors conducting the audit. The county council shall have the power to implement the provisions of this section by legislative act not inconsistent herewith, and to require such additional independent audits as it shall deem necessary.

(Bill No. 79, 1978, § 1; approved by voters Nov. 7, 1978; effective Dec. 8, 1978; Bill No. 129, 1990, § 1; approved by voters Nov. 6, 1990; effective Dec. 7, 1990; Bill No. 100-96, § 1; approved by voters Nov. 5, 1996; effective Dec. 5, 1996)

### ARTICLE IV. - THE EXECUTIVE BRANCH

#### Sec. 401. - Composition.

The executive branch of the county government shall consist of the county executive, the county administrative officer, and all officers, agents and employees under their supervision and authority.

#### Sec. 402. - County executive.

- (a) *Nature and term of office; mode of election; qualifications; salary.* The county executive 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 XI-A of the constitution of this state. He shall be nominated in the primary elections in the same manner as other elected county officials and shall be elected on the general ticket by the qualified voters of the county to serve for a term of four years and until his successor shall be elected and qualify; provided, however, that the county executive shall be ineligible to serve for more than two consecutive terms, beginning with the election in 1978. The county executive shall qualify 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 upon such qualification. The county executive shall be a qualified voter of the county, not less than twenty-five years of age, and shall have been a resident of the county for at least five years next preceding his election. He shall devote his full time to the duties of his office and shall be paid an annual salary pursuant to Section 405 of this Charter. (Bill No. 80, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)
- (b) *Vacancy.* Whenever for any cause the office of the county executive shall become vacant, the same shall be filled by the affirmative vote of a majority of the total number of county council members established by this Charter. The person so elected by the council shall possess the same qualifications for the office as hereinabove provided in

Section 402(a) 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. (Bill No. 80, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

- (c) *Temporary absence of county executive.* During the temporary disability or absence from the county of the county executive, the county administrative officer shall serve as acting county executive. If both the county executive and the county administrative officer are temporarily disabled or absent from the county, the director of budget and finance, as the acting county administrative officer, shall also serve as acting county executive, unless the county council designates the head of another office in the administrative services, or the director of public works to serve as acting county executive. If a county executive fails actively to perform the daily duties and responsibilities of his office for a continuous period of six months, the county executive's office may be declared vacant by the affirmative vote of a majority of the total number of county council members established by this Charter, and such vacancy shall thereupon be filled in the manner above provided in Section 402(b) of this Article. An acting county executive shall have the same rights, duties, powers and obligations as an elected incumbent of said office, exclusive, however, of the power of executive veto. (Bill No. 80, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978; Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018; Bill No. 16-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018; Bill No. 19-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)
- (d) *Duties of the office.* The county executive shall be responsible for the proper and efficient administration of such affairs of the county as are placed in the county executive's charge or under the county executive's jurisdiction and control under this Charter or by law. In addition to and not by way of limitation of the county executive's general duties of supervision and management of the executive branch of the county government, the county executive shall have the following express responsibilities, duties and powers: ( Bill No. 16-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)
  - (1) To supervise, direct and control, subject to law and the provisions of this Charter, the administrative services of the county;
  - (2) To present to the county council the annual county budget in the manner and form hereinafter in this Charter provided;
  - (3) To communicate to the county council at least once a year a general statement of the finances, government and affairs of the county, with a summary statement of the activities of the several departments and offices thereof;
  - (4) To present to the county council from time to time such other information concerning the business and affairs of the county as he may deem necessary, or as the county council by resolution may request, and to recommend such measures for legislative action as he may deem expedient;
  - (5) To see that the county officers, boards, agencies, commissions, departments and employees faithfully perform their duties, and to employ, with the approval of the county council, experts and consultants in connection with any of the functions of the county government;
  - (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 the county council, in the manner, at the times and subject to the limitations provided in Article III, Section 308(g) of this Charter;
  - (9) To appoint or reappoint at the commencement of each term, subject to confirmation by the affirmative vote of

- a majority of the total number of county council members established by this Charter, the county administrative officer at the conclusion of his or her term and the heads of all offices and departments of the county government for which provision is made in this Charter. If the council fails to act to confirm or reject any appointment within forty days of its submission to the council by the county executive, the appointment shall stand approved; (Bill No. 80, 1978, § 1; approved by voters Nov. 7, 1978; effective Dec. 8, 1978; Bill No. 172, 1981, § 1; approved by voters Nov. 2, 1982; effective Dec. 3, 1982; Bill No. 73, 2002, § 1, approved by voters Nov. 5, 2002, effective Dec. 5, 2002; Bill No. 16-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)
- (10) To appoint the members of all boards, commissions and authorities created in or pursuant to this Charter or by law;
- (11) [Repealed];

(Bill No. 16-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

- (12) To sign on the county's behalf all deeds, contracts and other instruments which prior to the adoption of this Charter required the signature of the president 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 administrative orders, licenses and permits which prior to the adoption of this Charter were issued or granted by the county commissioners; subject, however, to the right of any party aggrieved thereby to appeal to the county board of appeals as provided in Article VI of this Charter;
- (14) [Repealed];

(Bill No. 16-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

- (15) To appoint a confidential clerk or secretary who shall be known as "Secretary to the County Executive," who shall have and may exercise all powers and functions heretofore conferred on the secretary of the board of county commissioners, including but not limited to the power to attest the signatures of all county officials;
- (16) To delegate, with the approval of the county council, any of the duties of his office to the county administrative officer, with the exception, however, of his power of executive veto;
- (17) To perform such other duties as may be prescribed by this Charter or required by ordinance or resolution of the county council or as may be necessarily implied from the powers and duties herein specified.

(Bill No. 43, 1974, § 1; Bill No. 58, 1976, § 1, approved by voters Nov. 2, 1976, effective Dec. 2, 1976)

*Annotations—Since the county executive has the duty to supervise, direct and control the administrative services of the county, he must of necessity acquire appropriate office space and such other facilities as may be necessary from time to time properly to conduct the county's business, and this is an executive rather than a legislative function. Hormes v. Baltimore County et al., 225 Md. 371, 170 A.2d 772 (1961).*

*This section cited in Cohen v. Baltimore County, 229 Md. 519, 185 A.2d 185 (1962).*

*This section cited in Kone v. Baltimore County, 231 Md. 466, 190 A.2d 800 (1963).*

*This section cited in Hormes v. Baltimore County, 225 Md. 371, 170 A.2d 772 (1961).*

Sec. 403. - County administrative officer.

- (a) *Qualifications; mode of selection; salary.* The county administrative officer shall be appointed solely on the basis of his integrity and his executive 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 an executive either in public service or private business, or both. He shall also be thoroughly familiar with modern accounting methods and budget procedures. At the time of his appointment, he may, but need not, be a resident of Baltimore

County or of the State of Maryland, but during his tenure of office he shall at all times reside within the county. He shall devote his full time to the duties of his office, and shall be paid an annual salary pursuant to Section 405 of this Charter. (Bill No. 80, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

- (b) *Term of office.* The term of office of the county administrative officer shall be four years beginning on the first day of June in the year following the election of a county executive provided in this Charter. The county administrative officer shall continue to hold office until his successor shall qualify.
- (c) *Vacancy.* A vacancy in the office of county administrative officer shall be filled by appointment for the balance of the unexpired term. Such an appointment shall be made in the same manner and subject to the same qualifications as an original appointment.
- (d) *Nature of office and duties.* The county administrative officer shall exercise supervision over all activities of those offices and departments for which provision is made in this Charter, and the boards and commissions connected therewith. The county administrative officer shall be responsible directly to the county executive. In addition to and not by way of limitation of the general duties of supervision as above provided, the county administrative officer shall have the following express powers and duties: ( Bill No. 16-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)
  - (1) To be the chief budget officer of the county and to prepare and submit to the county executive for the county executive's approval and submission to the county council all county budgets, prepared in the manner and form provided in Article VII of this Charter; ( Bill No. 16-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)
  - (2) To make periodic reports, with such recommendations as the county administrative officer may deem appropriate, to the county executive concerning the affairs of the county government; ( Bill No. 16-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)
  - (3) To hold periodic staff meetings with the county administrative officer's subordinate officers in the administrative services; ( Bill No. 16-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)
  - (4) To make any study or investigation which in the county administrative officer's judgment may be in the best interests of the county, including but not limited to the affairs, functions, acts, methods, personnel or efficiency of any department, office or officer under the county administrative officer's jurisdiction; ( Bill No. 16-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)
  - (5) To perform such other administrative duties as may be delegated to the county administrative officer by the county executive; ( Bill No. 16-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)
  - (6) To do and perform such other duties as may be prescribed by this Charter or required by ordinance or resolution of the county council or as may be necessarily implied by the powers and duties herein specified. (Bill No. 58, 1976, § 2, approved by voters Nov. 2, 1976, effective Dec. 2, 1976; Bill No. 73-02, 2002, § 2, approved by voters Nov. 5, 2002, effective Dec. 5, 2002)

*Annotation— This section cited in Kone v. Baltimore County, 231 Md. 466, 190 A.2d 800 (1963).*

Sec. 404. - Removal of appointive officers in executive branch.

- (a) *County administrative officer.* The county executive may remove the county administrative officer during the term for which he shall have been appointed; provided, however, that at least thirty days before such removal becomes effective, the county executive shall notify, in writing, the county administrative officer of his reasons for such removal and shall simultaneously submit a copy of such notice to the county council. The county administrative officer may reply in writing and may request a public hearing before a joint meeting of the county council and the county executive. Such hearing shall be held not earlier than twenty days nor later than thirty days after the filing of such request. After such public hearing, if one be requested, the county executive may remove the county administrative officer from his office. Simultaneously with the filing with the county council of his notice of removal

of the county administrative officer, the county executive may suspend the county administrative officer from his office for the ensuing thirty days, but shall in any case cause to be paid to him forthwith any unpaid balance of his salary. In the event of the removal of the county administrative officer, he shall receive his salary for the next three calendar months following the filing of the notice of removal as aforesaid.

- (b) *Removal of other appointive officers.* Except when provisions for removal are set forth in this Charter, the county executive may remove the heads of any offices and departments appointed under Section 402 in the executive branch of county government for which provision is made in this Charter. Subject to the merit system provisions of the county personnel law as set forth in Article VIII of this Charter and with the approval of the county executive, the county administrative officer may remove at any time any other officer or employee in the administrative services of the county. ( Bill No. 16-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

Sec. 405. - Change in compensation of county executive and county administrative officer.

The county council, by the affirmative vote of a majority plus one of the total number of council members established by this Charter, shall have power to increase or reduce the compensation for the county executive and the county administrative officer; provided, however, that in no event shall the compensation of the county executive be increased or reduced during his current term, nor shall the compensation of the county administrative officer be reduced during his current term.

(Bill No. 80, 1978, § 1, approved by voters Nov. 7, 1978, effective Dec. 8, 1978)

Sec. 406. - Temporary appointments.

- (a) *County administrative officer.* During the temporary absence of the county administrative officer, or if the office of county administrative officer shall become vacant, the director of budget and finance shall serve as acting county administrative officer pending, in the case of a vacancy, the appointment of a successor to fill the balance of the unexpired term. In the director's capacity as acting county administrative officer, the director of budget and finance need not possess, but the successor shall possess, all those qualifications hereinabove in this article specified for an original appointee. ( Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)
- (b) *Other officers.* Subject to the approval of the county executive, the county administrative officer shall, in the case of a vacancy or temporary absence, designate within thirty days a person to serve as acting head of any office or department in the administrative services until the appointment of a successor. Unless at the time of such appointment the temporary appointee is a subordinate officer in the office or department to which he is designated as acting head, he shall possess all the qualifications for the office specified in Article V of this Charter for an original appointee.
- (c) *Limitation on term of temporary appointees.* No person shall serve as an acting county administrative officer or acting head of any office or department for a period longer than sixty days without the approval of the county council.

(Bill No. 95, 1962, § 1, approved by voters Nov. 6, 1962, effective Dec. 6, 1962)

*Annotation— This section cited in Kone v. Baltimore County, 231 Md. 466, 190 A.2d 800 (1963).*

ARTICLE V. - THE ADMINISTRATIVE SERVICES

DIVISION 1. - OUTLINE OF ORGANIZATION

Sec. 501. - General supervision.

Except as otherwise provided herein or in the public general laws of this state, the administrative services of the county shall be subject to the supervision and control of the county administrative officer, who shall be responsible solely to the county executive for their efficient operation and management.

Sec. 502. - Composition, restrictions on creation of additional offices and departments.

The administrative services shall consist of the offices and departments enumerated in sections 503 and 504, provided that offices and departments may be created, merged or abolished by legislative act proposed by the county executive and passed by a majority plus one of the total number of county council members established by this Charter, with the total number of offices and departments being determined by budgetary requirements. Existing or additional duties and functions may, however, from time to time be assigned to or reassigned among existing offices or departments by directive of the county administrative officer or by legislative act of the county council. New bureaus or divisions of existing offices and departments shall not be created except by legislative act of the county council.

(Bill No. 84, 1978, § 1; approved by voters Nov. 7, 1978; effective Dec. 8, 1978; Bill No. 131, 1990, § 1; approved by voters Nov. 6, 1990; effective Dec. 7, 1990)

Sec. 503. - Offices.

There shall be the following offices in the administrative services:

- (1) Office of law.
- (2) Office of human resources.
- (3) Office of budget and finance.
- (4) Office of information technology.

(Bill No. 67, 1968, § 1; Bill No. 131, 1990, § 1; approved by voters Nov. 6, 1990; effective Dec. 7, 1990; Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

Sec. 504. - Departments.

There shall be the following departments in the administrative services:

- (1) Department of public works.
- (2) Department of permits, approvals and inspections.
- (3) Department of recreation and parks.
- (4) Department of environmental protection and sustainability.
- (5) Department of education.
- (6) Department of libraries.
- (7) Department of health.
- (8) Department of social services.
- (9) Police department.
- (10) Fire department.
- (11) Department of aging.
- (12) Department of planning.
- (13) Department of corrections.

## (14) Department of economic and workforce development.

(Bill No. 60, 1978, § 1; approved by voters Nov. 7, 1978; effective Dec. 8, 1978; Bill No. 131, 1990, § 1; approved by voters Nov. 6, 1990; effective Dec. 7, 1990; Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018; Bill No. 19-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

## Sec. 505. - Term and compensation of officers and employees in the administrative services.

Subject to the applicable merit system provisions of the county personnel law, all officers, agents and employees in the administrative services 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. Officers and employees in the exempt service as defined in section 801 of this Charter shall have their compensation determined according to a system adopted or amended by the county council upon the recommendation of the county executive.

(Bill No. 17-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

## Sec. 506. - Staff and clerical personnel.

With the approval of the county administrative officer and subject to the merit system provisions of the county personnel law and the applicable provisions of public general law, the head of each office and department shall have the power to employ such staff and clerical personnel as may be necessary to carry out the duties and functions of his office or department. No such employment shall be undertaken if the cost thereof exceeds the available appropriation or allotment therefor.

## DIVISION 2. - OFFICES OF THE ADMINISTRATIVE SERVICES

## Subdivision 1. - The Office of Law

## Sec. 507. - The county attorney generally.

The office of law shall be administered by the county attorney who shall be a resident of the county and a member in good standing of the Bar of the Court of Appeals of Maryland and of the Circuit Court for Baltimore County. The county attorney shall have been actively engaged in the general practice of law in this state for at least five years prior to appointment.

(Bill No. 172, 1981, § 1) (Approved by voters Nov. 2, 1982; effective Dec. 3, 1982)

## Sec. 508. - Powers and duties of the county attorney.

The county attorney shall be the legal advisor of the county and of its several offices, departments, boards, commissions and other agencies. Except as provided in section 510 of this article, no office, department, board, commission or other agency or branch of the county government shall have any authority or power to employ or retain any legal counsel other than the county attorney. The county attorney shall also be the legal adviser and legislative draftsman for the county council. The county attorney shall give advice and opinions on any legal questions affecting the interest of the county when those questions are submitted:

- (1) By written request of the county council,
- (2) By written request of the county executive or the county administrative officer, or
- (3) With the approval of the county administrative officer, by written request of the head of any office or department in the administrative services. All deeds, bonds, contracts, releases and other legal papers and instruments involving the interests of the county shall, before their execution or delivery, be submitted to the

county attorney for approval in writing as to their form and legal sufficiency. The county attorney shall have such additional duties as may from time to time be provided by law.

(Bill No. 172, 1981, § 1; approved by voters Nov. 2, 1982; effective Dec. 3, 1982; Bill No. 14-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

#### Sec. 509. - Assistants to county attorney.

The county attorney, with the approval of the county executive, may appoint such assistants to serve as members of the legal staff as may be necessary for the proper conduct of the public business of the Office of Law, subject, however, to such limitations as to number, term and compensation as may be provided from time to time by this Charter or by law.

(Bill No. 172, 1981, § 1) (Approved by voters Nov. 2, 1982; effective Dec. 3, 1982)

#### Sec. 510. - Additional legal assistance.

Nothing in this article shall be construed as preventing the county executive, with the approval of the county 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. Subject to available appropriation, the county council by a resolution of a majority plus one of the total number of council members established by this Charter, which shall not be subject to executive veto, may employ attorneys or experts to assist and advise the county council for purposes strictly limited to the exercise of its legislative and budget enactment powers. Any attorney or attorneys so employed shall not prosecute law suits by or against the county council or the county. An estimate of appropriation to carry out the provisions of this section may be included by the county council in its current expense budget. Such estimate shall be included in the current expense budget by the county executive without change. In addition, the county council shall have the right to initiate an appropriation from unexpended and unencumbered funds set aside for contingencies in order to carry out the provisions of this section of the Charter.

(Bill No. 82, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

#### Sec. 511. - Prohibited practices of county attorney and assistants.

Neither the county attorney nor any assistant in the Office of Law may at any time, while holding such office, practice as an attorney before the county council or any office, department, board, commission or agency of the county in any capacity other than as representing the county's interests.

(Bill No. 172, 1981, § 1) (Approved by voters Nov. 2, 1982; effective Dec. 3, 1982)

#### Subdivision 2. - The Office of Human Resources\*

*\* Editor's notes:*

*At the direction of the county, the title of div. 2, subdiv. 2, "The Office of Personnel" was changed to read as herein set out to reflect the title change made in Bill No. 13-18, § 1, approved by voters Nov. 6, 2018, effective Dec. 6, 2018.*

#### Sec. 512. - Composition.

The office of human resources shall consist of the director of human resources, the personnel and salary advisory board, and their subordinate officers, agents and employees. The office shall be administered by the director of human resources. The director shall be responsible directly to the county administrative officer and shall possess the qualifications for the office

provided in Article VIII of this Charter and such other qualifications as may be provided in the county personnel law.

(Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

### 2.c. 513. - Duties of director of human resources.

The director of human resources shall have such duties and perform such functions as are provided in Article VIII of this Charter and such other duties and functions, not inconsistent therewith, as may be provided in the county personnel law.

(Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

**Editor's note**— Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018, effective Dec. 6, 2018, changed the title of § 513 from "Duties of director of personnel" to read as herein set out.

## Subdivision 3. - The Office of Budget and Finance\*

### \* *Editor's notes:*

*At the direction of the county, the title of div. 2, subdiv. 3, "The Office of Finance" was changed to read as herein set out to reflect the title change in Bill No. 13-18, § 1, approved by voters Nov. 6, 2018, effective Dec. 6, 2018.*

### Sec. 514. - The director of budget and finance generally.

The office of budget and finance shall be administered by the director of budget and finance, who shall be appointed on the basis of the director's experience in financial administration, and technical training for the duties of the office. The director shall be responsible directly to the county administrative officer.

(Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

**Editor's note**— Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018, effective Dec. 6, 2018, changed the title of § 514 from "Director of finance generally" to read as herein set out.

### Sec. 515. - General powers and duties of the director of budget and finance.

- (a) Except as otherwise provided in Article XI of this Charter, the director of budget and finance shall have and exercise all the powers and all the fiscal duties formerly vested in or imposed upon the county comptroller and the county treasurer, and the director is hereby designated as the collector of state taxes in the county. The director 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; and such other functions as may be prescribed by the county administrative officer or by legislative act of the county council not inconsistent herewith.
- (b) The director of budget and finance shall be responsible for the formulation of the budget under the supervision of the county administrative officer in accordance with the procedures set out in Article VII of this Charter; the study of the organization, methods and procedures of each office, department, board, commission, institution and agency of the county government; the submission to the county administrative officer of periodic reports on their efficiency and economy and such other duties and functions as may be assigned to the director by the county administrative officer or by legislative act of the county council.

(Bill No. 67, 1968, § 1; Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

**Editor's note—** Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018, effective Dec. 6, 2018, changed the title of § 515 from "General powers and duties of the director of finance" to read as herein set out.

#### Sec. 516. - Specific powers and duties of director of budget and finance.

The director of budget and finance shall have the following specific powers and duties: ( Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

- (a) To keep accounts for each item of appropriation made by the county council so that each account shall show in detail the appropriations made thereto, the amounts drawn thereon and the unencumbered balance;
- (b) To submit monthly to the county administrative officer, the county executive and the county council a summary of revenues and expenditures detailed as to appropriations and funds in such manner as to show the current financial condition of each office and department of the county government;
- (c) To submit at least annually to the county council a set of comprehensive financial statements on the county government prepared in accordance with the latest generally accepted accounting principles for local governments showing the assets, liabilities, financial condition, and operating results of the county along with appropriate notes, comments, and opinions by the external and county auditors. Copies of the annual financial report shall be made available to the public and the press no later than one hundred eighty days following the close of each fiscal year. Copies of the annual financial report shall be placed in each branch of the Baltimore County Public Library and a notice stating that the report is available for inspection in the office of budget and finance, the county auditor's office, and each branch of the Baltimore County Public Library shall be published annually in a newspaper of general circulation in Baltimore County. (Bill No. 129, 1990, § 2; approved by voters Nov. 6, 1990; effective Dec. 7, 1990; Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)
- (d) To control all county expenditures on the basis of authorized budgetary allotments and to report thereon to the several offices, departments, boards, commissions and other agencies of the county government;
- (e) To examine, audit and approve all bills, demands or charges against the county and to determine the regularity, legality and correctness of the same;
- (f) To deposit funds of the county in such banks or trust companies as the county executive may designate, subject to such adequate requirements as to security and interest as may be provided by law;
- (g) To perform such other duties not inconsistent with those herein enumerated as may be required by the county administrative officer or by law.

**Editor's note—** The publisher corrected a former reference to "office" to read "officer". The original Charter, the 1958 and 1968 Codes contained the latter language. The change was made inadvertently in Bill 67-68.

Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018, effective Dec. 6, 2018, changed the title of § 516 from "Specific powers and duties of the director of finance" to read as herein set out.

#### Sec. 517. - Appropriation to control expenditures; disposition of fees.

No money shall be drawn from the treasury of the county, nor shall any obligation for the expenditure of money by the county be incurred by any officer, board or commission authorized to expend county money, except in pursuance of law or of the appropriation or allotment therefor. All fees received by all county offices or employees in connection with their official duties shall be accounted for and paid into the county treasury.

## Sec. 518. - [Repealed.]

Repealed by Bill No. 13-18, § 1. (Approved by voters Nov. 6, 2018; effective Dec. 6, 2018)

## Sec. 519. - [Repealed]

Repealed by Bill No. 13-18, § 1. (Approved by voters Nov. 6, 2018; effective Dec. 6, 2018)

## Subdivision 5. - The Office of Information Technology\*

*\* Editor's notes:*

*At the direction of the county, the title of div. 2, subdiv. 5, "The Office of Central Services" was changed to read as herein set out to reflect the title change in Bill No. 13-18, § 1, approved by voters Nov. 6, 2018, effective Dec. 6, 2018.*

## Sec. 520. - The director of information technology.

The office of information technology shall be administered by the director of information technology. The director shall be appointed solely with regard to the director's qualifications for the duties of the office and shall be responsible directly to the county administrative officer.

( Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

**Editor's note**— Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018, effective Dec. 6, 2018, changed the title of section 520 from "The director of central services" to read as herein set out.

## Sec. 521. - Duties and functions.

The office of information technology shall have such duties as may be assigned thereto from time to time by directive of the county administrative officer or by legislative act of the county council.

( Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

## DIVISION 3. - DEPARTMENTS IN THE ADMINISTRATIVE SERVICES

## Subdivision 1. - Department of Planning\*

*\* Editor's notes:*

*At the direction of the county, former div. 2, subdiv. 6, "Office of Planning and Zoning" was retitled and renumbered as set out herein, to reflect the changes made in Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018.*

## Sec. 522. - Organization of office and selection of its components.

The department of planning shall be composed of a director of planning who shall administer the department, a planning board, a zoning commissioner and one or more deputy zoning commissioners. The county executive shall appoint the director of planning, the zoning commissioner, and one or more deputy zoning commissioners, subject to confirmation by the county council. The zoning commissioner and each deputy zoning commissioner shall serve terms expiring June 1 of the year following the election of a county executive provided by this Charter or until their successors are appointed and confirmed, but they may be removed at any time upon the recommendation of the county executive approved by a majority plus one of the total number of county council members established by this Charter.

The planning board shall consist of 15 members serving three-year terms, subject, however, to the requirement that the terms of five members shall end each year. Eight (8) members of the planning board shall be appointed by the county executive, and each member of the county council shall appoint one member who shall be a resident of the councilman's district. The county executive shall appoint the chairman and vice-chairman subject to confirmation by the county council. At least one planning board member shall reside in each councilmanic district. No member of the planning board shall hold any other salaried position in the county government while a member of the planning board.

(Bill No. 83, 1978, § 1; approved by voters Nov. 7, 1978; effective Dec. 8, 1978; Bill No. 128, 1990, § 1; approved by voters Nov. 6, 1990; effective Dec. 7, 1990; Bill No. 23-92, § 1, approved by voters Nov. 3, 1992; effective Dec. 7, 1992; Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018; Bill No. 14-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

#### Sec. 522.1. - Duties of the department of planning; limitation of powers.

- (a) The department of planning shall have the responsibility and duty of planning for Baltimore County, including:
  - (1) Preparing, at least every ten years, and revising, a master plan; monitoring the implementation of the master plan; and preparing at least every two years a report to the county executive and county council on the progress achieved toward implementation of the master plan.
  - (2) Preparing, at least every six years, recommending to the county council, and administering, a zoning map.
  - (3) Preparing and recommending to the county council rules and regulations governing the subdivision of land, and administering the subdivision rules and regulations as adopted.
  - (4) Preparing and recommending to the county council zoning rules and regulations which, together with the zoning map, shall constitute a zoning code.
  - (5) Administering the zoning code.
- (b) The master plan shall be adopted as provided by section 523 of this Charter. All other plans, zoning maps, and rules and regulations recommended for adoption, amendment or repeal by the department of planning, the planning board or the zoning commissioner shall, prior to taking effect as law, be approved by legislative act of the county council.

(Bill No. 83, 1978, § 2; approved by voters Nov. 7, 1978; effective Dec. 8, 1978; Bill No. 128, 1990, § 1; approved by voters Nov. 6, 1990; effective Dec. 7, 1990; Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

**Editor's note**— The publisher corrected a former reference to "offices" to read "office" in subsection (b). Bill 83-78, which originally enacted § 522.1, used the word "office". The annual cumulative supplements to the 1978 Code used the word "office" from 1979 to 1985. The change was made inadvertently in the 1986 cumulative supplement.

Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018, changed the title of § 522.1 from "Duties of office of planning and zoning; limitation of powers" to read as herein set out.

#### Sec. 523. - The master plan and the zoning maps.

- (a) *Definition and implementation of the master plan.* The master plan shall be a composite of mapped and written proposals setting forth comprehensive objectives, policies and standards to serve as a guide for the development of the county. Upon receipt of the master plan from the department of planning, the county council shall accept or modify and then adopt it by resolution.
- (b) *Definition and implementation of the zoning maps.* The zoning maps shall show the boundaries of the proposed districts, divisions and zones into which the county is to be divided consistent with the master plan. Upon receipt of the zoning map from the department of planning, the county council shall accept or modify and then adopt it by legislative act.

(Bill No. 83, 1978, § 3; approved by voters Nov. 7, 1978; effective Dec. 8, 1978; Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

c. 524. - Reorganization of the department of planning.

Notwithstanding any other provisions of this Charter, the county council shall have the power by legislative act to reorganize the department of planning, to define the duties of the director of said department, to establish the powers, duties and compensation of the planning board, and to establish the duties and responsibilities of the zoning commissioner and deputy zoning commissioners, so that planning and zoning functions shall be conducted in the best interests of the county and its future development and growth.

(Bill No. 83, 1978, § 1; approved by voters Nov. 7, 1978; effective Dec. 8, 1978; Bill No. 128, 1990, § 1; approved by voters Nov. 6, 1990; effective Dec. 7, 1990; Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

**Editor's note**— Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018, changed the title of § 524 from "Reorganization of office of planning and zoning" to read as herein set out.

Sec. 524.1. - People's counsel.

- (a) The county executive shall appoint a people's counsel who shall represent the interests of the public in general in zoning matters as hereinafter set forth, subject, however, to confirmation by the county council, and such person so appointed shall continue to serve as people's counsel until such time as he or she resigns or has been removed pursuant to the provisions herein contained:
  - (1) *Qualifications*: The people's counsel shall be a resident of Baltimore County, a member in good standing of the Maryland Bar, and actively engaged in the general practice of law for at least five (5) years prior to his appointment.
  - (2) *Removal*: The people's counsel may be removed at any time on the recommendation of the county executive and with the affirmative vote of not less than a majority plus one of the total number of county council members established by this Charter.

(Bill No. 90, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

- (3) *Powers and duties*: The people's counsel shall have the following powers and duties:

- A. He shall appear as a party before the zoning commissioner of Baltimore County, his deputy, the county board of appeals, the planning board, and the courts on behalf of the interests of the public in general, to defend any duly enacted master plan and/or comprehensive zoning maps as adopted by the county council, and in any matter or proceeding now pending or hereafter brought involving zoning reclassification and/or variance from or special exception under the Baltimore County Zoning Regulations, as now or hereafter in force and effect, in which he may deem the public interest to be involved. In defense of the zoning maps or master plan, he may appear as a party in interest before all state and federal agencies, boards, and courts on matters involving the preservation of the quality of the air, land, and water resources of Baltimore County, and/or may initiate such proceedings in the public interest. He shall have in such appearance, all the rights of counsel for a party in interest, including but not limited to the right to present his case, to cross examine, to object, to be heard, and to file and prosecute an appeal in his capacity as people's counsel from any order or act of the zoning commissioner of Baltimore County or his deputy, or of the county board of appeals to the courts as an aggrieved party pursuant to the provisions of Section 604 of this Charter to promote and protect the health, safety and

general welfare of the community. The people's counsel may also prosecute an application before any state or federal court for injunctive and other relief incidental thereto, to enjoin violation of any Baltimore County zoning maps or master plan or as authorized by resolution by the county council.

(Bill No. 90, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

- B. He shall make such investigations as he may deem necessary to the intelligent performance of his duties imposed by subparagraph A. of this Section.
- C. He shall have full access to the records of all county agencies, shall be entitled to call upon the assistance of county employees, and shall have the benefit of all other facilities or information of the county in carrying out his duties.

(4) *Employment of experts:* The people's counsel may hire from time to time, as needed, in connection with specific proceedings before the above named bodies, experts in the fields of planning, zoning, traffic, engineering, ecology and architecture, to the extent that county personnel cannot be utilized, and to expend such sums for compensation and/or expenses of these experts as shall be provided in the annual budget.

(5) *Salary and expenses:* He shall receive an annual salary and such sums as may be needed to carry out the powers and duties set forth herein as provided in the annual budget.

(Bill No. 104, 1960; Bill No. 61, 1974, § 1; Bill No. 90, 1978, § 1; approved by voters Nov. 7, 1978; effective Dec. 8, 1978; Bill No. 131, 1990, § 1; approved by voters Nov. 6, 1990, effective Dec. 7, 1990)

*Annotation—The people's counsel has the right to appeal zoning decisions. People's Counsel for Baltimore County v. Williams, 45 Md. App. 617, 415 A.2d 585 (1974).*

**Editor's note**—The publisher corrected a former reference to "matter" to read "matters" in subsection (a). Bill 61-74, which originally enacted this language, used the word "matters". The 1976 annual cumulative supplement to the 1968 Code used the word "matters" but it appears to have been changed to "matter" inadvertently on publication of the 1978 Code.

## Subdivision 2. - Department of Public Works\*

### \* *Editor's notes:*

*At the direction of the county, former div. 3, subdiv. 1, was renumbered as set out herein, to reflect the changes made in Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018.*

## Sec. 525. - Director of public works.

The department of public works shall be administered by the director of public works who shall be a professional engineer registered under the laws of this state, and shall have had responsible charge of engineering works over a period of at least ten years prior to his appointment. He shall have such other qualifications as may be provided by law. He shall be appointed solely with regard to his qualifications for the duties of his office and shall be responsible directly to the county administrative officer.

(Bill No. 19-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

## Sec. 526. - Functions of department of public works.

The department of public works shall have and perform such functions and duties as may be provided from time to time in the public local laws of Baltimore County, with the exception, however, of all functions of the zoning commissioner and those relating to building permits and building and zoning laws and regulations. The department shall have such other functions as may be provided by directive of the county administrative officer or by legislative act of the county council not inconsistent with this Charter or the provisions of applicable law.

In addition thereto, the department of public works shall be responsible for mobility, traffic safety, and engineering using a variety of transportation options including highways, bike lanes, pedestrian improvements, and transit where appropriate, and is hereby granted full power and authority and directed to promulgate and adopt such rules and regulations relating to the standing or parking of motor vehicles and movement of vehicular and pedestrian traffic as may be necessary or desirable to create and maintain the safe and expeditious movement of traffic throughout Baltimore County: provided, however, that no rule or regulation promulgated by the director under such power and authority shall be deemed valid or effective until the expiration of forty-five days written notice of the promulgation of the same to the county council. The county council shall at all times have the power to repeal, amend, or modify any rules and regulations promulgated in accordance with this provision and to enact, amend, or repeal laws relating to such matters on its own initiative. (Bill No. 131, 1990, § 1; approved by voters Nov. 6, 1990; effective Dec. 7, 1990; Bill No. 19-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

#### Sec. 527. - The Metropolitan District.

As provided in Article III, Section 307 of this Charter, the Metropolitan District shall continue as heretofore to be administered as a division of the department of public works. Nothing in this Charter contained, however, shall be held or construed as preventing the county administrative officer, by directive, or the county council, by legislative act, from recognizing the Metropolitan District as a separate department or from transferring its duties and functions, in whole or in part, to other offices and departments in the administrative services of the county to the extent permitted by law.

( Bill No. 19-18, § 1)(Approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

#### Subdivision 3. - Department of Permits, Approvals and Inspections\*

##### \* *Editor's notes:*

*At the direction of the county, former div. 3, subdiv. 2, "Department of Permits and Licenses" was retitled and renumbered as set out herein, to reflect the changes made in Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018.*

#### Sec. 528. - Director of permits, approvals and inspections.

The department of permits, approvals and inspections shall be administered by a director of permits, approvals and inspections who shall be appointed solely with regard to the qualifications for the duties of the office. The director shall be responsible directly to the county administrative officer.

( Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

**Editor's note**— Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018, effective Dec. 6, 2018, changed the title of § 528 from "Director of permits and licenses" to read as herein set out.

#### Sec. 529. - Functions of the department.

The department shall be responsible for the administration and enforcement of all laws and regulations relating to permits and licenses of all kinds, including those relating to weights and measures, electrical installations, building and construction, plumbing, taxicabs, dogs, miscellaneous industrial and commercial uses, water, sewer and gas installation, public gatherings and tourist camps. All licenses and permits issued by the department shall be approved by such other offices or agencies of the county as may from time to time be provided by law. The department shall do and perform such other related duties and functions as may be assigned thereto by directive of the county administrative officer or by legislative act of the county council.

#### Sec. 530. - Effect on existing boards.

The functions heretofore discharged by the electrical administrative board, the plumbing board, and all other boards and agencies connected with the functions of the department of permits and licenses shall be administered as units of said department. Nothing in this Charter contained shall be held or construed as preventing the county council, by legislative act permitted by general law, from reorganizing, reconstituting or abolishing any of such boards or agencies.

(Bill No. 131, 1990, § 1) (Approved by voters Nov. 6, 1990; effective Dec. 7, 1990)

#### Subdivision 4. - Department of Recreation and Parks\*

##### *\* Editor's notes:*

*At the direction of the county, former div. 3, subdiv. 3 was renumbered as set out herein, to reflect the changes made in Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018.*

#### Sec. 531. - Director of recreation and parks.

The department of recreation and parks shall be administered by the director of recreation and parks. He shall be thoroughly trained and experienced in theory and practice relating to public recreation and parks and shall possess such other qualifications for the duties of his office as may be provided by law. He shall be responsible directly to the county administrative officer.

(Bill No. 71, 1958; Bill No. 104, 1970, § 1; Bill No. 73-02, 2002, § 3) (Approved by voters Nov. 5, 2002; effective Dec. 5, 2002)

#### Sec. 532. - Functions of the department.

The department shall be responsible for the organization, administration and supervision of programs of recreation and the management, preservation and development of all lands, waters, buildings and other facilities made available to it for the purpose of providing a variety of naturalistic and developed recreational areas and facilities. The department shall have and perform such other functions and duties as may be provided from time to time by the legislative act of the county council not inconsistent with this Charter or the provisions of applicable law.

(Bill No. 7, 1958; Bill No. 104, 1970, § 2)

#### Sec. 533. - Board of recreation and parks.

- (a) *Composition and appointment.* There shall be a board of recreation and parks which shall consist of a representative selected from among the qualified residents of each councilmanic district plus three additional members selected from among the qualified residents of the entire county; provided, however, that not more than two members thereof shall reside in any one councilmanic district; and provided further, that no member of the board shall be required to vacate his office prior to the expiration of the term for which the member was appointed by reason of any revision in the boundary lines of the councilmanic districts. The members of the board shall be appointed by the county executive and shall have resided within the county for a period of three years preceding their appointment. A minimum of three members of the board shall be appointed with due regard to their training, experience and interest in the natural sciences and conservation. Additional qualifications and the terms of office of members of the board shall be as provided by law. (Bill No. 14-18, § 1) (Approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)
- (b) *Duties and functions.* Unless and until otherwise provided by legislative act of the county council, the board of recreation and parks shall have and perform all duties and functions relating to the formulation of plans and policies for public recreation, the organization of recreation councils, the establishment of recreation programs and the acquisition, management, preservation and development of all lands, waters, buildings and other facilities in

Baltimore County as parks and recreation areas and facilities, subject, nevertheless, to all provisions of this Charter, including those dealing with the employment, suspension and discharge of personnel, the expenditure of county funds, the making of purchases, and the awarding of contracts.

Bill No. 71, 1958; Bill No. 104, 1970, § 2)

#### Subdivision 5. - [Reserved]\*

\* *Editor's notes:*

*At the direction of the county, former div. 3, subdiv. 4 was renumbered as set out herein, to reflect the changes made in Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018.*

#### Sec. 534. - [Repealed.]

Repealed by Bill No. 131, 1990, § 2. (Approved by voters Nov. 6, 1990; effective Dec. 6, 1990)

#### Sec. 535. - [Repealed.]

Repealed by Bill No. 131, 1990, § 2. (Approved by voters Nov. 6, 1990; effective Dec. 6, 1990)

#### Sec. 536. - [Repealed.]

Repealed by Bill No. 13-18, § 1. (Approved by voters Nov. 6, 2018; effective Dec. 6, 2018)

#### Subdivision 6. - Department of Education\*

\* *Editor's notes:*

*At the direction of the county, former div. 3, subdiv. 5 was renumbered to reflect the changes made in Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018.*

#### Sec. 537. - Composition; administration under state law.

The department of education shall consist of the county board of education, the superintendent of schools, and all other officers, agents and employees in the county public school system. The board of education shall be constituted and shall do and perform such duties and functions as may from time to time be provided by state law. All references in this Charter to the head of an office or department shall be construed as including the superintendent of schools as head of the department of education, but nothing in this Charter contained shall be held or construed as affecting or in anywise changing the organization, operation and administration of the county school system by the board of education as provided in state law.

#### Subdivision 7. - Department of Libraries\*

\* *Editor's notes:*

*At the direction of the county, former div. 3, subdiv. 6 was renumbered to reflect the changes made in Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018.*

#### Sec. 538. - Composition; administration under state law.

The department of libraries shall consist of the county board of library trustees, the director of the library and all other officers, agents and employees in the public library system of the county. The board of library trustees shall consist of seven members who shall be appointed by the county executive for overlapping terms of five years. The board of library trustees shall appoint the director of the library, who will serve at its pleasure. It will have the same powers and duties as are provided in §§ 23-405(a), (c), (d), (e), and (f) and § 23-406(a), (b), and (e) of the Education Article of the Annotated Code of Maryland for boards of library trustees in counties which have adopted a Charter form of government. All references in this Charter to the head of an office or department shall be construed as including the director of the library as head of the department of libraries.

(Bill No. 84, 1978, § 1; approved by voters Nov. 7, 1978; effective Dec. 8, 1978; Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

#### Subdivision 8. - Department of Health\*

\* *Editor's notes:*

*At the direction of the county, former div. 3, subdiv. 7, was renumbered to reflect the changes made in Bill No. 13-18, § 1, approved by the voters Nov. 6, 2018; effective Dec. 6, 2018.*

#### Sec. 539. - Composition; functions; administration under state and county law.

- (a) The department of health shall consist of the county health officer, the county board of health, and all officers, agents and employees under the authority and supervision of either the county health officer or the county board of health.
- (b) The county executive shall appoint a county health officer, with the advice and consent of the secretary of health of the State of Maryland, and the same shall constitute the appointment required by state law. By virtue of the health officer's appointment, the county health officer shall be secretary of the board, but not a member thereof and consequently, shall not be entitled to a vote on the board. ( Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)
- (c) All references in this Charter to the head of an office or department shall be construed to include the county health officer as head of the department of health, but nothing in this Charter contained shall be held or construed as affecting or in anywise changing the administration of the county health programs in accordance with the requirements of state law.
- (d) A county board of health is hereby created with the powers and duties of the local board of health as provided in the Health-General Article of the Annotated Code of Maryland. The board of health shall have and perform such other duties and functions as may from time to time be assigned thereto by directive of the county administrative officer or by legislative act of the county council not inconsistent with the general law. In addition to, and not in limitation of, the foregoing powers and duties, the board of health shall have and perform the following special powers and duties not inconsistent with general law: ( Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)
  - (i) To establish policies pertaining to the environmental, physical and mental health services within the county.
  - (ii) To establish policies related to land, air and water pollution control, not inconsistent with any state law, and to assist and cooperate with the secretary of health of the State of Maryland with respect thereto.
  - (iii) To establish and determine policy for system of public health clinics for the treatment and prevention of physical and mental illnesses and for the education of the public with respect to environmental, physical and mental health.
  - (iv) To have general care and responsibility for the health and sanitary interests of the people of the county

including the investigation and study of the causes of disease, epidemics, nuisances affecting public health, prevention of contagious diseases and the preservation of health.

- (v) To hold such public meetings and hearings and to cause such studies and investigations to be made as it may deem necessary or appropriate in connection with the above stated powers and duties.
- (e) The county board of health shall consist of seven members, to be appointed by the county executive for terms of three years from the third Monday in December next succeeding their appointment, and they shall hold office until their successors qualify. The executive shall appoint said members annually in groups of two and three. In the event of a vacancy caused by death, resignation or otherwise, the county executive shall appoint a person to fill the vacancy for the balance of the term. (Bill No. 131, 1990, § 1) (Approved by voters Nov. 6, 1990; effective Dec. 7, 1990)
- (f) A member of the board may be removed from office by the county executive for inefficiency, misconduct in office, or wilful neglect of duty.
- (g) Subject to the requirements of state law, the department of health shall be subject to all provisions of this Charter, including those dealing with the employment, suspension and discharge of personnel, the expenditure of county funds, the making of purchases, and the award of contracts.
- (h) The board of health shall annually elect its own chairman and vice-chairman.
- (i) The members of the county board of health shall be reimbursed for such actual expenses as may be incurred by them and approved by the county administrative officer, subject to budget limitations; provided, however, that no salary shall be paid to the chairman or any member of the board of health for their services as such.
- (j) The county board of health shall meet at least nine times annually. Emergency meetings of the board may be called by the chairman either on the chairman's own authority or at the request of the county health officer. All meetings of the county board of health shall be open to the public; provided, however, that upon the affirmative vote of not less than five members of the board, and subject to the provisions of the state Open Meetings Act, it may meet in closed session. ( Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)
- (k) No rules and regulations prepared and issued by the board of health in accordance with the authority vested in it by state law, no amendments thereto, and no amendments to existing rules and regulations shall take effect unless and until the same be included either verbatim or by reference in a public local law adopted by the county council, and enacted in the manner and form provided in this Charter.

(Bill No. 98, 1962, § 1; Bill No. 104, 1970, §§ 1, 2)

#### Subdivision 9. - Department of Social Services\*

\* *Editor's notes:*

*At the direction of the county, former div. 3, subdiv. 8, was renumbered to reflect the changes made in Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018.*

#### Sec. 540. - Composition; functions; administration under state and county law.

The department of social services shall consist of the board of social services, the director of social services and all offices, agents and employees under their authority and supervision. The members of the county board of social services shall be appointed and shall do and perform such duties and functions as may from time to time be provided by state law. In addition to all duties and functions heretofore performed by the board of social services it shall be responsible for such other related social services activities as may be assigned thereto by directive of the county administrative officer or by legislative act of the county council not inconsistent with general law. All references in this Charter to the head of an office or department shall be construed

as including the director of social services as head of the department of social services, but nothing in this Charter contained shall be held or construed as affecting or in anywise changing the administration of the county social services program in accordance with the requirements of state law.

The department of social services shall consist of the board of social services, the director of social services and all offices, agents and employees under their authority and supervision. The members of the county board of social services shall be appointed and shall do and perform such duties and functions as may from time to time be provided by state law. Such other related social services activities as may be assigned thereto by directive of the county administrative officer or by legislative act of the county council not inconsistent with general law. All references in this Charter to the head of an office or department shall be construed as including the director of social services as head of the department of social services, but nothing in this Charter contained shall be held or construed as affecting or in anywise changing the administration of the county social services program in accordance with the requirements of state law.

(Bill No. 131, 1990, § 1; approved by voters Nov. 6, 1990; effective Dec. 7, 1990; Bill No. 14-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

#### Subdivision 10. - Police Department\*

\* *Editor's notes:*

*At the direction of the county, former div. 3, subdiv. 9, was renumbered to reflect the changes made in Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018.*

#### Sec. 541. - Chief of police.

- (a) *Duties.* The police department shall be administered by the chief of police of Baltimore County, who shall have and perform such other duties and functions as may, from time to time, be assigned by directive of the county administrative officer or by legislative act of the county council. (Bill No. 84, 1978, § 1; approved by voters Nov. 7, 1978; effective Dec. 8, 1978; Bill No. 131, 1990, § 1; approved by voters Nov. 6, 1990; effective Dec. 7, 1990)
- (b) *Term.* The police chief shall continue to hold office until such time as the police chief may resign or be removed pursuant to Section 404(b) of this Charter.

(Bill No. 72, 1968, § 2, approved by voters Nov. 5, 1968; Bill No. 58, 1976, § 3, approved by the voters Nov. 2, 1976, effective Dec. 2, 1976; Bill No. 14-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

#### Subdivision 11. - Fire Department\*

\* *Editor's notes:*

*At the direction of the county, former div. 3, subdiv. 10, was renumbered to reflect the changes made in Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018.*

#### Sec. 542. - Fire chief.

- (a) *Duties.* The fire department shall be administered by the fire chief of Baltimore County, who shall be responsible for the administration of the fire department and shall have and perform such other duties and functions as may, from time to time, be assigned thereto by directive of the county administrative officer or by legislative act of the county council.
- (b) *Term.* The fire chief shall continue to hold office until such time as the fire chief may resign or be removed pursuant to Section 404(b) of this Charter. (Bill No. 72, 1968, § 2, approved by the voters Nov. 5, 1968; Bill No. 58, 1976, § 4,

approved by voters Nov. 2, 1976, effective Dec. 2, 1976; Bill No. 14-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

#### Subdivision 12. - Department of Aging\*

\* *Editor's notes:*

*At the direction of the county, former div. 3, subdiv. 11 was renumbered to reflect the changes made in Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018.*

*Former subdivision 11, §§ 542.1, 542.2, enacted by Bill No. 60, 1978, was approved by the voters Nov. 7, 1978; effective Dec. 8, 1978.*

#### Sec. 542.1. - Director of aging and personnel.

- (a) The department of aging shall be administered by a director who shall be responsible directly to the county administrative officer.
- (b) The department shall have such personnel as deemed necessary to carry out the functions and duties.

(Bill No. 60, 1978, § 2)

#### Sec. 542.2. - Functions and duties of the department of aging.

The department of aging shall be responsible for administering programs and activities applicable to the needs of the aged in the county and shall perform such duties and functions relating thereto as may be assigned from time to time by directive of the county administrative officer or by legislative act of the county council.

(Bill No. 60, 1978, § 2)

#### Subdivision 13. - Department of Environmental Protection and Sustainability\*

\* *Editor's notes:*

*At the direction of the county, subdiv. 13 was added to reflect the changes made in Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018.*

#### Sec. 542.3. - Director of environmental protection and sustainability and personnel.

- (a) The department of environmental protection and sustainability shall be administered by a director who shall be responsible directly to the county administrative officer.
- (b) The department shall have such personnel as deemed necessary to carry out the functions and duties assigned to the department.

(Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

#### Sec. 542.4. - Functions and duties of the department of environmental protection and sustainability.

The department of environmental protection and sustainability shall perform such duties and functions as may be assigned from time to time by directive of the county administrative officer or by legislative act of the county council.

(Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

#### Subdivision 14. - Department of Corrections\*

**\* Editor's notes:**

*At the direction of the county, subdiv. 14 was added to reflect the changes made in Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018.*

**Sec. 542.5. - Director of corrections and personnel.**

- (a) The department of corrections shall be administered by a director who shall be responsible directly to the county administrative officer.
- (b) The department shall have such personnel as deemed necessary to carry out the functions and duties assigned to the department.

( Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

**Sec. 542.6. - Functions and duties of the department of corrections.**

The department of corrections shall perform such duties and functions as may be assigned from time to time by directive of the county administrative officer or by legislative act of the county council.

( Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

**Subdivision 15. - Department of Economic and Workforce Development\*****\* Editor's notes:**

*At the direction of the county, subdiv. 15 was added to reflect the changes made in Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018.*

**Sec. 542.7. - Director of economic and workforce development and personnel.**

- (a) The department of economic and workforce development shall be administered by a director who shall be responsible directly to the county administrative officer.
- (b) The department shall have such personnel as deemed necessary to carry out the functions and duties assigned to the department.

( Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

**Sec. 542.8. - Functions and duties of the department of economic and workforce development.**

The department of economic and workforce development shall perform such duties and functions as may be assigned from time to time by directive of the county administrative officer or by legislative act of the county council.

( Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

**DIVISION 4. - REORGANIZATION OF DEPARTMENTS UNDER STATE LAW****Sec. 543. - Furthering legislation.**

If the General Assembly shall at any time transfer to the voters of the county or to the county council jurisdiction or control over the affairs 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 county council may by legislative act provide for the reorganization of such departments and the administration of their affairs under county law.

(Bill No. 72, 1968, § 2, approved by voters Nov. 5, 1968)

#### DIVISION 5. - [RESERVED]\*

\* *Editor's notes:*

*Division 5, consisting of section 544, was repealed by Bill No. 132, 1990, § 1, which was approved by the voters on Nov. 6, 1990; effective Dec. 7, 1990.*

#### ARTICLE VI. - COUNTY BOARD OF APPEALS\*

\* *Editor's notes:*

*The title of this article was changed by Bill No. 85, 1978. Approved by voters Nov. 7, 1978; effective Dec. 8, 1978.*

#### Sec. 601. - Appointment; terms; compensation.

There is hereby created and established a county board of appeals consisting of seven members who shall be appointed by the county council. Each member of the county council shall have the right to nominate one person to serve on the board of appeals. The first board of appeals appointed after this amendment shall consist of two members appointed for a term of one year, two members appointed for a term of two years and three members appointed for a term of three years. Thereafter, all appointments or reappointments shall be for three-year terms except that an appointment to fill a vacancy occurring before the expiration of a term shall be for the remainder of the unexpired term. All members of the board shall be residents of Baltimore County, and appointments shall be made so no more than five (5) of the members of the board shall be members of the same political party. The county council shall by legislative act set the compensation of the county board of appeals; provided, however, that no reduction in salary shall affect the compensation of a member of the county board of appeals during his current term. The board of appeals as constituted at the time of this amendment shall remain in effect until changed as provided in this section of the Charter.

(Bill No. 85, 1978, § 1; approved by voters Nov. 7, 1978; effective Dec. 8, 1978; Bill No. 53, 1982, § 1; approved by voters Nov. 2, 1982; effective Dec. 2, 1982)

*Annotation— This section cited in *Meadows of Greenspring Homeowners Association, Inc. v. Foxleigh Enterprises, Inc.*, 133 Md.App. 510, 758 A.2d 611 (2000).*

#### Sec. 601.1. - [Repealed.]

Repealed by Bill No. 85, 1978, § 2. (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

#### Sec. 602. - Powers and functions of county board of appeals.

The county board of appeals shall have and may exercise the following functions and powers:

- (a) *Appeals from orders relating to zoning.* The county board of appeals shall have and exercise all the functions and duties relating to zoning described in Title 10 of the Local Government Article of the Annotated Code of Maryland as such functions and powers may be prescribed by legislative act of the county council. All

references in law to the board of zoning appeals shall be construed to refer to the county board of appeals. In all cases, except those excluded by this Charter or by legislative act of the county council, the order of the county board of appeals shall be final unless an appeal is taken therefrom in the manner provided in Section 604 of this Article. (Bill No. 85, 1978, § 1; approved by voters Nov. 7, 1978; effective Dec. 8, 1978; Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

- (b) *Appeals from orders relating to licenses.* The county board of appeals shall have and exercise all the functions and powers of the board of license appeals as such functions and powers are prescribed in the public local laws of the county in effect at the time of the adoption of this Charter. All references in said laws to the board of license appeals shall be construed to refer to the county board of appeals created by this article. As soon as the county board of appeals has been duly constituted by the appointment and qualifications of its members as herein provided, the board of license appeals shall cease to exist.
- (c) *Appeals from orders relating to building.* The county board of appeals shall hear and decide all appeals from orders relating to building. (Bill No. 85, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)
- (d) *Appeals from executive, administrative and adjudicatory orders.* The county board of appeals shall hear and decide appeals from all other administrative and adjudicatory orders as may from time to time be provided by Title 10 of the Local Government Article of the Annotated Code of Maryland, as amended, or by legislative act of the county council not inconsistent therewith. ( Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)
- (e) The county board of appeals shall have original and exclusive jurisdiction over all petitions for reclassification. (Bill No. 85, 1978, § 3) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

*Annotation— This section cited in Meadows of Greenspring Homeowners Association, Inc. v. Foxleigh Enterprises, Inc., 133 Md.App. 510, 758 A.2d 611 (2000).*

*This section cited in Hammen v. Baltimore County Police Department, 373 Md. 440, 818 A.2d 1125 (2003).*

#### Sec. 603. - Rules of practice and procedure.

Subject to the approval of the county council, the county board of appeals shall have authority to adopt and amend rules of practice and procedure to cover the conduct of its proceedings. Such rules may include matters relating to filing fees, meetings and hearings conducted by the board, the manner in which the chairman of the board shall be selected and the term for which he shall serve as chairman, and all other matters deemed appropriate or necessary for the board to conduct its proceedings. Said rules and regulations when approved by the county council shall have the force and effect of law. All decisions of the county board of appeals shall be made after notice and opportunity of hearing upon the issues before said board. All hearings held by the board shall be heard *de novo*, unless otherwise provided by legislative act of the County Council, and shall be open to the public. The board shall cause to be maintained complete public records of its proceedings, with a suitable index.

(Bill No. 85, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

*Annotation— This section cited in Pollard's Towing, Inc. v. Berman's Body, Frame & Mechanical, Inc. 137 Md.App. 277, 768 A.2d 131 (2001).*

*This section cited in Hammen v. Baltimore County Police Department, 373 Md. 440, 818 A.2d 1125 (2003).*

#### Sec. 604. - Appeals from decisions of the board.

Within thirty days after any decision by the county board of appeals is rendered, any party to the proceeding who is aggrieved thereby may appeal such decision to the circuit court of Baltimore County, which shall have power to affirm the decision of the board, or, if such decision is not in accordance with law, to modify or reverse such decision, with or without remanding the case for rehearing, as justice may require. Whenever such appeal is taken, a copy of the notice of appeal shall be served on the board by the clerk of said court, and the board shall promptly give notice of the appeal to all parties to the proceeding before it. The board

shall, within fifteen days after the filing of the appeal, file with the court the originals or certified copies of all papers and evidence presented to the board in the proceeding before it, together with a copy of its opinion which shall include a statement of the facts found and the grounds for its decision. Within thirty days after the decision of the circuit court is rendered, any party to the proceeding who is aggrieved thereby may appeal such decision to the court of appeals of this state. The review proceedings provided by this section shall be exclusive.

*Annotation—Improvement association which was neither a taxpayer nor an aggrieved party had no standing to maintain appeal from order of Circuit Court affirming decision of county board of appeals granting special exception to allow property zoned for residential apartments to be sued for construction of an office building. Southland Hills Improvement Assn. v. Raine, 220 Md. 213, 151 A.2d 735 (1959).*

*This section is cited in Prince George's County v. Donohue, 220 Md. 372, 152 A.2d 560 (1959).*

*Referred to in Renz v. Bonfield Holding Co., 223 Md. 34, 158 A.2d 615 (1960); and in Jobar Corp. v. Rodgers Forge, 236 Md. 106, 202 A.2d 612 (1964).*

*Certain persons owning property near property proposed for rezoning constitute "parties aggrieved" within the meaning of this section. Wier v. Witney Land Company, 257 Md. 600, 263 A.2d 833 (1970).*

#### Sec. 605. - Employees of the board.

The board may appoint such employees, and the county 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. The county attorney or some member of the legal staff whom the county attorney designates shall serve as counsel to the board.

(Bill No. 172, 1981, § 1) (Approved by voters Nov. 2, 1982; effective Dec. 3, 1982)

#### c. 606. - Furthering legislation.

The county council shall have the power to enact furthering legislation not inconsistent with the provisions of this article to implement and define the powers and functions of the county board of appeals as herein specified. To the extent permitted by the public general laws of this state, the county council shall also have the power, by legislative act, to prescribe other appeals to be heard by the county board of appeals in addition to those specified in this article.

(Bill No. 85, 1978, § 1, approved by voters Nov. 7, 1978, effective Dec. 8, 1978)

#### Sec. 607. - [Repealed.]

Repealed by Bill No. 85, 1978, § 2, approved by voters Nov. 7, 1978, effective Dec. 8, 1978.

### ARTICLE VII. - BUDGETARY AND FISCAL PROCEDURES

#### Sec. 701. - Fiscal year.

The fiscal year of the county government shall begin on the first day of July and shall end on the last day of June unless the council shall adopt a different fiscal year in conformity with the general laws of this state.

(Bill No. 86, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

#### Sec. 702. - Definition of terms used in this article.

(a) The term "county government" shall include:

- (1) All offices, departments, institutions, boards, commissions, and agencies and their officers, agents and employees shall conform to the Charter or the public local laws and ordinances of Baltimore County; and
- (2) All offices, departments, institutions, boards, commissions, and agencies and their officers, agents, and employees which receive or disburse county funds and are established by the Constitution or general statutes of this state. (Bill No. 86, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

- (b) The term "capital project" shall mean any physical public betterment or improvement and the acquisition of property of a permanent nature for public use.
- (c) The term "capital budget" shall mean the plan of the county to receive and expend funds for capital projects during the first fiscal year included in the capital program.
- (d) The term "capital program" shall mean the plan of the county to receive and expend funds for capital projects during the fiscal year covered by the capital budget and the next succeeding five fiscal years thereafter.

Sec. 703. - Comprehensive scope of budget.

The county budget shall consist of the current expense budget, the capital budget and capital program and the budget message, which shall be combined as one document. It shall represent a complete financial plan for the county reflecting all receipts and disbursements from all sources, including all revenues, all expenditures, and the surplus or deficit in all general and all special funds of the county government.

Sec. 704. - Formulation of current expense budget.

Not less than one hundred twenty days prior to the end of each fiscal year, the head of each office, department, institution, board, commission and other agency of the county government shall furnish to the director of budget and finance estimates of the revenues and expenditures of their several operations for the ensuing fiscal year. Estimated revenues shall be detailed as to source, and estimated expenditures as to program or project. All such estimates shall be submitted with such other supporting data as the director of budget and finance may request. The data so submitted shall thereupon be reviewed by the county administrative officer and the current expense budget compiled therefrom for transmission to the county executive for the county executive's approval.

(Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

Sec. 705. - Formulation of capital budget and capital program.

- (a) *Submission of data for referendum.* In each year of a general election in the county, the county executive shall cause to be placed on the ballot for referendum all questions relating to the issuance of bonds or evidences of indebtedness as may require the approval of the voters of the county as provided in Section 718 of this Article. Such questions shall be determined as follows:
  - (1) At such time or times as the county administrative officer may direct, the director of planning shall transmit to the director of budget and finance the recommendations of the planning board for borrowing for capital projects to be undertaken in the next ensuing two fiscal years and of a character requiring authorization by referendum. (Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)
  - (2) The county administrative officer shall then review such recommendations with the director of budget and finance in the light of the existing capital program, and shall submit to the county executive a borrowing plan for the forthcoming referendum. (Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)
  - (3) After approving or modifying such plan, the county executive shall submit the same to the county council, which shall have the power to approve, reduce or disapprove, but not to increase, the amount of borrowing therein proposed. The action of the council thereon shall be by ordinance which shall be exempt from the

executive veto, and no question relating to such borrowing and which by law may require the authorization of the voters shall be placed on the ballot without first receiving such approval by the county council. The ordinance shall specify the purposes or classes of projects for which the funds are to be borrowed, and each question to be submitted to the voters shall include only one such purpose or class of projects. The ordinance need not include a reference to the period during which capital projects to be financed by the borrowing are to be undertaken. If it determines that a project is improperly classified, the county council may, by a vote of a majority plus one of the total number of county council members established by this Charter, place the project in the existing or a new appropriate classification. (Bill No. 86, 1978, § 1; approved by voters Nov. 7, 1978; effective Dec. 8, 1978; Bill No. 129, 1990, § 3; approved by voters Nov. 6, 1990; effective Dec. 7, 1990)

- (4) The county executive may include in the plan submitted to the county council proposals to modify borrowing ordinances previously approved by the council and by the voters at referendum in order to eliminate any reference therein to time periods during which capital projects are to be undertaken. Any proposed modification shall be by ordinance which shall be enacted in the same manner as described in Section 705(a) (3) above. The county council may approve a single modification ordinance to make modifications to more than one previously approved borrowing ordinance. Any modification ordinance shall be subject to referendum approval as required by Section 718 of this Article. (Bill No. 129, 1990, § 3) (Approved by voters Nov. 6, 1990; effective Dec. 7, 1990)
- (b) *Preparation of capital budget and capital program.* At such time or times as the county administrative officer may direct, each office, department, institution, board, commission, or other agency of the county government shall submit to the director of budget and finance for transmission to the department of planning an itemized list of the capital projects which such agency proposes to undertake in the ensuing fiscal year and the next succeeding five fiscal years thereafter. After consideration by the planning board, the director of planning shall transmit to the director of budget and finance the list of projects recommended by said board to be undertaken in the period aforesaid and its estimates of the cost thereof. The county administrative officer, with the assistance of the director of budget and finance, shall consider such recommendations with the other budget proposals and shall submit to the county executive, together with the current expense budget, a complete capital budget and capital program. (Bill No. 86, 1978, § 1; approved by voters Nov. 7, 1978; effective Dec. 8, 1978; Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)
- (c) *Inclusion in capital budget of items not yet approved by referendum.* In election years, when questions relating to county borrowing are to be placed on the ballot, the capital budget as approved by the county executive and proposed by the county executive to the county council may contain items to be financed by borrowing to be approved at the forthcoming election in the same year; but no such item which by law may require the approval of the voters shall be included in the county budget as finally adopted by the county council unless a favorable vote by referendum shall first have been recorded thereon as provided in Section 718 of this Article. ( Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

#### Sec. 706. - Submission and contents of the county budget.

Not later than seventy-five days prior to the end of the fiscal year, the county executive shall submit to the county council a current expense budget, a capital budget and capital program and a budget message containing the elements set forth in this section.

- (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, a deficit in any fund required to be made up in the ensuing fiscal year;
- (4) An estimate of the several amounts which the county executive deems necessary for conducting the business of the county to be financed from and not to exceed estimated revenues for the ensuing fiscal year; (Bill No. 132, 1990, § 2) (Approved by voters Nov. 6, 1990; effective Dec. 7, 1990)
- (5) A statement of the bonded and other indebtedness of the county government and its agencies, including the Metropolitan District;
- (6) A statement of the proposed contingency reserves which shall not exceed three per centum of the general fund and of any other fund;
- (7) A comparative statement of the receipts and expenditures for the last completed fiscal year, the estimated receipts and expenditures of the currently ending fiscal year, and the expenditures recommended by the county executive for the ensuing fiscal year for each program or project which shall be classified by agency, character and object; and
- (8) Any other material which the county executive may deem advisable or the county council 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 financial policies and in expenditures, appropriations and revenues as compared with the fiscal year currently ending, and shall set forth the reasons for such changes. As to the capital program, the message shall include an explanation of changes made by the county executive in the program presented by the department of planning. The message shall also include such other material as the county executive may deem desirable.

(Bill No. 86, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978; Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

*Annotation—An amendment to this section was petitioned to referendum and approved by the voters on Nov. 2, 1982; effective Dec. 3, 1982. The Court of Appeals of Maryland invalidated this amendment as well as art. V, div. V and amendments to §§ 709 and 715 in the case of Griffith v. Wakefield, 298 Md. 381, 470 A.2d 345 (1982). The Court held that the amendments were impermissible under Article 11-A, § 3 of State Constitution providing that the County Council has full power to enact local laws of the county, as the amendments provided for a complete and specifically detailed legislative scheme, and as such, was an attempt to circumvent local legislative body and enact local law.*

Sec. 707. - Filing of proposed budget; copies.

The proposed county budget shall be filed with the secretary of the county council and a copy shall be delivered to each member of the council. At least three complete copies shall be open to inspection by the public and the press during regular business hours and under such conditions as may be prescribed by the county council. The budget message and supporting summary tables shall be reproduced in multiple copies. A copy shall be made available to any interested person on request, and a copy shall be made available in each branch of the Baltimore County Public Library.

(Bill No. 86, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

**Sec. 708. - Public hearing.**

The secretary of the county council shall cause to be published in a newspaper of general circulation in the county a notice of the place and time of a public hearing or hearings on the budget by the county council. Such hearing or hearings shall be held not less than seven nor more than twenty days after the date of filing of the proposed budget by the county executive.

(Bill No. 86, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

**Sec. 709. - Action on the budget by the county council.**

After the public hearing specified in the preceding section, the county council may decrease or delete any item in the budget except those required by the public general laws of this state and except any provision for debt service on obligations then outstanding or for estimated cash deficits. The county council shall have no power to change the form of the budget as submitted by the county executive, to alter the revenue estimates except to correct mathematical errors, or to increase any expenditure recommended by the county executive for current or capital purposes. The adoption of the budget shall be by the affirmative vote of a majority of the total number of county council members established by this Charter on an ordinance to be known as the Annual Budget and Appropriation Ordinance of Baltimore County. With respect to county borrowing heretofore or hereafter approved by the voters as provided by section 718 of this article (notwithstanding any contrary provisions of borrowing ordinances heretofore approved by the voters), the county council, at any time, or from time to time, after adoption of the budget or amendments thereto as provided by section 716 of this article, shall adopt bond issue authorization ordinances authorizing the issuance of bonds at one time, or from time to time, to provide the means of financing capital projects included in the budget as amended to the extent the same are to be financed from borrowing. All of said ordinances shall be exempt from the executive veto. The Annual Budget and Appropriation Ordinance shall be adopted by the county council on or before the first day of the last month of the fiscal year currently ending, and if the county council fails to do so, the proposed budget submitted by the county executive shall stand adopted, and funds for the expenditures proposed in the current expense budget shall stand appropriated as fully and to the same extent as if favorable action thereon had been taken by the county council.

(Bill No. 86, 1978, § 1; approved by voters Nov. 7, 1978; effective Dec. 8, 1978; Bill No. 132, 1990, § 2; approved by voters Nov. 6, 1990; effective Dec. 7, 1990)

*Annotation: An amendment to this section was petitioned to referendum and approved by the voters on Nov. 2, 1982; effective Dec. 3, 1982. The Court of Appeals of Maryland invalidated this amendment as well as art. V, div. 5 and amendments to §5.706 and 715 in the case of Griffith v. Wakefield, 298 Md. 381, 470 A.2d 345 (1982). The Court held that the amendments were impermissible under Article 11-A, § 3 of State Constitution providing that the County Council has full power to enact local laws of the county, as the amendments provided for a complete and specifically detailed legislative scheme, and as such, was an attempt to circumvent local legislative body and enact local law.*

**Sec. 710. - Reproduction of budget; effective date; tax levy; appropriations.**

- (a) *Reproduction of budget.* The budget as adopted shall be reproduced in sufficient copies for distribution, free of charge, to the press and the head of each office, department or agency of the county government. Copies of the budget shall likewise be given to any interested person on request, provided, however, that in order to discourage waste the county council may prescribe a charge for each copy of the adopted budget not to exceed the actual cost of its reproduction.
- (b) *Effective date.* The adopted budget shall take effect on the first day of the fiscal year to which it applies.
- (c) *Tax levy.* When the county budget shall have been finally adopted in the Annual Budget and Appropriation Ordinance, the county council shall thereupon levy and cause to be raised the amount of taxes required by the budget in the manner provided by law.

## Sec. 711. -Transfer of appropriations.

- (a) Transfers of funds from appropriations contained in a current expense budget to appropriations contained in a capital budget may be authorized by the county administrative officer only with the approval of the county executive and a majority of the total number of county council members established by this Charter.
- (b) Inter-program transfers of not more than ten per cent of appropriations in a current expense budget between general classification of expenditures within the same office, department, institution, board, commission, or other agency may be authorized by the county administrative officer. Inter-program transfers in excess of ten per cent of appropriations in a current expense budget between general classifications of expenditures within the same office, department, institution, board, commission, or other agency may be made by the county administrative officer only with the approval of the county executive and a majority of the total number of county council members established by this Charter. Inter-agency transfers in a current expense budget between offices, departments, institutions, boards, commissions, or other agencies of the county government may be made during the last quarter of the fiscal year and then only on the recommendation of the county executive and with the approval of not less than a majority of the total number of county council members established by this Charter.
- (c) Inter-project transfers of funds between specific projects contained in a capital budget appropriation may be authorized by the county administrative officer with the approval of the county executive and a majority of the total number of county council members established by this Charter.
- (d) When any budget appropriation transfer is presented to the county council under this section, it may be presented by verbal motion and seconded and acted upon by a verbal vote. If the motion carries by the required number of votes, the approval of the council shall be signified by the signing by the chairman of the county council of the document containing such transfer. A permanent record of each member's vote shall be maintained.

(Bill No. 100, 1962, § 1, approved by voters Nov. 6, 1962, effective Dec. 6, 1962; Bill No. 86, 1978, § 1, approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

**Editor's note**— The publisher corrected a former reference to "classification" to read "classifications" in subsection (b). The word "classifications" was used in Bill 100-62, which enacted the language and it appeared in the 1968 and 1978 Codes and the annual cumulative supplements to the 1978 Code from 1979 to 1985. The change to "classification" was made inadvertently in the 1986 cumulative supplement to the 1978 Code.

## Sec. 712. - Supplementary and emergency appropriations.

- (a) *Supplementary.* During any fiscal year, the county council, upon the recommendation of the county executive on the advice of the county administrative officer, may make additional or supplementary appropriations from unexpended and unencumbered funds set aside for contingencies in the county budget, or from gifts or grants received from sources not anticipated in the budget for the current fiscal year, provided that the director of budget and finance shall certify in writing that such funds are available for such appropriation. No supplemental appropriation shall exceed the amount of the funds so certified. (Bill No. 86, 1978, § 1; approved by voters Nov. 7, 1978; effective Dec. 8, 1978; Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)
- (b) *Emergency.* To meet a public emergency affecting life, health or property, the county council may, by ordinance, 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 county council may, by ordinance, authorize the issuance of emergency notes which may be renewed from time to time, provided, however, that such notes and renewals shall be paid not later than

the last day of the fiscal year next succeeding that in which the emergency appropriation was made. The total of emergency appropriations in any fiscal year shall not exceed five per centum of all appropriations (including that for debt service) made in the budget for such year.

Sec. 713. - Lapsed appropriations.

Unless otherwise provided by public general laws, 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 therefor.

Sec. 714. - Work programs and allotments.

Before the beginning of each fiscal year the head of each office, department, institution, board, commission or other agency of the county government shall submit to the county administrative officer, when required by him, a work program for such year. Such program shall include all appropriations for the necessary operations of the requesting office, department, institution, board, commission, or agency in the next fiscal year, including, without limitation, all appropriations necessary for the maintenance and purchase of equipment, for employee salaries and benefits, and for all other administrative and operational costs of the requesting office, department, institution, board, commission, or agency, and shall show the requested allotments of such appropriations by fiscal periods within the fiscal year. The county administrative officer shall review the requested allotments in the light of the work program of the office, department, institution, board, commission or agency concerned, and may, with the approval of the county executive, revise, alter or change such allotments before approving the same. The aggregate of such allotments shall not exceed the total appropriation available to such office or agency for the fiscal year. A copy of the allotment as finally adopted by the county administrative officer shall be filed with the director of budget and finance, who shall approve all expenditures for the various offices, departments, institutions, boards, commissions and other agencies of the county to be made from the appropriations on the basis of the allotments and not otherwise. The allotments may be revised during the fiscal year in the same manner as the original allotment was made. If at any time during the fiscal year the county administrative officer shall ascertain that the available income, plus unexpended balances, for the year may be less than the total appropriations, he shall reconsider the work programs and allotments of the several offices and agencies as aforesaid, and shall recommend a revision thereof to the county executive so as to forestall the making of expenditures in excess of the income and fund balances, exclusive of allotments of appropriations for employee salaries and benefits obligated by executed and binding agreements between the county and its certified employee representation units.

(Bill No. 103-96, § 1; approved by voters Nov. 5, 1996; effective Dec. 5, 1996)

Sec. 715. - 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. No such payment shall be made nor any obligation or liability incurred, except for small purchases in an amount less than one hundred dollars, or such amount as may be set by legislative act of the county council, unless the director of budget and 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 or willfully violate this provision, such action shall be cause for his removal from office by a majority of the total number of county council members established by this Charter. ( Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018 )

Nothing in this section or elsewhere in this Charter shall prevent the making of contracts of lease or contracts for services providing for the payment of funds at a time beyond the fiscal year in which the contracts are made, provided that the nature of such transactions reasonably requires the making of such contracts. Any contract, must be approved by the county council before it is executed if the contract is:

- (1) For the purchase of real or leasehold property where the purchase price of the property is in excess of \$5,000 or such amount as may be set by legislative act of the county council;
- (2) For the lease of real or leasehold property in excess of \$25,000 in the aggregate or such amount as may be set by legislative act of the county council;
- (3) For services for a term in excess of two years or involving the expenditure of more than \$25,000 per year or such amount or term as may be set by legislative act of the county council.

The county council shall define the term services as used in this section.

(Bill No. 86, 1978, § 1; approved by voters Nov. 7, 1978; effective Dec. 8, 1978; Bill No. 117, 1982, § 1; approved by voters Nov. 2, 1982; effective Dec. 3, 1982; Bill No. 129, 1990, § 3; approved by voters Nov. 6, 1990; effective Nov. 6, 1990; Bill No. 132, 1990, § 2; approved by voters Nov. 6, 1990; effective Dec. 7, 1990; Bill No. 82, 1998, § 1, approved by voters Nov. 3, 1998; effective Dec. 3, 1998)

**Editor's note**— The County Executive was not required to obtain prior certification from the Director of Finance that funds were available to provide for the payment of rental under a lease. *Hormes V. Baltimore County*, 225 Md. 371, 170 A.2d 772 (1961).

An amendment to this section was petitioned to referendum and approved by the voters on Nov. 2, 1982; effective Dec. 3, 1982. The Court of Appeals of Maryland invalidated this amendment as well as art. V, div. 5, and amendments to §§ 706 and 709 in the case of *Griffith v. Wakefield*, 298 Md. 381, 470 A.2d 345 (1982). The Court held that the amendments were impermissible under Article 11-A, § 3 of the State Constitution providing that the County Council has full power to enact local laws of the county, as the amendments provided for a complete and specifically detailed legislative scheme, and as such, was an attempt to circumvent the local legislative body and enact local law.

#### Sec. 716. - Restrictions on capital projects; amendment to capital budget after adoption of budget.

- (A) No obligations of the county shall be authorized in any fiscal year for or on account of any capital project not included in a county budget as finally adopted for such year or, subject to the limitations of section 713, for any prior year; provided, however, that upon receipt of a recommendation in writing from the county executive, the county council may, by the affirmative vote of a majority plus one of the total number of county council members established by this Charter, amend the county budget in accordance with such recommendation.
- (B) No capital project shall be commenced or undertaken, nor shall any funds be expended, committed, encumbered or pledged for the consideration, improvement, renovation, purchase, lease or rental of any structure or property, nor shall any existing property be sold, pledged or mortgaged by the Baltimore County Revenue Authority, except projects of \$25,000 or less, until and unless the revenue authority has given official advance written notice 15 days prior to such proposed action to both the county council and the county executive.

(Bill No. 86, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

#### Sec. 717. - Borrowing limitations.

Unless and until otherwise provided by legislative act of the county 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 ten per centum upon the assessable basis of the county; provided, however, that:

- (a) Tax anticipation notes or other evidences of indebtedness having a maturity not in excess of twelve months,

- (b) Bonds or other evidences of indebtedness issued or guaranteed by the county payable primarily or exclusively from or on, or other revenues of, special taxing areas or districts heretofore or hereafter established by law, and
- (c) Bonds or other evidences of indebtedness issued for self-liquidating and other projects payable primarily or exclusively from the proceeds of assessments or charges for special benefits or services, shall not be subject to, or be included as bonds or evidences of indebtedness in computing or applying the per centum limitation above provided. All bonds or other evidences of indebtedness issued under the authority of The Metropolitan District Act (The Acts of the General Assembly of Maryland of 1924, Chapter 539, as amended) shall be construed as exempt, under clauses (b) and (c) above, from the per centum limitation in this Section provided, but shall continue as heretofore to be subject to the per centum limitation as from time to time provided in said Act.

(Bill No. 129, 1990, § 3) (Approved by voters Nov. 6, 1990; effective Dec. 7, 1990)

#### Sec. 718. - Referendum on borrowing.

Before any bond or other evidence of indebtedness of the county shall be issued, except:

- (a) Emergency or tax anticipation notes or other evidences of indebtedness having a maturity not in excess of twelve months, and
- (b) Self-liquidating obligations including all bonds or other obligations issued under the authority of The Metropolitan District Act, as amended, the full amount of any such borrowing shall be submitted to a referendum of the registered voters of the county for their approval or rejection. The determination of questions so to be submitted for referendum shall be made in the manner provided in Section 705(a) of this Article. No bonds or other evidences of indebtedness, with the exceptions above provided, shall be issued unless a majority of the voters voting on the referendum at such election shall indicate their approval thereof.

#### Sec. 719. - Term of bonds.

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

(Bill No. 116, 1982, § 1; approved by voters Nov. 2, 1982; effective Dec. 3, 1982; Bill No. 129, 1990, § 3; approved by voters Nov. 6, 1990; effective Dec. 7, 1990)

#### Sec. 720. - Contents of bond issue authorization ordinance.

The bond issue authorization ordinance referred to in Section 709 of this article shall include a statement of the purpose or purposes of the issue or issues, 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 or issues. The ordinance shall also include the aggregate amount of the proposed issue or issues and the procedure for establishing the amount of any one issue; a

statement showing that the proposed issue or issues are within the legal limitation on the indebtedness of the county or the Metropolitan District, as the case may be; the probable useful life of the project or average probable useful life of the projects to be financed; the date or dates of the issue bonds or the procedure for establishing such dates; the dates of the first and last serial maturities or the procedure for establishing such dates; the dates on which the interest shall be paid or the procedure for establishing such dates; a declaration that the principal of and the interest on the bonds are to be paid by ad valorem taxes on real estate and tangible personal property and intangible property subject to taxation by the county without limitation of rate or amount, and, in addition, upon such other intangible property as may be subject to taxation by the county within 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 bonds, the sale price of the bonds, which may be at, above or below par, or the procedure for determining the same, the manner of execution and authentication of the bonds, which may be by manual or facsimile signature or seal, the form of the bonds (and any coupons appertaining thereto). Which may be registrable or non-registrable as to principal or interest, with or without coupons, or book entry in format, and shall contain such other matters relating to the authorization, issuance or sale of the bonds as the county council shall deem desirable.

(Bill No. 116, 1982, § 1; approved by voters Nov. 2, 1982; effective Dec. 3, 1982; Bill No. 129, 1990, § 3; approved by voters Nov. 6, 1990; effective Dec. 7, 1990)

**Editor's note—** The publisher deleted a former reference to "issue" from the fourth clause in the third sentence. The word "issue" was repealed and replaced by "bonds" in Bill 116-82 but the change was not shown in the 1982 cumulative supplement to the 1978 Code and has persisted ever since.

#### Sec. 721. - Supplemental legislation by county council.

The county council may adopt budget and fiscal laws not inconsistent herewith or with the applicable provisions of the Constitution and public general laws of this state to implement the objects and purposes of this Article. Any such laws may include, but shall not be limited to, the definition of the various funds included in the county budget (whether or not referred to or mandated by other provisions of law), their reorganization, consolidation or dissolution 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 improvement, the procedure for the sale of bonds, notes and other evidences of indebtedness of the county, and all such other matters as may in the judgment of the county council promote the orderly administration of the fiscal affairs of the county and protect its credit.

(Bill No. 129, 1990, § 3) (Approved by voters Nov. 6, 1990; effective Dec. 7, 1990)

### ARTICLE VIII. - MERIT SYSTEM

#### Sec. 801. - County council to establish and maintain merit system; composition of exempt service.

At its first annual legislative session after the effective date of this Charter, the county council shall enact a county personnel law establishing a merit system of personnel administration. The county personnel law shall provide for the division of all employees in the county government into the classified and the exempt service, the latter to consist of:

- (1) All elected officials,
- (2) The county administrative officer, the zoning commissioner and deputies, and the heads of all offices and departments, (Bill No. 128, 1990, § 2; approved by voters Nov. 6, 1990; effective Dec. 7, 1990; Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)
- (3) All employees of the department of education and all employees covered by the state merit system,
- (4) The members of the appeal tax court and all boards and commissions (except otherwise classified employees

serving thereon ex officio),

- (5) All professional consultants performing temporary or part-time services,
- (6) All attorneys at law,
- (7) Not more than one confidential clerk or private secretary for the county executive, nor more than one for the county administrative officer,
- (8) All employees of the county council and the office of the county auditor, and
- (9) Such seasonal or occasional employees and such nonsupervisory employees paid on an hourly basis as may be specifically exempted from the effect of the county personnel law or from the plans, rules and regulations thereto.

The county council is further authorized to, and shall by law, provide for a system of binding arbitration by a neutral arbitrator to resolve disputes concerning wages, hours and other terms and conditions of employment arising out of the negotiation of a collective bargaining agreement (a) with the exclusive representative of the Baltimore County Police Officers and (b) with the exclusive representative of the Baltimore County Professional Fire Fighters and Paramedics. The county council is further authorized to provide by law a system of binding arbitration by a neutral arbitrator to resolve disputes concerning wages, hours and other terms and conditions of employment arising out of the negotiation of a collective bargaining agreement with the certified exclusive representatives of the remaining represented Baltimore County Merit System Employees. Any law so enacted shall prohibit strikes or work stoppages by police officers and fire fighters and paramedics and other Baltimore County Merit System Employees. (Binding arbitration for Police Officers, Fire Fighters and Paramedics petitioned to referendum; approved by voters Nov. 5, 2002; effective Dec. 5, 2002) (Binding arbitration for remaining Merit System Employees petitioned to referendum; approved by voters Nov. 2, 2010; effective Dec. 2, 2010) (Bill No. 72, 1968, § 1, approved by voters Nov. 5, 1968; Bill No. 101-96, § 1; approved by voters Nov. 5, 1996; effective Dec. 5, 1996)

#### Sec. 802. - Contents of county personnel law.

The county personnel law shall provide for the following:

- (a) The administration of the affairs of the office established by this Charter and known as "The Office of Human Resources" by a director of human resources who shall be qualified by special training and at least five years' experience in personnel administration in public service or private industry, or both, and who shall be appointed in the same manner as the heads of other offices and departments in the administrative services. (Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)
- (b) A personnel and salary advisory board composed of registered voters of the county who favor the application of merit principles to public employment, and who shall receive no compensation for their services except reasonable and necessary expenses. The number and term of office of the members of the personnel and salary advisory board shall be as provided in the county personnel law. Said law may provide for the election of not more than one member of the board by the employees in the classified service and may also provide that the director of human resources shall serve ex officio as a member thereof, but no other members of the board shall hold any other public office. (Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)
- (c) Authority in the director of human resources to approve and certify all payrolls of employees in the classified service. (Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)
- (d) Authority in the personnel and salary advisory board to set up and revise a job classification plan, a compensation plan, and to establish rules and regulations for examinations, certifications and other necessary details of personnel administration.
- (e) A provision that, upon the adoption of such plans, rules and regulations, the director of human resources shall

transmit them to the county executive for submission to the county council for legislative action thereon. No such plan, rules or regulations shall have the force and effect of law unless and until the same be included in a public local law to be adopted by this county council in the manner provided in Article III of this Charter. ( Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

- (f) The disciplining of employees, including dismissal for cause by appointing officers.
- (g) Appeals to the personnel and salary advisory board in case of disciplinary actions by appointing authorities and from decisions of the director of human resources in cases involving examinations and examination ratings; provided, however, that if the director of human resources shall be a member ex officio of the personnel and salary advisory board, the director shall be disqualified from participating in any appeals from the director's own decisions. ( Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)
- (h) Prohibition against any kind of assessment for political purposes upon employees in the classified service, and against their participation in any political activities or electioneering on county property during business hours.
- (i) Prohibition against any kind of discrimination in the employment, suspension or dismissal of employees in the classified services on account of race, color, creed, sex, or political affiliation. (Bill No. 164, 1980, § 1) (Approved by voters Nov. 4, 1980; effective Dec. 5, 1980)
- (j) Penalties for the violation of this article and the laws, plans, rules and regulations adopted pursuant thereto.
- (k) Special rules and regulations relating to the employment, promotion, suspension and dismissal of employees of the fire and the police departments.
- (l) Such other matters as may be necessary to fulfill the purpose of the merit system as hereby established, including adequate staffing and financial support for the needs of the office of personnel.

(Bill No. 130, 1990, § 1) (Approved by voters Nov. 6, 1990; effective Dec. 7, 1990)

*Annotation— County charter did not prohibit adoption of section of county code making no provision for special holiday pay for firemen working on holidays. Cited in Director v. Meyers, 232 Md. 213, 192 A.2d 278 (1963).*

**Editor's note**— The publisher deleted a former reference to "rating" in subsection (g) and substituted "ratings". The word "ratings" was used in the original Charter and in the 1958 and 1968 versions of the Code. The publisher inadvertently changed it to "rating" in the 1978 Code and has persisted ever since.

Sec. 803. - Appeals to the personnel and salary advisory board to be exclusive.

In case of any appeal to the personnel and salary advisory board, its decision shall be final on all parties concerned, and there shall be no further appeal therefrom to the county board of appeals or to any court. Any question involving the jurisdiction of the personnel and salary advisory board may, nevertheless, be heard by the circuit court for Baltimore County or any other court with jurisdiction over the parties and the subject matter.

Sec. 804. - Abolition of board of police department examiners and board of fire department examiners.

Upon the adoption of the county personnel law as above provided, the board of examiners for the police department of Baltimore County and the board of examiners for the fire department of Baltimore County shall cease to exist, and all their powers, duties and functions shall be performed by the director of human resources and the personnel and salary advisory board as may be provided in the county personnel law.

( Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

ARTICLE IX. - CENTRALIZED PURCHASING

Sec. 901. - Responsibility for purchasing.

There shall be a county purchasing agent who shall be responsible to the county administrative officer for the enforcement of the county purchasing policies established in this article.

(Bill No. 87, 1978, § 1; approved by voters Nov. 7, 1978; effective Dec. 8, 1978; Bill No. 129, 1990, § 4; approved by voters Nov. 6, 1990; effective Dec. 7, 1990)

Sec. 902. - County purchasing policies and practices.

Unless changed pursuant to section 502 of this Charter, the director of budget and finance 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 or to another county official if authorized by legislative act of the county council:

- (a) The making of all purchases and contracting for all public work 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 county administrative officer and approved by legislative act of the county 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, departments, institutions, boards, commissions and other agencies of the county.
- (f) The establishment, with the approval of the county administrative officer and by legislative act of the county council, of reasonable rules and regulations governing the circumstances under which the use of competitive bidding is not appropriate or feasible. When such bidding is not appropriate, a contract shall be awarded only by competitive negotiations, unless such negotiations are not feasible. When neither competitive bidding nor competitive negotiations are feasible, contracts may be awarded by noncompetitive negotiations. Whenever a contract is awarded by a process other than competitive bidding, a copy of the contract shall be given to the county council and, at the next legislation session-day following the award of the contract, the secretary to the county council shall formally announce to the council the nature of the contract and the parties to the contract. The announcement shall be recorded in the minutes of the County Council, a permanent record, which shall be available for inspection by the public.

(Bill No. 87, 1978, § 1; approved by voters Nov. 7, 1978; effective Dec. 8, 1978; Bill No. 117, 1982, § 1; approved by voters Nov. 2, 1982; effective Dec. 3, 1982; Bill No. 102-96, § 1; approved by voters Nov. 5, 1996; effective Dec. 5, 1996)

**Editor's note**— The publisher corrected a former reference to "or reasonable rules" in subsection (f) of this section to read "of reasonable rules". All prior versions of the Charter contained the latter language. The publisher believes that the error occurred inadvertently in Bill No. 102-96.

Sec. 903. - Application of this Article to departments and agencies under state law.

The provisions of this Article shall apply to the department of education and other departments and agencies created by or operating under the public general laws of this state only to the extent requested by them. In the interests, however, of promoting uniformity and of effecting maximum savings for all purchases out of county funds, the purchasing facilities of the office of budget and finance shall always be available to such departments and agencies, and their use shall be encouraged.

(Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

#### Sec. 904. - Competitive bidding.

Any single purchase or contract under the jurisdiction of the county purchasing agent and involving an expenditure of more than seven thousand five hundred dollars or such amount as may be set by legislative act of the county council, except only one for which the use of competitive bidding is not appropriate or feasible as may be defined and governed by the regulations mentioned in section 902(f) hereof, shall be made from or let by sealed bids or proposals publicly opened after public notice for such period and in such manner as the purchasing agent or his authorized deputy shall determine. Such purchases and contracts shall be made from or awarded to the lowest responsive and responsible bidder who shall give security or bond for the performance of his contract as determined by the purchasing agent or his deputy; provided, however, that no such purchase or contract shall be made or awarded within a period of three business days from the date of the public openings of bids. In all cases, the county shall reserve the right to reject any and all bids. All construction, maintenance and repair work shall be subject to the requirements of competitive bidding provided in this section, unless such work is to be done directly by the county through the use of its own laboring force. All materials and supplies used by the county laboring force shall be purchased in accordance with the provisions of this article.

(Bill No. 87, 1978, § 1; approved by voters Nov. 7, 1978; effective Dec. 8, 1978; Bill No. 117, 1982, § 1; approved by voters Nov. 2, 1982; effective Dec. 3, 1982; Bill No. 129, 1990, § 4; approved by voters Nov. 6, 1990; effective Dec. 7, 1990)

#### Sec. 905. - 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 one hundred dollars or such amount as may be set by the legislative act of the county council, no payment shall be made out of county funds for the purchase of supplies, materials or equipment, unless the director of budget and finance shall first certify that the funds for the designated purpose are available.

(Bill No. 117, 1982, § 1; approved by voters Nov. 2, 1982; effective Dec. 3, 1982; Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

#### Sec. 906. - Furthering legislation.

At its first annual legislative session, the county council shall enact furthering legislation, not inconsistent with the provisions of this Charter or with the public general laws of this state, to implement the purchasing policies herein established. Such legislation may regulate the practices of the county purchasing agent and other officers, agents and employees of the county in regard to the issuance of inquiries, the instructions to bidders, the receipt of bids, the placement of orders and other matters relating to the making of purchases and the award of contracts. Such legislation may prescribe special procedures governing the letting of bids and the award of contracts for the construction of roads, bridges, streets, buildings and those relating to water, sewer and storm water facilities, and may increase the minimum dollars requirement for competitive bidding. All such legislation shall be subject to amendment from time to time by the county council.

(Bill No. 117, 1982, § 1) (Approved by voters Nov. 2, 1982; effective Dec. 3, 1982)

## Sec. 907. - Effective date of this Article.

Inasmuch as the provisions of this Article may be more restrictive and the duties of the purchasing agent more inclusive than those in effect at the time of the adoption of this Charter, and in order to provide for the orderly administration of the county's affairs in the transition period following the adoption of this Charter, the provisions of this Article shall take effect coincident with the effective date of the furthering legislation by the first county council referred to in Section 906 hereof. In any event this Article shall be operative not later than forty-five days following the close of the first annual legislative session of the first county council.

## ARTICLE X. - MISCELLANEOUS

## Sec. 1000. - Code of public ethics.

The county council shall adopt and maintain a code of public ethics and conflict of interest law for Baltimore County not inconsistent with the provisions of this Charter. Such law shall include provision for the disclosure of the interest of any person in any matter before the county government and for the disqualification of that person from participating in decisions or other actions in which there is a conflict between his official duties and his private interest. The council shall have the power and authority to modify and amend, from time to time as deemed appropriate, any code of ethics and conflict of interest law so adopted and maintained.

(Bill No. 133, 1990, § 1) (Approved by voters Nov. 6, 1990; effective Dec. 7, 1990)

## Sec. 1001. - Personal interest of county officers and employees in county business.

(a) *Prohibitions.*

1. Except for any legally authorized compensation as an officer or employee of the county, whether elected or appointed, no such officer or employee shall in any manner whatsoever, directly or indirectly, have any interest in or receive any further economic benefit from any contract, job, decision, work or service for, from, by or with the county.
2. Except for any legally authorized compensation, no officer or employee of the county, whether elected or appointed, shall upon more favorable terms than those granted to the public generally, accept any service or thing of value, directly or indirectly, from any person, firm or corporation having dealings with the county.

(b) *Rules of construction; exceptions by resolution of county council.* The provisions of this article X shall be broadly construed and strictly enforced for the purpose of preventing those persons in public service from securing any economic advantages, however indirect, from their public service other than the compensation provided for them by law. However, the county council may, by resolution, specifically authorize any county officer or employee to do business directly with the county or to own stock in any corporation or to maintain a business connection with any person, entity, firm or corporation doing business 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 business connection is not inconsistent with the public interest.(c) *Penalties.* The county council shall from time to time enact whatever criminal or civil statutes in its judgment may be necessary to enforce this article X. The county council shall establish offenses which shall be criminal misdemeanors, punishing elected or appointed officers or employees of the county who violate the provisions of this article X and may also establish misdemeanors punishing other persons, corporation or entities, who knowingly engage in prohibited activities with any elected or appointed county officer or employee. The county council may also include in such criminal statutes a provision for the granting of immunity from criminal prosecution to witnesses in any such criminal case. Violations of such criminal statutes shall be prosecuted as other criminal misdemeanors pursuant to applicable law. Penalties for such criminal offenses may include imprisonment, fines,

forfeitures to the county of the illegal economic benefits or the value thereof received by any person in violation of this section whether by an elected or appointed county official or employee or by any other person or persons, corporation or partnership or other entities dealing with such elected or appointed officer or employee in violation of this article X.

(Bill No. 88, 1978, § 1; approved by voters Nov. 7, 1978; effective Dec. 8, 1978; Bill No. 133, 1990, § 2; approved by voters Nov. 6, 1990; effective Dec. 7, 1990)

#### Sec. 1002. - Additional compensation prohibited.

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

#### Sec. 1002.1. - Elected officials; crimes and penalties.

Any elected official who is convicted of or enters a plea of nolo contendere to any crime which is a felony, or which is a misdemeanor related to his public duties and responsibilities and for which the penalty may be incarceration in any penal institution, shall automatically forfeit his office and all pension benefits accrued after the date of the crime immediately upon conviction. During and for the period of any judicial review, the appropriate governing body and/or official authorized by law to fill any vacancy in the elective office shall appoint a person to temporarily fill the elective office, provided that if the elective office is one for which automatic succession is provided by law, then in such event the person entitled to succeed shall temporarily fill the elective office. If the conviction is reversed or overturned, the elected official shall be automatically reinstated to the elective office for the remainder of the elective term of office and all forfeited pay and benefits shall be restored.

(Bill No. 88, 1978, § 3; Bill No. 133, 1990, § 2; approved by voters Nov. 6, 1990; effective Dec. 7, 1990)

#### Sec. 1003. - Freedom of information.

All information regarding the operation of county government, with the exception of personnel records and records of criminal investigation or confidentiality as determined by law, shall be open for inspection. Reasonable access regulations shall be promulgated by the county executive or designee. This section shall not apply to any papers prepared by or for use of counsel in actions or proceedings to which the county is a party or for use in any investigation authorized by or under this Charter.

(Bill No. 133, 1990, § 2) (Approved by voters Nov. 6, 1990; effective Dec. 7, 1990)

#### Sec. 1004. - [Repealed.]

Repealed by Bill No. 133, 1990, § 3. (Approved by voters Nov. 6, 1990; effective Dec. 7, 1990)

#### Sec. 1005. - Compilation of laws.

- (a) *Code of laws.* At intervals not greater than every ten years, the county council shall provide for a compilation and codification of this Charter and all public local laws, acts, rules, regulations, resolutions and ordinances, having the force and effect of law other than those of a temporary or special character of the county in effect at such times. It shall be published together with an index, and such appropriate notes, citations, annotations and appendices as may be determined by the county council and the office of law. The county council shall cause such codes to be published by and distributed through the office of budget and finance. ( Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)
- (b) *Cumulative supplement.* As soon as practicable after August fifteenth of each year, the county attorney shall cause to be prepared and published a cumulative supplement to the Baltimore County Code, with an index and such

appropriate notes, citations, annotations and appendices as the county attorney may deem desirable or as may be required by the county council. (Bill No. 172, 1981, § 1) (Approved by voters Nov. 2, 1982; effective Dec. 3, 1982)

#### Sec. 1006. - Bonding of officers.

The director of budget and finance and such other officers and employees of the county as may be required by public local or general law shall post such bonds in such penalties, with such conditions and with such sureties as may be specified in such laws.

(Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

#### Sec. 1007. - County seal.

In accordance with the powers granted to chartered counties of this state by public general law, the county council shall, by ordinance enacted at its first legislative session, adopt a county seal, and thereafter it may use and alter the same at pleasure. The seal shall contain the corporate name of the county and such other information or insignia as the county council may determine. The county executive, the secretary to the county executive, the secretary of the county council and such other officers as may be specified by ordinance of the county council shall have power to attest to the county seal.

#### Sec. 1008. - Subpoena power.

The county council, the county executive, the county administrative officer, the personnel and salary advisory board, the county board of appeals, the county auditor and such other officers or agencies of the county as may be so empowered by legislative act of the county council or otherwise by law shall have the power to administer oaths, to compel the attendance of witnesses and to require the production of records and other materials in connection with any investigation, inquiry or hearing authorized by this Charter or by law.

#### Sec. 1009. - 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 county 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 county 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, ordinances, public local laws, resolutions and other legislative acts of the county council, all ordinances and resolutions of the county commissioners not hereby or hereafter amended or repealed, and all public general laws and public local laws of the General Assembly in effect from time to time after the adoption of this Charter, whenever such construction would be reasonable.
- (e) The words "passage" and "adoption," when used in connection with the legislative acts of the county council, shall mean the action by the council in approving any item of legislative business prior to its submission to the county executive for his 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 "shall" shall be construed as mandatory and the word "may" shall be construed as permissive.
- (h) 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.

- (i) The word "person" shall include the words "corporation," "partnership" and "association," unless such a construction would be unreasonable.
- (j) The word "officer" shall include the word "councilman."
- (k) The words "hereafter" and "heretofore" shall refer to the effective date of this Charter, unless such a construction would be unreasonable.
- (l) The word "state" shall mean the State of Maryland.
- (m) A requirement of residency as a condition of any person's eligibility for election or appointment to or continuance in any county office, position or employment shall refer to the place where such person maintains his actual principal place of abode such that a person may maintain only one such place of abode at any given time.

(Bill No. 104, 1970, § 3)

#### Sec. 1010. - Supremacy of the Charter.

In case of any conflict between any provision of this Charter and any law enacted by the county council or any rule or regulation adopted by the executive branch of the county government, this Charter shall prevail.

(Bill No. 88, 1978, § 2) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

#### Sec. 1011. - 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.

#### Sec. 1012. - Citation.

This Charter shall be known and may be cited as "The Baltimore County Charter."

### ARTICLE XI. - TRANSITORY PROVISIONS

#### Sec. 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 Article of this Charter, the provisions of this Article shall constitute exceptions thereto.

#### Sec. 1102. - Effective date of this Charter.

As provided in Article XIA of the Constitution of this state, this Charter shall take effect on the thirtieth day following its adoption.

#### Secs. 1103 through 1106. - [Repealed.]

Repealed by Bill No. 104, 1970, § 4.

Sec. 1107. - Reference in state Constitution and laws to county commissioners.

In accordance with the provisions of Article XIA of the Maryland Constitution, all references in the Constitution and the laws of this state to the county commissioners shall, at such time as the elected members of the first county council take office, be construed to refer to the county council and to the county executive whenever such construction would be reasonable. The county council and county executive shall succeed to all powers heretofore vested in the county commissioners by the Constitution and laws of this state.

Sec. 1108. - [Repealed.]

Repealed by Bill No. 104, 1970, § 4.

Sec. 1109. - Bond of director of budget and finance; references in laws to county treasurer.

Unless otherwise hereafter provided by law, the director of budget and finance shall give the same bonds for the faithful performance of his duties as are now required of the county comptroller, and, after the abolition of the office of county treasurer, such additional bonds as may be required of such officer. All references in the laws to the county treasurer shall, after the abolition of said office, be construed to refer to the director of budget and finance, whenever such construction would be reasonable.

(Bill No. 104, 1970, § 1; Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

Editor's note— Bill No. 13-18, § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018, changed the title of § 1109 from "Bond of director of finance; references in laws to county treasurer" to read as herein set out.

c. 1110. - [Repealed.]

Repealed by Bill No. 104, 1970, § 4.

Sec. 1111. - Existing laws.

The public local laws of Baltimore 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 not further; and to the extent that they are not hereby repealed because of such inconsistency, all such public local laws, rules, regulations, resolutions and ordinances shall continue in full force and effect until repealed or amended.

(Bill No. 104, 1970, § 1)

Sec. 1112. - [Repealed.]

Repealed by Bill No. 104, 1970, § 4.

Sec. 1113. - County executive as ex officio member of boards and commissions.

In all cases where a county commissioner was required to serve ex officio as a member of any board or commission in the county government, the county executive shall serve thereon in such capacity.

(Bill No. 104, 1970, § 1)

Secs. 1114 and 1115. - [Repealed.]

Repealed by Bill No. 104, 1970, § 4.

## ARTICLE XII. - MANNER OF TERMINATING THIS CHARTER AND MAKING AMENDMENTS THERETO

### Sec. 1201. - Termination.

The county council may, by legislative act approved by the affirmative vote of at least six members, propose the termination of this Charter and the 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 or more of such registered voters in case twenty per centum is greater than 10,000. Such petition shall conform with the requirements of Article XIA of the Constitution of the State of Maryland and shall be filed with the county executive. The question so proposed by act of the county council or by petition shall be published by the county executive in at least two newspapers of general circulation in the county once each month for five successive months prior to the next general election or congressional election occurring after the passage of such act or the filing of such petition. At such election, the 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.

### Sec. 1202. - Amendment.

Amendments to this Charter may be proposed by act of the county council approved by a majority plus one of the total number of county council members established by this Charter, and such act shall be exempt from the executive veto. Amendments may also be proposed by petition filed with the county executive and signed by not less than twenty per cent of the registered voters of the county, or 10,000 or more of such registered voters in case twenty per cent of the number of registered voters is greater than 10,000. When so proposed, whether by act of the county council or by petition, the question shall be submitted to the voters of the county at the next general or Congressional election occurring after the passage of said act or the filing of said petition; and if at said election the majority of votes cast on the question shall be in favor of the proposed amendment, such amendment shall stand adopted and become a part of this Charter from and after the thirtieth day following said election. Any amendments to this Charter proposed in the manner aforesaid, shall be published by the county executive in at least two newspapers of general circulation in the county for five successive weeks prior to the election at which the question shall be considered by the voters of the county.

(Bill No. 89, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

### Sec. 1203. - Charter review commission.

- (a) A decennial Charter review commission shall be appointed by the county council and county executive by March 1 in the seventh year of each decade. The Charter review commission shall be established, by resolution, and be composed of eleven members who must be residents of the county, with one member appointed by each council member and two appointed by the county executive. A person who holds elective office is not eligible for appointment to the commission. The county attorney shall be an ex officio member of the commission. The chairperson of the county council shall appoint an additional member to serve as the chairperson of the commission.
- (b) The commission shall review the Charter and undertake a comprehensive study of its contents, and make findings and recommendations as to the necessity for deleting, adding, or amending its provisions in order to improve the

efficiency and operations of county government. The commission shall hold at least one public hearing prior to adopting its findings and recommendations.

- (c) The commission shall submit its findings and recommendations in a written report to the county council and county executive by October 15 of the year in which the commission is appointed, including drafts of any recommended revisions to the Charter.
- (d) The county attorney and the secretary to the county council, or their designees, shall provide to the commission advice and technical assistance.

(Bill No. 12-15, 2015, § 1) (Approved by voters Nov. 8, 2016; effective Dec. 8, 2016)

