

Chapter C. Charter

[HISTORY: Adopted at referendum 11-5-2002. Amendments noted where applicable.]

PREAMBLE

We the citizens of Dorchester County, Maryland, a body corporate and politic, under the Constitution and general laws of the State of Maryland, in order to establish a more dynamic, efficient, and responsive form of county government, which shall be empowered by us to exercise greater local authority to govern and be manifest in its scope to all, do adopt, ordain, and establish as our instrument of government this Charter of Dorchester County, Maryland.

Article 1.. General Provisions

101. Body Corporate and Politic.

Dorchester County as it now exists constitutes a body corporate and politic. Under this Charter it shall have all the 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 the Constitution and laws of the State of Maryland.

102. Exercise of Powers.

The powers mentioned in the preceding section shall be exercised only by the County Council of Dorchester County and other officers, employees and agents of Dorchester County, acting under their respective authorities or under such other authorities as may be provided by this Charter or by law.

103. Name and Boundaries.

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

104. Definitions.

(a)

The term "County" means Dorchester County, Maryland.

(b)

The term "Dorchester County Government" means the officers, personnel, departments, agencies, offices, boards, commissions, and other entities that are subject collectively to the powers of local self-government and home rule as are now or may hereafter be provided or necessarily implied by this Charter, Article XI-A of the Maryland Constitution, and Article 25A of the Annotated Code of Maryland.

(c)

The term "Government" means the Dorchester County Government.

(d)

The term "Council" means the Dorchester County Council.

(e)

The term "Charter" means the Charter of Dorchester County.

(f)

The term "State" means the State of Maryland.

(g)

The term "Budget" means the package of materials consisting of the Current Expense Budget, the Current Revenue Budget, the Capital Budget, the Capital Improvement Program, and the budget message.

(h)

The term "Current Expense Budget" means the plan to receive and expend funds for charges incurred for operation, maintenance, interest, and other charges for the next fiscal year.

(i)

The term "Current Revenue Budget" means the plan to raise and receive all manner of funds from all sources, including property taxes, for current needs and for annual appropriations for current projects.

(j)

The term "Capital Budget" means the plan to receive and expend funds for capital projects during the next fiscal year.

(k)

The term "Capital Improvement Program" means the plan to receive and expend funds for capital projects during the next fiscal year and the next succeeding five fiscal years thereafter.

(l)

The term "Capital Project" means any physical betterment or improvement; any preliminary studies and surveys related to a physical betterment and improvement; and the acquisition, renovation, remodeling and construction of any property for public use of a long-term or permanent nature, including by a lease-purchase agreement.

105. Separability.

If any article, section, subsection, sentence, clause, or phrase of this Charter is held unconstitutional, invalid, or inapplicable to any person or circumstance by a court of competent jurisdiction, all other articles, sections, subsections, clauses, or phrases of this Charter and their application to other persons and circumstances shall be separable and not affected by the decision.

Article 2.. County Council

201. Composition.

There shall be a County Council of Dorchester County, Maryland, composed of five councilmembers.

202. Powers.

All powers which may be exercised by the County under the Constitution and laws of the State are vested in the Council, subject to those powers retained by the people of the County as hereinafter set forth in Section 307 of this Charter.

203. Council to Act as a Body.

In all functions and deliberations, the Council shall act as a body. It shall have no power to create standing committees or to delegate any of its functions and duties to a smaller number of its members than the whole. The Council may, however, appoint special ad hoc committees solely for the purpose of inquiry and fact finding.

204. Election.

(a)

The County shall be divided into five council districts. Until the boundaries of the five council districts are re-established pursuant to Section 213 of this Charter, the boundaries of the council districts shall be those that comprise the five commissioner districts from which members of the Board of County Commissioners are elected in November, 2002.

(b)

One councilmember shall be elected from each of the five council districts.

(c)

Each councilmember shall be elected by the registered voters of the council district in which the councilmember resides. The candidate who receives the most votes in each council district shall be elected.

205. Qualifications.

(a)

Each councilmember shall be a resident and a registered voter of the County for at least one year immediately preceding election or appointment. Each councilmember shall be a resident of the district from which the councilmember is elected for at least six months immediately preceding election or appointment.

(b)

While serving as a councilmember, no councilmember may hold any other elected public office.

(c)

No councilmember may be employed in an appointed office or any non-elected position in any public agency, department, board, commission, or other public body that receives funds through the Budget or is involved in the public business of the County, except that a councilmember may be a paid employee of a municipal corporation or the federal or State government.

(d)

No councilmember may receive compensation for serving in an appointed office or any non-elected position in any public agency, department, board, commission, or other public body that receives funds through the Budget or is involved in the public business of the County, except that a councilmember may be a paid employee of a municipal corporation or the federal or State government.

(e)

A retired, former county employee receiving a pension shall not be considered to be serving in a public body for purposes of this section and shall be eligible to be a councilmember if all other provisions of this section are satisfied.

206. Term of Office.

A councilmember shall hold office for a term beginning at noon on the first Monday of December next following the regular election of the County Council and ending at noon on the first Monday of December in the fourth year thereafter, or until a successor is qualified.

207. Compensation.

The Council shall prescribe by law the compensation for its members. No change in the compensation of councilmembers shall become effective during the term of office of the Council enacting the change.

208. Forfeiture of Office.

(a)

A councilmember shall immediately forfeit office upon ceasing to be (1) a registered voter of the County or (2) a resident of the council district in which the councilmember resided when elected or appointed. No councilmember may

forfeit office by reason of a change in the boundaries of any council district made during the councilmember's term of office.

(b)

A councilmember shall immediately forfeit office upon being granted probation before judgment for, upon the acceptance of a plea of nolo contendere by a court to, or upon being convicted of a felony or a crime involving moral turpitude.

209. Removal of Councilmembers.

A councilmember may be removed from office by an affirmative vote of not less than three councilmembers after a public hearing and a finding of misfeasance, malfeasance, or nonfeasance in office or a finding of mental or physical disability that substantially impairs the member's ability to perform the duties of office. The decision of the County Council may, within 10 days of removal, be appealed to the Circuit Court for the County by petition of the removed councilmember. Upon filing of the petition, the court may stay the removal pending the court's decision. Upon appeal, the court shall make de novo determinations of fact.

210. Vacancies.

(A)

A vacancy occurs when a councilmember, prior to the expiration of the term for which elected, shall die, resign from office, become disqualified to hold office, or be removed from office.

(B)

If a vacancy occurs in the office of the County Council before 180 days prior to the expiration of the term of a councilmember, the remaining council members, shall, within thirty (30) days of the date of vacancy, by Resolution, order a special election to fill the unexpired term of such councilmember. The special election to fill the vacancy shall be held within 120 days from the date of the vacancy.

[Amended 8-8-2006 by Res. No. 2006-5^m]

All candidates for election to fill the vacancy shall meet the same qualification and residence requirements and where elected by the voters from the same councilmanic district as the councilmember whose office is vacated. Any person

[1]

Editor's Note: This resolution was approved at referendum held 11-7-2006.

(C)

If a vacancy occurs in the office of the County Council within 180 days of the expiration of a term of a councilmember, the vacancy be filled by appointment by the Dorchester County Central Committee of the political party affiliated with the person who vacated the office, when succeeding a party member, and if not succeeding a party member, then the vacancy shall be filled by a committee of five persons appointed by the County Council.

[Amended 8-8-2006 by Res. No. 2006-5]

211. Officers.

Annually the Council shall elect from among its members a President and Vice President of the Council. The President, or in the absence of the President, the Vice President, shall preside over meetings of the Council. The Council may provide for the selection of other officers or employees as the Council may deem desirable for the exercise of its powers.

212. Investigations by the County Council.

The County Council may make investigations into the affairs of the County and the conduct of any activity of the Government. For this purpose, the Council may subpoena witnesses, administer oaths, take testimony, and require the production of evidence.

213. Redistricting.

(a)

Not later than April 1 of the year after each decennial census date, the Council shall appoint a Commission on Redistricting. The central committee of each political party that polled at least 25 percent of the total vote cast for all the candidates for Council at the last preceding general election shall nominate five persons to serve on the Commission. Each such list shall include one person who resides in each district. The Council shall appoint all such nominees as members of the Commission as well as one additional member of the Commission. The Council shall appoint the Chairperson of the Commission from among the Commission members. No person shall be eligible for appointment to the Commission who holds elective office.

(b)

By November 15 of the year before the year in which redistricting is to take effect, the Commission shall present to the Council a plan of council districts, together with a report explaining it. Within 30 days of receiving the plan of the Commission, the Council shall hold a public hearing on the plan. If within 90 days after presentation of the Commission's plan no other law reestablishing the boundaries of the council districts has been enacted, then the plan, as submitted, shall become law.

(c)

Any council district established in accordance with this section shall be compact, contiguous, substantially equal in population, and have common interests as a result of geography, occupation, history, or existing political boundaries.

(d)

An ordinance establishing council districts shall be exempt from referendum.

Article 3.. Legislative Branch

301. Legislative Powers.

The Council is vested with all the law-making powers of the County. The Council may enact public local laws for the peace, good government, health, safety or welfare of the County. It may repeal and amend the local laws for the County heretofore enacted by the General Assembly upon the matters covered by Article 25A, Annotated Code of Maryland, 1957, and all revisions or amendments thereof as may hereafter be enacted. Nothing in this Charter shall be construed to authorize or empower the Council to enact laws or regulations for a municipality in the County on a matter covered by the powers granted to a municipality by its charter or the act incorporating it or a subsequent amendment to the act.

302. Legislative Sessions.

Except during the month of November in the year in which councilmembers are elected, the Council may enact legislation on the first and third Tuesdays of each month, and on any additional days the Council may determine necessary. When the first or third Tuesday is a legal holiday, the next succeeding Tuesday shall be a day for the enactment of legislation. In no event shall the Council sit for more than 45 days in a calendar year for the purpose of enacting legislation.

303. Legislative Procedure.

(a)

Three councilmembers shall constitute a quorum for the transaction of legislative business.

(b)

Legislative sessions shall be open to the public, advertised in advance, and comply with all requirements for open meetings provided by law.

(c)

The Council shall provide for the keeping of a journal, which shall be open to public inspection during normal business hours. Copies of the minutes of legislative sessions shall be posted immediately after approval on a bulletin board maintained in a public place by the Government.

(d)

Voting on legislation shall be by roll call, except on procedural motions. The ayes and nays shall be recorded in the journal.

(e)

The Council may adopt and publish additional rules of legislative procedure that may be desirable and not in conflict with this Charter.

304. Enactment of Legislation.

(a)

The Council may enact no law except by bill.

(b)

A bill shall embrace one subject. The subject shall be described in its title. No law or section of a law may be enacted, revised, or amended by reference to its title.

(c)

A bill may be introduced by one or more councilmembers at a legislative session. A bill and each copy of the bill shall bear the name or names of the person or persons introducing the bill and the date of introduction.

(d)

On the date a bill is introduced, the Council shall either reject the bill by an affirmative vote of at least four councilmembers or the President of the Council shall schedule a public hearing on the bill. Within 72 hours of its introduction, a copy of the bill, with notice of the date, time, and place of the public hearing, shall be placed on an official bulletin board maintained in a public place by the Government. Before a public hearing on a bill, the title and a fair summary of the bill and the date, time, and place of the public hearing shall be published at least once each week for two successive weeks in a newspaper of general circulation in the County. The President of the Council may schedule more than one public hearing on a bill, provided the publication and notice requirements of this subsection are met for each hearing.

(e)

After a public hearing, the Council may enact a bill into law, with or without amendment, by an affirmative vote of at least three councilmembers. In the event a bill is amended before enactment, and the amendment or amendments constitute a change of substance, the bill, as amended, shall not be enacted into law until the bill meets the public hearing, notice, and publication requirements of a newly introduced bill.

(f)

A bill not enacted within 65 days of introduction is void. A bill not enacted prior to the month of November in any year in which councilmembers are elected to office is void.

305. Emergency Legislation.

(a)

A law may be enacted under this section in the event the law is necessary for the immediate protection of public health, safety, or welfare. The emergency law shall not create or abolish an office; grant a franchise or special privilege; or create a vested right or interest.

(b)

A law enacted under this section shall be plainly designated as emergency legislation and shall describe the nature of the emergency. On the date a bill is introduced, the President of the Council shall schedule a public hearing to be held not less than 36 hours after introduction. Within four hours of introduction, a copy of the bill and notice of the date, time, and place of the public hearing shall be posted on the official bulletin board maintained by the Government.

(c)

After a public hearing, a bill declaring an emergency may be enacted into law by an affirmative vote of at least four councilmembers. The emergency law shall terminate no later than six months after the date of enactment.

(d)

To the extent the requirements of this section conflict with the requirements of Section 304, the requirements of this section apply.

306. Effective Date of Laws.

An emergency law shall take effect on the date of enactment. The Annual Budget and Appropriations Ordinance shall take effect on the first day of the fiscal year to which it applies. All other laws shall take effect 60 calendar days after enactment, except in the event a law provides for a later effective date or is referred to the voters under Section 307 of this Charter.

307. Referendum.

(a)

Except for the following, a law, or part of a law, enacted pursuant to this Charter may be referred to the voters for approval upon the filing of a petition signed by 10 percent of the registered and qualified voters of the County:

(1)

A law imposing a tax; and

(2)

A law appropriating funds for current expenses to maintain the Government;

(b)

A petition to refer a law, or portion of a law, to the voters of the County may consist of several papers, but each paper shall contain the full and accurate text of the law, or part of the law, that is subject to the petition. There shall be attached to each paper of signatures filed with a petition an affidavit of the person procuring those signatures. The affidavit shall state that the signatures were affixed in the person's presence and that, based upon the person's best knowledge and belief, every signature on the paper is genuine and bona fide and that the signers are registered voters of the County at the address set opposite or below their names.

(c)

No later than 59 days following the date a law is enacted, a petition to refer the law, or portion of law, to the voters under this section shall be filed with the Board of Supervisors of Elections for the County. Whenever more than one-third, but less than the full number of signatures required to complete a referendum petition under this section, is filed with the Board of Supervisors of Elections for the County within the required time period, the time for the law to take effect and for filing the remainder of signatures to complete the petition shall be extended an additional 30 days, making for a total of 89 days following the date the law is enacted.

(d)

Whenever a petition complying with all the provisions of law and this Charter is filed, the referred law, or the referred portion of law, shall not take effect until 30 days after approval by a majority of voters.

(e)

A law, or portion of law, shall be submitted to the voters pursuant to this section voting either at: (1) the next general election for members of the United States Congress; or (2) a special election called by the Council, which shall be held not less than 30 days and not more than 90 days following the filing of a valid petition pursuant to this section. A special election is prohibited whenever members of the United States Congress are to be elected at a general election within 180 days of the filing of a valid petition under this section.

(f)

A law enacted as an emergency law shall remain in force from the date the law becomes effective, notwithstanding the filing of a petition for referendum, but the law, or portion of the law, shall stand repealed immediately after rejection by a majority of voters voting on the law or portion of law.

308. Publication of Laws.

The Council shall cause a fair summary of all laws enacted, amended, or repealed under this Charter to be published promptly at least once in a newspaper of general circulation in the County.

309. Compilation of Laws.

(a)

At intervals not greater than every 10 years, the Council shall cause all local laws of the County which are of general application and continuing force in the County to be codified. The codification shall be known as "The Code of Dorchester County, Maryland." The publication shall contain an index and appropriate notes, citations, annotations, and appendices as the Council determines.

(b)

No later than March 1 of each year, except those years in which a new code is published, the Council shall cause to be prepared and published a cumulative supplement of all local laws of the County which are of general application and continuing force in the County and which have been enacted or amended since publication of the most recent Code of Dorchester County, Maryland.

Article 4.. The Executive Branch

401. Composition.

The executive branch of the Government shall be composed of the Council in non-legislative session and the officers, agents and employees of the Government who serve the local executive function.

402. General Executive Powers.

The executive powers vested in the County by the Maryland Constitution, the laws of Maryland, and this Charter shall be vested in the Council which shall be the executive authority of the County.

403. Non-Legislative Sessions.

(a)

To exercise executive powers, the Council shall sit in non-legislative session at least once each month and any additional days the Council may determine. Meetings of the Council in non-legislative session shall be open to the public, except for meetings that may be closed to the public pursuant to State law.

(b)

Copies of the minutes of non-legislative sessions shall be posted immediately after approval on a bulletin board maintained in a public place by the Government.

404. Executive Duties.

The Council shall be responsible for proper and efficient administration of the Government and shall ensure that acts, resolutions, ordinances and laws pertaining to the County are duly executed and enforced.

405. County Manager.

(a)

The Council shall appoint a County Manager who shall serve at the pleasure of the Council. Except as otherwise provided in this Charter or State law, all departments, agencies, and offices of the Government shall be subject to the direction, supervision, and control of the County Manager under the authority of the Council. The County Manager shall:

(1)

Direct, supervise, and coordinate the administrations and functions of all departments, agencies, and offices of the Government, except as may be otherwise provided by law or this Charter;

(2)

Except as may otherwise be provided in the Charter, hire, suspend, and remove all heads of departments, agencies, and offices of the Government, subject to approval by the Council;

(3)

Ensure that all laws and provisions of the Charter, which may be subject to enforcement by the County Manager or by officers who are subject to the County Manager's direction and supervision, are faithfully executed;

(4)

Be entitled to attend all Council meetings, except those concerning the salary or future employment of the County Manager, but the County Manager may not vote;

(5)

Be responsible for the care and custody of Government buildings and all real property of the Government;

(6)

Be responsible for administering the purchasing policies of the Government;

(7)

Present a proposed capital and annual expense budget in a manner and form described in the Charter;

(8)

Fully advise the Council as to the financial condition and future needs of the County and make appropriate recommendations;

(9)

Within 90 days following the end of the fiscal year, provide the Council a complete and detailed report on the finances and administrative activities of the Government for the preceding year. Copies of the report shall be available for distribution to the public;

(10)

Under the direction of the Council make, or cause to be made, studies or investigations that are 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, agency, office, or officer;

(11)

Recommend legislative measures to the Council whenever appropriate; and

(12)

Perform other duties as may be prescribed by law, this Charter, or the Council.

406. Qualifications of County Manager.

The County Manager shall be a United States citizen and appointed on the basis of education and professional experience in business or government and executive and administrative affairs. The County Manager need not be a resident of the County at the time of appointment, but shall become a resident within six months after appointment. The County Manager shall retain residency in the County for as long as the person is employed as the County Manager.

407. Departments of Government.

Within the executive branch there shall be departments, agencies, offices, or other bodies prescribed by this Charter or law.

408. County Attorney.

(a)

The County Attorney shall be the legal advisor and legislative draftsman for the Council. The County Attorney shall be a member in good standing of the Bar of the Court of Appeals of Maryland. The County Attorney shall have been actively engaged in the general practice of law in the State for at least five years prior to appointment. The County Attorney shall be appointed by the Council.

(b)

The Council may employ special legal counsel to work on problems of a special nature when the work to be done is of a character or magnitude requiring services in addition to those regularly provided by the County Attorney.

(c)

The County Attorney and assistant County attorneys shall not, while holding office, practice as attorneys before the Council or any department, agency, office, board, or commission of the County in any capacity other than in representing the interests of the Government.

409. Review of Administrative Structure.

By the year 2006 and at least every four years thereafter, the Council shall have made an evaluation of the organization, functions, powers, and duties of each department, agency, and office in the executive branch of the Government. The evaluation shall address the efficiency and effectiveness of programs, services, and administration.

Article 5.. Budget and Finance

501. Establishment of Position of Director of Finance.

The County Manager shall, with the approval of the Council, appoint one person, knowledgeable and experienced in financial matters, to serve as the Director of Finance of the County. The Director of Finance must take up and continue residence in the County within six months of appointment.

502. Duties of Director of Finance.

Under the direct supervision of the County Manager, the Director of Finance shall perform the following duties:

(1)

Keep a system of accounts;

(2)

Control appropriations and allotments;

(3)

Prepare monthly and annual financial statements;

(4)

Audit, prior to payment, any claims against the Government of whatever kind;

(5)

Deposit, invest, and have custody of all Government funds and bonds;

(6)

Prescribe accounting systems;

(7)

Prepare for bond sales and advise on debt management;

(8)

Administer tax sales;

(9)

Collect and bill for all revenues and receipts due the Government, to the extent such activities are not performed by any elected officer of the County;

(10)

Prepare the Budget when so directed by the Council; and

(11)

Perform other duties as may be directed by the County Manager, County Council, and/or prescribed by law or regulation.

503. Fiscal Year and Tax Year.

The fiscal or budget year and the tax year of the Government begins on the first day of July and ends on the thirtieth day of June of the succeeding year.

504. Preparation of the County Budget.

Not later than May 1 of each year, the Council shall prepare a proposed Budget for the ensuing fiscal year. The proposed Budget shall present a complete financial plan for the Government reflecting anticipated revenues from all sources, expenditures, and any surplus or deficit in the general or special funds of the Government. The proposed budget shall be reproduced and made available to the public.

505. Budget Message.

The budget message shall contain supporting summary tables and explain the proposed Current Expense Budget, the Current Revenue Budget, the Capital Budget, and the Capital Improvement Program both in terms of finances and of work to be done. It shall outline the proposed financial policies of the Government for the ensuing fiscal year and describe the important features of the proposed 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 the changes.

506. Public Budget Hearings.

Upon completion of the preparation of the proposed Budget, the Council shall cause to be published in at least one newspaper of general circulation in the County, a notice of the date, time and place of at least two public hearings on the Budget by the Council. No final budget action may be taken by the Council until after the public hearings have been held, and then only in open, public session. The Council may hold preliminary hearings on the Budget for purposes of obtaining information.

507. Action on the Budget by the Council.

(a)

After the public hearings, the Council may increase, decrease or delete any items in the Budget except those required by the laws of this State, and except any provisions for debt service on obligations then outstanding or for estimated cash deficits.

(b)

The adoption of the Budget shall be by the affirmative vote of not less than three members of the full Council in a law enacted not later than May 31 and to be known as the "Annual Budget and Appropriations Ordinance of Dorchester County".

508. Tax Levy and Balanced Budget.

After enacting the Annual Budget and Appropriations Ordinance, the Council shall levy the amount of taxes required by the Budget to ensure that the Budget is balanced so that proposed revenues equal proposed expenditures.

509. Borrowing Limitations.

(a)

Any borrowing to finance Government projects must be authorized by an existing enabling law of the General Assembly of Maryland or by an enabling law of the Council enacted separately from the Budget. Any enabling law of the Council enacted pursuant to this section shall be subject to the referendum provisions of this Charter.

(b)

Unless and until otherwise provided by legislative act of the Council, within limitations established by State law, the aggregate amount of bonds and other evidences of indebtedness outstanding at any one time shall not exceed 10 percent of the assessable base of the County. Debts which shall not be included in the computation of the percent limitation are:

(1)

Tax anticipation notes or other evidences of indebtedness having a maturity not in excess of 12 months;

(2)

Bonds or other evidences of indebtedness issued or guaranteed by the Government payable primarily from taxes levied in or on, or other revenues of, special taxing areas or districts established by law; and

(3)

Bonds or other evidences of indebtedness issued for self-liquidating and other projects payable primarily from the proceeds of assessments or charges for special benefits or services.

510. Transfer of Appropriations.

Transfer of appropriations within and between agencies of the Government may be authorized by the Council only during the last quarter of the fiscal year, but no new project may be created nor any abandoned except as provided in this Charter. This limitation shall not prevent the Council from providing by law for interfund cash borrowing to meet temporary cash requirements or to prevent reimbursement among funds for services rendered.

511. Supplementary Appropriations.

During any fiscal year, the Council may make additional or supplementary appropriations from unexpended or unencumbered funds set aside for contingencies in the Budget; revenues received from anticipated sources but in excess of their budget estimates; or revenues received from sources not anticipated in the Budget. No supplementary appropriation shall exceed the amount of funds available for contingencies.

512. Emergency Appropriations.

To meet an emergency declared pursuant to Section 305 of this Charter, the Council may make emergency appropriations from the sources provided in Section 511 of this Charter. To the extent unappropriated revenues are unavailable to meet the emergency, the Council by law may authorize the issuance of emergency notes, which may be renewed from time to time. Emergency notes and renewals issued pursuant to this section shall not be paid later than the last day of the next fiscal year succeeding that in which the emergency appropriation was made. The total emergency appropriations in any fiscal year shall not exceed five percent of all appropriations, including debt service, made in the Budget for the fiscal year.

513. Lapsed Appropriations.

Unless otherwise provided by law, all unexpended and unencumbered appropriations in the Current Expense Budget and/or Current Revenue Budget remaining at the end of the fiscal year shall revert into the treasury. No appropriation for a Capital Project in the Capital Budget may revert until the purpose for which the appropriation was made is accomplished or abandoned; but any Capital Project shall be considered abandoned if three fiscal years elapse without any expenditure from or encumbrance of the appropriation. The balances remaining to the credit of the completed or abandoned Capital Projects shall be available for appropriation in subsequent budgets.

514. Amendment to Capital Budget after Adoption of the Budget.

After a public hearing and an affirmative vote of at least three councilmembers, the Council may amend the Annual Budget and Appropriations Ordinance to provide funds for a Capital Project not previously appearing in the Capital Budget for the fiscal year. The amendment shall not increase the total amount of appropriations for the fiscal year, unless such increased appropriations shall be funded from revenues received in excess of those budgeted or from unanticipated revenues not previously budgeted in the Annual Budget and Appropriations Ordinance for the fiscal year.

515. Composition and Limitation upon County Funds.

(a)

All revenues and receipts from user fees; special services or benefit charges; special taxes or assessments imposed upon special taxing areas for special or particular services, purposes or benefits; funds held by the County as trustee or agent; or bond proceeds, shall be paid into and appropriated from special funds created therefor. All other revenues and receipts of the County from taxes, grants, State revenues and other receipts shall be paid into and appropriated from the general fund, which is the primary fund for the financing of current expenses for the conduct of Government business.

(b)

The Council, by the Annual Budget and Appropriations Ordinance, or by other legislative act, may provide for the establishment of working capital or revolving funds for the financing of central stores, equipment pools, or other services common to the agencies of the Government.

(c)

Notwithstanding other provisions of this section, the Council may establish a reserve fund for permanent public improvements. The Annual Budget and Appropriation Ordinance may dedicate cash surpluses, taxes, and other sources of revenue not otherwise appropriated to this reserve fund.

Article 6.. Miscellaneous Provisions

601. Charter Amendments.

This Charter may be amended by the procedures provided in Article XI-A of the Maryland Constitution.

602. Termination of Charter.

(a)

This Charter may be terminated, and the County returned to the County Commissioner form of government in effect prior to the adoption of this Charter, using the same procedures provided in Section 601 of this Charter.

(b)

Thirty days following the approval by the voters to terminate this Charter, the Charter shall stand terminated. The councilmembers then in office shall become the Board of County Commissioners for the County and shall remain in office until their successors are qualified following the next quadrennial election.

(c)

All laws, ordinances, and regulations in effect at the termination of this Charter shall remain in force until changed by the action of the General Assembly or the Board of County Commissioners, as provided by the Constitution of Maryland and the public general laws of this State.

603. Charter Review Commission.

(a)

A Charter Review Commission shall be appointed by the Council no later than three months following the Council's installation after the general election of 2010 and every 10 years thereafter, within three months following the Council's installation after the general election. The Commission may also be appointed at such other times as the Council, in its discretion, may determine. The Charter Review Commission shall be composed of seven registered voters of the County, including at least one member from each council district established pursuant to Section 204 of this Charter. The chair of the Commission shall be elected from and by the members of the Commission.

(b)

The Commission shall review the provisions of this Charter and make recommendations as to the necessity for deleting, adding, or amending its contents. The Commission shall receive an appropriation sufficient to carry out its duties and responsibilities. The members of the Commission shall not be entitled to compensation but shall be entitled to reimbursement for reasonable expenses.

(c)

The Commission shall make its report to the Council at a public hearing not later than May 1 of the year following its creation.

604. Bonding of Officers.

Officers of the Government who have possession of or control over any funds of the Government shall be bonded for the faithful performance of their duties in an amount as may be fixed and with sureties to be approved by the Council. Surety bond premiums shall be paid by the Government.

605. Independent Auditor.

The Council shall employ a certified public accountant to make annually an independent post audit of all financial records and actions of the Government, its offices, agents, and employees. The complete report of the audit shall be presented to the Council and copies of the complete report, including addendums, corrections to the report, and all correspondence relating to the audit, shall be made available to the public at a cost not to exceed the cost of reproduction.

Article 7.. Transitional Provisions

701. 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 by this Charter. Whenever the provisions of this Article are inconsistent with the previous provisions of this Charter, the provisions of this Article shall constitute exceptions to those previous Articles.

702. Effective Date of Charter.

This Charter shall become effective on the thirtieth calendar day following the adoption of this Charter.

703. Time Certain Articles Become Effective.

Except as expressly provided in this Article, all the provisions of Articles 1 through 7, inclusive, of this Charter shall be operative on the effective date of this Charter.

704. Existing Laws.

(a)

The public local laws of the County and all rules, regulations, resolutions, and ordinances enacted by the County Commissioners of the County in force at the time of the effective date of this Charter shall continue in full force until repealed or amended. To the extent that any of the public local laws of the County or rules, regulations, resolutions, or ordinances, or any parts thereof, are inconsistent with the provisions of this Charter, they are repealed.

(b)

The provisions of Article 66B of the Annotated Code of Maryland, as they relate to planning and zoning authority, stand adopted on the effective date of this Charter to the extent they are not repealed by the provisions of this Charter and shall remain in effect until repealed, amended, or superseded.

705. Reference in State Constitution and Laws to County Commissioners.

All references in the Constitution and laws of the State of Maryland to the Dorchester County Commissioners shall be construed, at such time as this Charter becomes effective, to refer to the Council whenever the construction would be reasonable.

706. Existing Officers and Employees.

(a)

All appointed officers and employees of the Government holding office at the effective date of this Charter, unless specifically abolished by this Charter, shall continue to be employed at their existing compensation, subject, however, to the provisions of any relevant personnel laws, rules or regulations.

(b)

Provisions relating to the qualifications for the appointed offices provided in this Charter shall become effective whenever vacancies occur in the appointed offices after the effective date of this Charter.

(c)

On the effective date of this Charter the position of County Administrator shall be titled the County Manager, and all the powers and responsibilities provided the County Manager in this Charter shall apply. On the effective date of this Charter, all references to the County Administrator in any law, ordinance, rule, or regulation shall be construed to refer to the County Manager whenever the construction would be reasonable.

(d)

On the effective date of this Charter the position of County Finance Officer shall be titled the Director of Finance, and all the powers and responsibilities provided the Director of Finance shall apply. On the effective date of this Charter, all references to the County Finance Officer in any law, ordinance, rule, or regulation shall be construed to refer to the Director of Finance whenever the construction would be reasonable.

707. Existing Members of Boards and Commissions.

The members of all boards and commissions holding office at the effective date of this Charter shall continue to hold the same or corresponding office until completion of their terms of office, unless removed in accordance with the provisions of this Charter.

708. Office of County Commissioner Abolished.

At the effective date of this Charter the Office of County Commissioner shall cease to exist in the County.

709. Composition of First Council.

The County Commissioners in office immediately prior to the effective date of this Charter shall become councilmembers at the effective date of this Charter. Together they shall exercise all of the powers provided to the Council under this Charter.

710. Term of Office for Members of the First Council.

The terms of office for members of the first Council shall commence on the effective date of this Charter and shall expire at such times as their successors, elected at the next quadrennial election as provided in this Charter, shall qualify for office.

711. Salaries of the First Councilmembers.

The salary provided to each of the County Commissioners immediately prior to the effective date of this Charter shall be the salary provided to each councilmember, respectively.

712. Office of the County Treasurer.

All powers and duties imposed by law upon the Treasurer of the County shall continue to be exercised and performed by the Treasurer until the first Tuesday in December 2006; thereafter the Office of the Treasurer shall stand abolished and all powers and duties of the Treasurer shall be performed by the Director of Finance. All references to the Treasurer in any law, ordinance, rule or regulation shall, after the abolition of the Office of Treasurer, be construed to refer to the Director of Finance whenever such construction would be reasonable.