

HOWARD COUNTY CHARTER

PREAMBLE

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

CHARTER OF HOWARD COUNTY

ARTICLE I. - NAME AND RIGHTS OF THE COUNTY

Section 101. - Body corporate and politic.

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

Section 102. - Exercise of powers.

The powers mentioned in the preceding section shall be exercised only by the County Council of Howard County, the County Executive and other agents, officers and employees of the County acting under their respective authorities or under such other authority as may be provided by this Charter or the laws of this State. In the exercise of such powers, the citizens of Howard County shall be accorded equal treatment in all matters under the jurisdiction of the County government.

Section 103. - Name and boundaries.

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

ARTICLE II. - THE LEGISLATIVE BRANCH

Section 201. - Composition.

The legislative branch of the County government shall consist of the County Council and the officers and employees thereof.

Section 202. - The County Council.

The legislative power of the County is vested in the County Council of Howard County which shall consist of five members who shall be elected from the Councilmanic Districts.

- (a) *Mode of election.* Each of the members of the Council shall be nominated and elected by the qualified voters of the Councilmanic District in which he or she resides. Each Councilmanic District shall elect one Council member.

(b) *Qualifications.*

1. In General. Each candidate for the council shall have resided in the County for a period of not less than two years immediately prior to nomination; shall be a registered voter; and shall be a resident of the Council District which the candidate seeks to represent at the time of filing for candidacy and during the full term of office; and shall not be less than twenty-five years of age at the time of election.

2. Other Offices or Employment. No person shall qualify or serve as a member of the council: while holding any other office of profit or trust of or under the State or County government; while employed by the County; or while employed by any agency, board, commission, unit or other entity which receives funds through the County budget. No member of the Council shall, during the whole term for which he or she was elected, be eligible for appointment to any County office or position or be eligible for employment by the County.

3. Forfeiture of Office. If a member of the Council ceases to be a qualified and registered voter of the County, moves his or her residence from the councilmanic district he or she was elected to represent, accepts any other office of profit or trust of or under the state or county government, becomes employed by the County or any other entity which receives funds through the County budget, or is convicted of any crime involving moral turpitude, he or she shall immediately forfeit his or her office.

(c) *Term of office.* Members of the Council shall qualify for office on the first Monday in December following their election, or as soon thereafter as practicable and shall enter upon the duties of their office immediately upon their qualification. They shall hold office for a term of four years commencing at the time of their qualification and continuing until their successors shall qualify. A person who has been elected to the County Council three times or who has been elected to the County Council twice and has been appointed to fill a Council vacancy and served two or more years of that term shall be ineligible to be a candidate for the County Council. In determining eligibility of a candidate pursuant to this subsection, no term or part of any term served prior to the election of November 6, 1990, shall be used in calculating the limitation on number of terms a Council member may serve.

(d) *Compensation and allowances.* Each member of the Council shall receive as compensation and allowances for the performance of public duties under this Charter the sum of not less than Seventy-eight Hundred Dollars (\$7,800.00) per annum and shall not accrue annual leave or be entitled to any payment in lieu thereof. The compensation and allowances shall be in full compensation for all services required by this Charter to be performed by the members of the Council, but shall not preclude reasonable and necessary expenses as may be provided in the budget. The County Council shall establish a Compensation Review Commission every four years to review the Council's compensation and allowances in accordance with the provisions of Article 25A Subsection 5(AA) of the Annotated Code of Maryland.

(e) *Vacancies.* Unless provision for filling a vacancy by special election has been established by ordinance, a vacancy occurring in the office of the Council member prior to the expiration of his or her term shall be filled by the Council within thirty days after the vacancy occurs by the appointment of a person whose name is to be submitted in writing to the Council by the State Central Committee of Howard County representing the political party to which the previous member belonged at the time of the member's most recent election. If a name is not submitted by the appropriate State Central Committee within twenty-five days after the vacancy occurs or if the previous incumbent was not a member of a political party at the time of the member's most recent election, then the vacancy shall be filled by a majority vote of the remaining members of the Council.

The member so appointed shall reside in the same Councilmanic District as his or her predecessor and shall possess and maintain the same qualifications as an elected Council member. The member so appointed shall serve the unexpired term of his or her predecessor.

(f) *Redistricting.*

1. Boundaries.

The Council shall appoint, by resolution, not later than April 1 of the year after each decennial census date, a Councilmanic Redistricting Commission. The Central Committee of each political party which polled at least twenty-five per centum of the total vote cast for all the candidates for the Office of County Executive in the last preceding general election shall nominate three persons to serve on the Commission. 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.

By October 15 of the year in which the Commission is appointed, the Commission shall prepare a plan of Councilmanic Districts and shall present that plan to the Council. Within thirty days after receiving the plan of the Commission, the Council shall hold a public hearing on the plan. If by March 15 of the year following submission of the plan, no ordinance re-establishing the boundaries of the Councilmanic Districts has been enacted, then the plan as submitted by the Commission shall become law. Any Councilmanic District established in accordance with this Article shall be compact, contiguous, substantially equal in population, and have common interest as a result of geography, history, or existing political boundaries. Any ordinance establishing Councilmanic Districts shall be exempt from referendum.

The Board of Supervisors of Elections shall take any necessary steps to implement any such revisions of the Councilmanic District Boundaries so adopted.

(g) *Planning and zoning.*

1. Any amendment, restatement or revision to the Howard County General Plan, the Howard County Zoning Regulations or Howard County Zoning Maps, other than a reclassification map amendment established under the "change and mistake" principle set out by the Maryland Court of Appeals, is declared to be a legislative act and may be passed only by the Howard County Council by original bill in accordance with the legislative procedure set forth in Section 209 of the Howard County Charter. Such an act shall be subject to executive veto and may be petitioned to referendum by the people of the county pursuant to Section 211 of the Charter.

Editor's note— An amendment to § 202 proposed by C.B. 5, 1974 was approved at an election held Nov. 7, 1974. An amendment proposed by C.B. 55, 1980 was approved at an election held Nov. 4, 1980, and became effective Dec. 4, 1980. The amendment proposed by Res. No. 119, 1982 was approved at an election held Nov. 2, 1982, and became effective Dec. 2, 1982. A further amendment proposed by petition was approved at an election held Nov. 6, 1984, and became effective Dec. 6, 1984. Amendments proposed by Res. Nos. 109—112, 1988 were approved at an election held Nov. 8, 1988, and became effective Dec. 8, 1988. An amendment to § 202(d) proposed by Res. No. 2, 1990 was approved at an election held Nov. 6, 1990, and became effective Dec. 6, 1990. An amendment to § 202(c), limiting the terms of the council, was proposed by petition and was approved at an election held Nov. 3, 1992, and became effective Dec. 3, 1992. An amendment to § 202(g), to provide that certain zoning plans, regulations, and maps be adopted as council bills, was proposed by petition of registered voters and was approved at an election held on Nov. 8, 1994, and became effective Dec. 8, 1994. An amendment to § 202(b) proposed by Res. No. 111, 1996 was approved at an election held on Nov. 5, 1996, and became effective Dec. 5, 1996. An amendment to § 202(f)1. proposed by Res. No. 112, 1996 was approved at an election held on Nov. 5, 1996, and became effective Dec. 5, 1996. An amendment to § 202(b)2., 3. proposed by Res. No. 126, 1996 was approved at an election held on

Nov. 5, 1996, and became effective Dec. 5, 1996. An amendment to § 202(e) proposed by Res. No. 74-2004 was approved at an election held on Nov. 2, 2004 and became effective on Dec. 2, 2004. An amendment to § 202(f) proposed by Res. No. 100, 2012 was approved at an election held on Nov. 6, 2012, and became effective on Dec. 6, 2012.

Section 203. - Officers.

- (a) *Presiding officer.* The Council at its first meeting in December of each year shall elect from its membership a Chairperson and Vice Chairperson. The Chairperson, or in his or her absence the Vice Chairperson, shall preside at all meetings. On all questions before the Council, the Chairperson and Vice Chairperson shall have and may exercise the vote to which each is entitled as a Council member.
- (b) *Other officers and duties.* The Council shall employ an Administrator, who shall keep minutes of all meetings and maintain its Journal. There may be such other officers of the Council as may be provided in its Rules of Procedure. Officers of the Council shall perform duties and functions not inconsistent with those assigned to the legislative branch by this Charter or the Rules of Procedure of the Council.

Editor's note— An amendment to § 203(b) proposed by Res. No. 125, 1996 was approved at an election held on Nov. 5, 1996, and became effective Dec. 5, 1996. An amendment to § 203(a) proposed by Res. No. 126, 1996 was approved at an election held on Nov. 5, 1996, and became effective Dec. 5, 1996.

Section 204. - Action by Council.

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

Section 205. - Enumerated powers not to be exclusive.

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

Section 206. - Limitation on exercise of Council's powers.

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

Section 207. - Legislative powers of Council.

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

Editor's note— An amendment to § 207 proposed by Res. No. 136, 1982 was approved at an election held Nov. 2, 1982, and became effective Dec. 2, 1982.

Section 208. - Sessions of the County Council; quorum; rules of procedure.

- (a) *Total session days.* The Council may sit up to forty-five days in each year for the purpose of enacting legislation.
- (b) *Legislative sessions.* The Council shall meet for the purpose of enacting legislation on the first Monday of each month and on such additional days as it may provide by resolution from time to time, provided, however:
 - (1) In the event that a legislative session should fall on a holiday, the said session-day shall be held on the next succeeding day which is not a holiday.
 - (2) There shall be no legislative session in August, except for an emergency legislative session, unless the council provides by resolution for a session in August.
 - (3) At a session prior to any scheduled session, the council may determine by a two-thirds (2/3) vote not to sit at any regularly scheduled session.
 - (4) During a councilmanic election year, no legislative session, except for an emergency legislative session, shall be held during the month of November nor during the month of December until majority of members of the council has qualified.
- (c) *Non-legislative sessions.* The Council may sit in non-legislative sessions at such other times and places as it may determine. In such sessions the Council may review the County budget as proposed by the County Executive, conduct public hearings and perform such additional functions as by charter or law are properly exercisable by it, other than enacting legislation.
- (d) *Emergency sessions.* The Council may be called into emergency session for the purpose of introducing and enacting emergency legislation either by the County Executive or by a majority of members of the Council.
- (e) *Quorum.* A majority of the members of the Council shall constitute a quorum for the transaction of business, except that for emergency sessions two-thirds of the members of the Council shall be required.
- (f) *Rules of procedure.* The Council shall adopt and publish such rules of procedure as it determines are desirable for its efficient operation.
- (g) *Public meetings.* Unless otherwise provided by law, all sessions and meetings of the Council shall be open to the public.
- (h) *Journal.* The Council shall provide for the keeping of a Journal which shall be available to the public in electronic form at any time.

Editor's note— An amendment to § 208 proposed by C.B. 56, 1980 was approved at an election held Nov. 4, 1980, and became effective Dec. 4, 1980. An amendment proposed by Res. No. 120, 1982 was approved at an election held Nov. 2, 1982, and became effective Dec. 2, 1982. An amendment to § 208(b)(1)—(4) proposed by Res. No. 129, 1994 was approved at an election held Nov. 8, 1994, and became effective Dec. 8, 1994. An amendment to § 208(h) proposed by Res. No. 101, 2012 was approved at an election held on Nov. 6, 2012, and became effective on Dec. 6, 2012.

Section 209. - Legislative procedure.

- (a) *Enacting clause.* The style of the enacting clause for all laws of the Council shall be: "Be it enacted by the County Council of Howard County, Maryland." All laws shall be passed by original bill.
- (b) *Titles.* Each law enacted by the Council shall embrace but one subject and that subject shall be described in its title; and no law or section of law shall be revised or amended by reference to its title or section only.
- (c) *Procedure for passage of laws.* A proposed law may be introduced by bill by any member of the Council during any legislative session of the Council; provided, however, that the Council may reject any proposed law on its

introduction by a vote of two-thirds of its members. Every copy of each bill shall bear the name of the member or members of the Council introducing and co-sponsoring it and the date it was introduced for the consideration of the Council.

Not later than the next calendar day following the introduction of a bill, the Chairperson of the Council shall schedule a public hearing thereon.

Within twenty-four hours after the introduction of any bill, a copy thereof and notice of the time and place of the hearing shall be posted by the Administrator of the Council on an official bulletin board to be maintained in a public place by the Council. Such public hearing shall commence not less than ten calendar days after its introduction. The hearing may, but need not be, held during a legislative session and may be recessed from time to time.

The title of each bill and the time and place of the hearing thereon shall be published once a week for two successive weeks in at least one newspaper of general circulation in the County, and in at least one electronic medium readily available to the public.

After the public hearing, as herein provided, a bill shall be finally passed during a legislative session, with or without amendment. If a bill is amended before it is passed and the amendment constitutes a change of substance, as determined by the affirmative vote of a majority of the Council, the bill shall not be passed until the title of the bill has been rewritten to reflect the substance of the amendment, a date for a public hearing is scheduled thereon and the revised title published in at least one newspaper of general circulation in the County, and in at least one electronic medium readily available to the public, setting forth the time and place of the hearing to be held thereon.

The title of each enacted bill shall be published once in at least one newspaper of general circulation in the County, and in at least one electronic medium readily available to the public.

A public hearing shall be held on all resolutions of confirmation of executive and Council appointments to all boards and commissions and in no event shall such resolution of confirmation be adopted less than twenty-five days after its introduction.

- (d) *Procedure for passage of emergency laws.* To meet an immediate emergency affecting the public health, safety, or welfare, the Council may pass emergency bills. Every emergency bill shall be plainly designated as such, and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the claimed emergency in clear and specific terms. The term "emergency bill" shall not include any measure creating or abolishing any office; changing the compensation, term, or duty of any officer; granting any franchise or special privilege; or creating any vested right or interest.

Upon the introduction of an emergency bill, the Chairperson of the Council shall schedule a public hearing which shall take place not less than thirty-six hours after its introduction. The Administrator of the Council shall, within twelve hours after its introduction, post a copy thereof and notice of time and place of the hearing upon an official bulletin board to be maintained by the Council in a public place, and in at least one electronic medium readily available to the public.

In accordance with State law, the validity of emergency legislation shall not be affected if passed prior to the completion of advertising thereof. An emergency bill may be passed during any legislative session by an affirmative vote of two-thirds of the members of the Council. The effective date of all emergency bills shall be the date of their enactment.

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

- (f) *Effective date of laws.* Except as otherwise provided in this Charter, all laws shall take effect sixty-one days after t enactment. The County Council may, by the affirmative vote of two-thirds of its members, pass legislation to be e later date.
- (g) *Executive veto.* Upon the passage of any legislation by the Council, with the exception of such measures as may in this Charter be made expressly exempt from the executive veto, the same shall be presented within three calendar days to the County Executive for his or her approval or disapproval, and within ten calendar days after such presentation the County Executive shall return any such legislation to the Council with his or her approval endorsed thereon or with a statement in writing of his or her 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 or her veto may be reconsidered by the Council. The County Executive's objections shall be entered upon the Journal of the Council, and not later than at its next legislative session, the Council may reconsider the enactment thereof; and if two-thirds of the members of the Council vote in the affirmative, the legislation shall stand enacted. Whenever the County Executive shall fail to return any such legislation within ten days after the date of its presentation to him or her, the Administrator of the Council shall forthwith record the fact of such failure in the Journal and such legislative act shall thereupon stand enacted. The County Executive may strike out or reduce any item in a supplementary appropriation bill and the procedure in such a case shall be the same as in the case of the veto of a bill by the County Executive.
- (h) *Failure of bills.*
- (1) Subject to paragraph (2) of this subsection, any bill not passed within seventy calendar days after its introduction shall fail, unless, by affirmative vote of two-thirds of the members, the Council shall extend the deadline for another thirty-five days. The Council may approve a maximum of two such extensions for each bill.
- (2) (i) The deadline provided under paragraph (1) of this subsection is extended:
1. To the next business day if the deadline falls on a Saturday, Sunday, or holiday on which the Council does not meet; and
 2. To the end of a rescheduled legislative session if a legislative session that was scheduled to occur on or before the deadline is postponed because of inclement weather or emergency conditions.
- (ii) The deadline is the end of a legislative session that begins on the last day of the period specified in paragraph (1) of this subsection or any extension of the period.

Editor's note— An amendment to § 209 proposed by C.B. 57, 1980 was approved at an election held Nov. 4, 1980, and became effective Dec. 4, 1980. Amendments proposed by Res. Nos. 121, 122 were approved at an election held Nov. 4, 1980, and became effective Dec. 2, 1982. An amendment proposed by Res. No. 114, 1988 was approved at an election held Nov. 8, 1988, and became effective Dec. 8, 1988. An amendment to subsection (f) proposed by Res. No. 114, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996. An amendment to subsections (c), (d), and (g) proposed by Res. No. 125, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996. An amendment to subsections (c), (d), and (g) proposed by Res. No. 126, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996. An amendment to § 209(c), (d) proposed by Res. No. 101, 2012 was approved at an election held on Nov. 6, 2012, and became effective on Dec. 6, 2012. An amendment to subsection (h) proposed by Res. No. 88, 2014 was approved at an election held Nov. 4, 2014, and became effective Dec. 4, 2014. An amendment to subsection (h) proposed by Res. No. 8, 2018 was approved at an election held Nov. 6, 2018, and became effective Dec. 6, 2018.

- (a) *Recording of laws.* All laws enacted shall be authenticated by the signature of the Administrator of the Council and recorded in full in a properly indexed book kept for the purpose.
- (b) *Printing and publication of laws.* The Council shall cause each ordinance, resolution, rule and regulation having the force and effect of law and each amendment to this Charter to be printed promptly following its enactment and they shall receive such publication as may from time to time be required by law. The rules, regulations, ordinances, resolutions and Charter amendments shall be made available to the public at reasonable prices to be fixed by the Council, and in at least one electronic medium readily available to the public.
- (c) *Compilation of laws.* At intervals not greater than every ten years, the Council shall provide for a compilation and codification of all public local laws of the County; all rules, regulations, resolutions and ordinances having the force and effect of law theretofore issued or approved by the County Commissioners; and all rules, regulations, resolutions and ordinances of the Council in effect at such times other than those of a temporary or special character. Each such codification shall be submitted to the Council, and if legalized by law, shall be known as "The Howard County Code." It shall be published, together with an index and such appropriate notes, citations, annotations and appendices as may be determined by the Council and the Office of Law.
- (d) *Cumulative supplement.* The County Solicitor shall cause to be prepared and published a cumulative supplement to The Howard County Code, with an index and such appropriate notes, citations, annotations and appendices as he or she may deem desirable or as may be required by the Council.

Editor's note— An amendment to § 210 proposed by Res. No. 135, 1982, was approved at an election held Nov. 2, 1982, and became effective Dec. 2, 1982. An amendment to § 210(a) proposed by Res. No. 125, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996. An amendment to § 210(d) proposed by Res. No. 126, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996. An amendment to § 210(b) proposed by Res. No. 101, 2012 was approved at an election held on Nov. 6, 2012, and became effective on Dec. 6, 2012.

Section 211. - The referendum.

- (a) *Scope of the referendum.* The people of Howard County reserve to themselves the power known as "The Referendum," by petition to have submitted to the registered voters of the County to approve or reject at the polls, any law or a part of any law of the Council. The referendum petition against any such law shall be sufficient if signed by five per centum of the 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 Howard County within sixty days after the law is enacted. If such a petition is filed as aforesaid, the law or part thereof to be referred shall not take effect until thirty days after its approval by a majority of the qualified voters of the County voting thereon at the next ensuing election held for members of the House of Representatives of the United States; provided, however, that if more than one-half but less than the full number of signatures required to complete any referendum petition against such law be filed within sixty days from the date it is enacted, the time for the law to take effect and the time for filing the remainder of signatures to complete the petition shall be extended for an additional thirty days. Any emergency measure shall remain in force from the date it becomes law notwithstanding the filing of such petition, but shall stand repealed thirty days after having been rejected by a majority of the qualified voters voting thereon. No law making any appropriation for current expenses shall be subject to rejection or repeal under this section.
- (b) *Form of petition.* A petition may consist of several papers, but each paper shall contain a fair summary of the Act or the part of the Act petitioned upon; and there shall be attached to each such paper an affidavit of the

person procuring the signatures thereon that, to the said person's own personal knowledge, each signature thereon is genuine and bona fide, and that to the best of his or her knowledge, information and belief the signers are registered voters of the State of Maryland and Howard County, as set opposite their names. The Board of Supervisors of Elections shall verify the registration of said petitioners.

Editor's note— An amendment to § 211(b) proposed by Res. No. 126, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996. An amendment to § 211(a) proposed by Res. No. 103, 2012 was approved at an election held on Nov. 6, 2012, and became effective on Dec. 6, 2012.

Section 212. - County Auditor.

The Council shall, by resolution, appoint a County Auditor who shall hold office for an indefinite term at the pleasure of the Council and shall receive such compensation as the Council may determine. The County Auditor shall be a certified public accountant licensed for the practice of his or her profession under the laws of this State, and shall be appointed on the basis of his or her knowledge of governmental accounting and auditing and his or her experience pertaining to the duties of his or her office. The County Auditor shall, not later than November 30 of each year, prepare and submit to the Council and to the County Executive, a complete financial audit for the preceding fiscal year of all offices, departments, institutions, boards, commissions, corporations, courts and other agencies of the County government. The Council may in its discretion except those agencies whose entire records, accounts and affairs are completely audited each year with the approval of or by the State government. Such audit shall include a report thereon together with such explanatory comments as the Auditor may deem appropriate. Notice of the availability of the report shall be published in at least one newspaper of general circulation in the County, and copies of the complete audit shall be available to the public and the press in the County Auditor's office and at the public libraries. In addition to any financial audit required by this section, the County Auditor shall have the authority to conduct other financial or management audits. All records and files maintained by all officers, agents and employees of the County and all offices, departments, institutions, boards, commissions, courts and corporations and other agencies thereof, shall at all times be open to the inspection of the County Auditor where necessary for the conduct of his or her office. The County Auditor shall promptly call to the attention of the Council and the County Executive any irregularity or improper procedure which he or she may, from time to time, discover. The Council shall have the power to implement the provisions of this section and to assign additional functions, duties and personnel to the County Auditor not inconsistent with those provided herein. All actions of the Council pursuant to this section shall be exempt from the executive veto.

Editor's note— An amendment to § 212 proposed by Res. No. 123, 1982 was approved at an election held Nov. 2, 1982, and became effective Dec. 2, 1982. An amendment proposed by Res. No. 115, 1988 was approved at an election held Nov. 8, 1988, and became effective Dec. 8, 1988. An amendment proposed by Res. No. 126, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996. An amendment proposed by Res. No. 123, 2005 was approved at an election held on Nov. 7, 2006, and became effective Dec. 7, 2006.

Section 213. - Special audits.

Either the Council or the County Executive may at any time order the examination or audit of the accounts of any department, office or agency receiving funds from the County government. Upon the death, resignation, removal or expiration of the term of any County administrative officers, the County Auditor shall cause an audit and investigation of the accounts maintained by the officer, and by his or her department, office or agency, to be made. The County Auditor shall report the results of his audit to the County Executive and the Council, and copies shall be made available to the public and press no later than four months after the ordering of the audit. If, as a result of any such audit, an officer shall be found to be indebted to the County, the County Executive shall proceed forthwith to collect the indebtedness. All actions of the Council pursuant to this section shall be exempt from the executive veto.

Editor's note— An amendment proposed by Res. No. 126, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996.

Section 214. - Investigation by the Council.

The Council may make, or cause to be made, investigations into the affairs of the County and the conduct of any County department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. It shall be deemed a misdemeanor for any person to fail or refuse to obey a lawful order issued in the exercise of these powers by the Council and upon conviction thereof shall be punishable by fine of not more than \$1,000.00, or by imprisonment for not more than thirty days, or both.

Editor's note— An amendment proposed by Res. No. 115, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996.

Section 215. - Noninterference with executive branch.

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

Editor's note— An amendment proposed by Res. No. 126, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996.

Section 216. - Special assistance.

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

Section 217. - [Arbitration legislation authorized.]

The County Council is authorized to adopt legislation providing for a system of arbitration to resolve negotiation disputes between unions, who are the exclusive representative of police and firefighters, and the County Executive on all matters concerning wages, hours and other terms and conditions of employment which are subject to collective bargaining negotiation in accordance with the Howard County Code. Any law so enacted shall prohibit strikes or work stoppages by police officers and firefighters. Any award made pursuant to arbitration legislation adopted by the Council shall be binding on the County Executive, provided that the award is final no later than three weeks prior to submission of the current expense budget in accordance with Section 603 of this Charter.

Editor's note— The addition of Section 217 to the Charter was approved by the voters at an election held on Nov. 7, 2006.

ARTICLE III. - THE EXECUTIVE BRANCH

Section 301. - Composition.

The Executive Branch of the County government shall consist of the County Executive and all officers, agents and employees under his supervision and authority.

Section 302. - The County Executive.

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

- (a) *Mode of election.* The Executive shall be nominated and elected by the qualified voters of the County as provided by law.
- (b) *Qualifications.*

1. In General. The Executive shall be a resident of the County for a period of not less than five years immediately prior to election and a registered voter at the time of filing for candidacy and shall be not less than thirty years of age at the time of his or her election.

2. Other Offices. No person shall qualify or serve as Executive while holding any other office of profit or trust of or under State, County or Federal government; while employed by the County; or while employed by any agency, board, commission, unit or other entity which receives funds through the County budget. No Executive shall, during the whole term for which he or she was elected, be eligible for appointment to any County office or position or be eligible for employment by the County.

3. Forfeiture of office. If an Executive ceases to be a registered voter of the County or is convicted of any crime involving moral turpitude, he or she shall immediately forfeit his or her office.

- (c) *Term of office.* The Executive shall qualify for the office on the first Monday in December following his or her election, or as soon thereafter as practicable and shall enter upon the duties of his or her office immediately. The County Executive shall hold office for a term of four years commencing at the time of his or her qualification and continuing until his or her successor shall qualify. No person shall be eligible to succeed himself or herself in office if he or she has served as Executive for two consecutive four-year terms.
- (d) *Compensation and allowances.* Subject to the provisions of Section 302(e) of this Article, the Executive shall receive Eighteen Thousand Dollars (\$18,000.00) annually as compensation and allowances and shall not accrue annual leave or be entitled to any payment in lieu thereof.
- (e) *Change in compensation and allowances.* The Compensation Review Commission established pursuant to Section 202(d) of this Charter shall review the Executive's compensation and allowances and make recommendations to the Council. The Council shall have the power to increase the compensation and allowances provided in this Charter for the Executive by the affirmative vote of not less than a majority of its members. To reduce the Executive's compensation and allowances the affirmative vote of not less than two-thirds of the Council members is required. In no event shall such compensation be reduced by a figure lower than that provided in this Charter except by amendment thereto. The compensation and allowances of the Executive shall not be increased or reduced during his or her current term.
- (f) *Vacancy.* Whenever for any cause the office of the Executive shall become vacant, the Chief Administrative Officer shall serve as acting Executive until a new Executive shall be appointed. The office of County Executive shall be filled by resolution within thirty days by the affirmative vote of a majority of the members of the

Council. The person so elected by the Council shall possess the same qualifications for the office as provided in Section 302(b), shall belong to the same political party as his or her predecessor at the time of the Executive's most recent election (unless his or her predecessor was not a member of a political party) and shall serve the unexpired term of his or her predecessor and until his or her successor shall qualify.

- (g) *Temporary absence or disability.* The Executive shall within thirty days upon taking office, designate in writing the Chief Administrative Officer or other appointive officer to perform the duties of the Executive during the latter's temporary inability to perform by reason of absence from the County or disability. Such designation shall be filed with the Administrator of the Council. Any such designation may be revoked by the Executive at any time by filing a new designation with the Administrator of the Council. An Acting Executive shall have the same rights, duties, powers and obligations as an elected incumbent in said office except the power of veto.
- (h) *Inability to perform duties.* If an Executive is unable to perform the duties and responsibilities of his or her office as set forth in Section 302(i) of this Article for a continuous period of six months, his or her office may be declared vacant by the affirmative vote of not less than two-thirds of the members of the Council and such vacancy shall thereupon be filled in the manner above provided in Section 302(f) of this Article.
- (i) *Powers and duties.* The Executive shall be responsible for the proper and efficient administration of such affairs of the County as are placed in his charge or under his jurisdiction and control under this Charter or by law. His express responsibilities, duties and powers shall include, but not be limited to, the following:
1. To supervise, direct and control the offices and departments of the County Government, subject to law and the provisions of this Charter;
 2. To present to the Council the annual County budget in the manner and form hereinafter in this Charter provided;
 3. To report to the Council and the public at least once a year a general statement of finances, government and affairs of the County, with a summary statement of the activities of the several departments and offices thereof;
 4. To present to the Council from time to time such other information concerning the business and affairs of the County as he or she may deem necessary, or as the Council by resolution may request, and to recommend such measures for legislative action as he or she may deem to be in the best interest of the County;
 5. To see that the County officers, boards, agencies, commissions, departments and employees faithfully perform their duties;
 6. To see that the laws of the State pertaining to the affairs, good order and government of the County, and the acts, resolutions, ordinances and public local laws of the County are duly executed and enforced within the County;
 7. To make or cause to be made any study or investigation which in his or her 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 or her jurisdiction;
 8. To veto, in his or her discretion, legislative acts of the Council, in the manner, at the times and subject to the limitations provided in Article II, Section 209(g) of this Charter;
 9. To appoint, subject to confirmation by the affirmative vote of a majority of the members of the Council, the County Solicitor;
 10. To appoint the Chief Administrative Officer and the heads of all offices and departments which are subject to his or her supervision and control under this Charter or by law;

11. Unless otherwise specified in this Charter, to appoint the members of all boards, commissions, authorities and agencies created in or pursuant to this Charter or by law;
12. To sign or cause to be signed on the County's behalf all deeds, contracts and other instruments, including those which prior to the adoption of this Charter required the signature of the Chairperson or any member of the Board of County Commissioners, and to affix the County Seal thereto;
13. Except as otherwise expressly provided in this Charter, to issue, or cause to be issued, all executive orders, directives, licenses and permits, including those which prior to the adoption of this Charter, were issued or granted by the County Commissioners;
14. To prepare and issue, or cause to be prepared and issued, rules and regulations of the character which prior to the adoption of this Charter were prepared or issued by the County Commissioners, provided that before taking effect, all such rules and regulations, other than those concerned exclusively with the internal operating procedure of the executive branch of the County government, shall be approved by the Council;
15. To perform such other executive duties as may be prescribed by this Charter or required by ordinance or resolution of the Council or as may be necessarily implied from the powers and duties herein specified.

Editor's note— Amendments to § 302 proposed by Res. Nos. 119, 1982 and 135, 1982 were approved at an election held Nov. 2, 1982, and became effective Dec. 2, 1982. Amendments proposed by Res. Nos. 111, 116—118, 1988 were approved at an election held Nov. 8, 1988, and became effective Dec. 8, 1988. An amendment to subsections (d) and (e) proposed by Res. No. 2, 1990 was approved at an election held Nov. 6, 1990, and became effective Dec. 6, 1990. An amendment to subsections (f), (g), and (i) 10., proposed by Res. No. 125, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996. An amendment to subsections (b), (c), (f), (h), (i) 4., 7., 8., 10., and 12. proposed by Res. No. 126, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996.

Section 303. - Term and compensation of officers and employees in the executive branch.

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

Section 304. - Temporary appointments.

- (a) *Chief Administrative Officer.* During the temporary absence of the Chief Administrative Officer, or if the office of Chief Administrative Officer shall become vacant, the Executive shall appoint an Acting Chief Administrative Officer pending, in the case of a vacancy, the appointment of a successor. In his or her capacity as Acting Chief Administrative Officer, the appointee need not possess, but the successor shall possess, all those qualifications hereinabove in this Article specified for an original appointee.
- (b) *Other officers.* The Executive, in the case of a vacancy or temporary absence, may designate any person to serve as acting head of any office or department in the executive branch until the appointment of a successor. Unless at the time of such appointment the temporary appointee is a subordinate officer in the office or department to which he or she is designated as acting head, he or she shall possess all the qualifications for the office specified in Article IV of this Charter for an original appointee.

- (c) *Limitation on term of temporary appointees.* No person shall serve as Acting Chief Administrative Officer or act in any office or department for a period longer than sixty days, provided, however, such limit may be extended an a four months by resolution of the Council.

Editor's note— An amendment to subsections (a) and (c) proposed by Res. No. 125, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996. An amendment to subsections (a) and (b) proposed by Res. No. 126, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996.

Section 305. - Organization staffing.

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

ARTICLE IV. - OFFICES, DEPARTMENTS, AND BOARDS

Section 401. - General supervision.

Except as otherwise provided by law, the offices and departments of the County government shall be subject to the supervision and control of the Executive, who shall be responsible for their efficient operation and management.

Editor's note— Section 401 reflects an amendment proposed by C.B. 62, 1980, approved at an election held Nov. 4, 1980, and effective Dec. 4, 1980.

Section 402. - Executive Branch departments and additional offices and departments.

- (a) *Departments of the Executive Branch.* In the Executive Branch there shall be a Chief Administrative Officer and such other officers and departments, agencies, offices, boards or other bodies as prescribed by this Charter or by law. The Chief Administrative Officer shall perform such duties as the County Executive may direct, or as may be prescribed by law.
- (b) *Other officers and departments, agencies, offices and boards.* All other officers and departments, agencies, offices, boards or other bodies shall be created, or existing officers and departments, agencies, offices, boards or other bodies deleted, by legislative act of the Council, or by an executive reorganization plan adopted pursuant to Sections 403 and 404 of this Charter. The Office of Law is not subject to executive reorganization.

Editor's note— Section 402 reflects an amendment proposed by C.B. 62, 1980, approved at an election held Nov. 4, 1980, and effective Dec. 4, 1980. An amendment to subsection (a) proposed by Res. No. 125, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996.

Section 403. - Reorganization of the Executive Branch.

- (a) The County Executive may deem reorganization within the Executive Branch to be in the best interest of efficient government. In that event, the County Executive shall prepare a reorganization plan. Accompanying each reorganization plan shall be a detailed explanation of the reasons for reorganization and an evaluation of the financial impacts. For purposes of this Section, "reorganization" shall mean any change which prescribes, alters or defines functions and responsibilities and allocates, reallocates, expands or deletes powers of various departments, agencies, boards and other bodies of the Executive Branch.

- (b) The Executive Reorganization Plan shall be submitted to the Council at least one hundred and twenty (120) days | submission of the current expense budget within which the reorganization is proposed for funding. Within sixty (such submission the Council shall introduce the plan in the form of a bill.
- (c) *Reorganization of departments under State law.* If the General Assembly shall at any time transfer to the voters of the County or to the Council jurisdiction or control over the affairs of any of the departments of the County government by law or by this Charter, then to the extent of such transfer, the Council may by legislative act provide for the reorganization of such departments and the administration of their affairs within the Executive Branch under County law.

Editor's note— Section 403 reflects an amendment, proposed by C.B. 62, 1980, approved at an election held Nov. 4, 1980, and effective Dec. 4, 1980, which repealed § 421 and reenacted it with amendment as § 403. Former § 403 is now included as § 1103. An amendment proposed by Res. No. 119, 1988 was approved at an election held Nov. 8, 1988, and became effective Dec. 8, 1988.

Section 404. - Citizen boards.

- (a) Citizen boards appropriate to the functions of the Executive and the Legislative branches of government shall be established by law, and the members shall be appointed by the County Executive with confirmation by the County Council. The boards may conduct studies and reviews, advise and recommend, and assume other functions as defined by law. Each board, other than those boards provided by Sections 501, 703 and 902 hereof, shall consist of at least five residents of Howard County who shall serve for overlapping terms of five years, or until a successor is confirmed. Board members shall receive no compensation for their services except reasonable and necessary expenses as may be provided in the budget. No member shall be reappointed after having served eight consecutive years immediately before reappointment.
- (b) Vacancies shall be filled in the same manner as the original appointment or for the unexpired term.

Editor's note— An amendment to § 404, proposed by C.B. 62, 1980, approved at an election held Nov. 4, 1980, and effective Dec. 4, 1980, enacted a new § 404. An amendment proposed by C.B. 64, 1980 amended § 404 and renumbered the section as § 405. An amendment proposed by Res. No. 120, 1988 was approved at an election held Nov. 8, 1988, and became effective Dec. 8, 1988.

Section 405. - The Office of Law.

- (a) *The County Solicitor.* The Office of Law shall be administered by the County Solicitor, who shall be a member in good standing of the Bar of the Maryland Court of Appeals for five years and shall have been actively engaged in the general practice of his or her profession in the State of Maryland for at least five years immediately prior to his or her appointment. The County Solicitor shall have been a resident of Howard County for at least the two years immediately preceding his or her appointment and shall continue to reside in the County for the duration of his or her term of office.
- (b) *Powers and duties.* The County Solicitor shall be the legal advisor of the County and of its several offices, departments, boards, commissions and other agencies. Except as otherwise provided in this Charter, no office, department, board, commission, agency or branch of the County government which receives County funds shall have any authority or power to employ or retain any legal counsel other than the County Solicitor. The County Solicitor shall also be the legal advisor and legislative drafter for the Council, unless the Council shall specify otherwise by resolution. The County Solicitor shall give advice and opinions upon any legal questions affecting the interests of the County which are submitted to him or her:
 - (1) By written request of a County Council member;

- (2) By written request of the Executive;
- (3) By written request, approved by the Executive, of the head of any office or department in the executive branch; or
- (4) By written request of any board, commission or agency.

All deeds, bonds, contracts, releases, agreements, advertisement bids, and other legal papers, documents and instructions involving the interests of the County to be executed and approved by any officer of the County shall be submitted to the County Solicitor and shall be approved by him or her as to their form and legal sufficiency in compliance with the laws and conditions under which executed. The County Solicitor shall have the right of access at all times to the official records of any office, department, board, commission or agency of the County. The County solicitor shall have such additional legal duties as may be prescribed by directive of the Executive or by legislative act of the Council not inconsistent with this Charter.

- (c) *Assistants to the County Solicitor.* The County Solicitor with the approval of the Executive may appoint, subject to the provisions of Article VII of this Charter, such assistants to serve as members of the legal staff as may be required for proper performance of the duties of the Office of Law.
- (d) *Other legal assistance.* Nothing in this Charter shall be construed as preventing the Executive 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 Office of Law.
- (e) *Prohibitions.* Neither the County Solicitor nor any assistant in the Solicitor's office may at any time, while holding such office, practice as an attorney before the Council or any office, department, board, commission or agency of the County in any capacity other than representing the County's interests.
- (f) *Term of office for the County Solicitor.* The County Solicitor shall serve at the pleasure of the Executive and the Council for a term concurrent with the term of the Executive. The County Solicitor may be removed from office during his or her term by either:
 - (i) The Executive with the consent of a majority of the Council; or
 - (ii) A two-thirds vote of the entire Council.

If the County Solicitor ceases to meet the qualifications set forth in Section 405(a) of this Charter, or is convicted of any crime involving moral turpitude, he or she shall immediately forfeit his or her office.

Editor's note— An amendment proposed by C.B. 64, 1980, approved at an election held Nov. 4, 1980, and effective Dec. 4, 1980, amended § 404 and redesignated it as § 405. An amendment proposed by C.B. 62, 1980, approved at the same election, redesignated § 405 as § 1104. An amendment to subsections (a), (b), and (f) proposed by Res. No. 126, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996.

Section 406. - Reserved.

Editor's note— An amendment proposed by C.B. 62, 1980, approved at an election held Nov. 4, 1980, and effective Dec. 4, 1980, repealed § 406 and reenacted it with amendment as § 1105.

Section 407. - Reserved.

Editor's note— An amendment proposed by C.B. 62, 1980, approved at an election held Nov. 4, 1980, and effective Dec. 4, 1980, repealed § 407 and reenacted it with amendment as § 1106.

Section 408. - Reserved.

Editor's note— An amendment proposed by C.B. 62, 1980, approved at an election held Nov. 4, 1980, and effective Dec. 4, 1980, repealed § 408, relating to the Office of Civil Defense.

Section 409. - Reserved.

Editor's note— An amendment proposed by C.B. 62, 1980, approved at an election held Nov. 4, 1980, and effective Dec. 4, 1980, repealed § 409, relating to the Assessment Office.

Sections 410—421. - Reserved.

Editor's note— An amendment proposed by C.B. 62, 1980, approved at an election held Nov. 4, 1980, and effective Dec. 4, 1980, effected the following changes in §§ 410—421:

Section 410 was repealed and reenacted as § 1107; § 411 was repealed and reenacted with amendment as § 1108; § 412 was repealed and reenacted as § 1109; § 413 was repealed and reenacted with amendment as § 1110; § 414 was repealed and reenacted with amendment as § 1111; § 415 was repealed and reenacted with amendment as § 1112; § 416 was repealed and reenacted as § 1113; § 417, relating to the Board of Education, was repealed; § 418, relating to the Department of Libraries, was repealed; § 419, relating to the Department of Health, was repealed; § 420, relating to the Department of Welfare, was repealed; and § 421 was repealed and reenacted as § 403.

ARTICLE V. - BOARD OF APPEALS

Section 501. - The County Board of Appeals.

- (a) *Appointment; term; compensation.* The County Board of Appeals shall consist of five registered voters and residents of the County appointed by the Council. Appointees shall serve overlapping terms of five years from the first day of January of the year of their appointments, or until their successors are appointed. Vacancies, except those at the expiration of a term, shall be filled in the same manner as the original appointment and for the unexpired term. No member shall be reappointed after having served eight consecutive years immediately prior to reappointment. No more than three members shall be registered with the same political party. The members of the Board shall be paid at the rate of Twelve Hundred Dollars (\$1,200.00) per year unless such compensation be changed as provided in Section 501(f) of this article. Members of the Board shall receive reasonable and necessary expenses as may be provided in the budget.
- (b) *Powers and functions.* The Board of Appeals may exercise the functions and powers relating to the hearing and deciding, either originally or on appeal or review, of such matters as are or may be set forth in Article 25A, Section 5(u) of the Annotated Code of Maryland, excluding those matters affecting the adopting of or change in the general plan, zoning map, rules, regulations or ordinances.
- (c) *Rules of practice and procedure.* The Board of Appeals shall have authority to adopt and amend rules of practice governing its proceedings which shall have the force and effect of law when approved by legislative act of the Council. Such rules of practice and procedures shall not be inconsistent with the Administrative Procedure Act of the Annotated Code of Maryland. The rules may relate to filing fees, meetings and hearings of the Board, the manner in which its Chairperson shall be selected and the terms which he shall serve as Chairperson and other pertinent matters deemed appropriate and necessary for the Board. Three members of the Board shall constitute a quorum of the Board, and its hearings shall receive public notice as required by

law. All hearings held by the Board shall be open to the public, and provision shall be made for all interested citizens and citizens groups to be heard. The Board shall cause to be maintained complete public records of its proceedings, with a suitable index.

- (d) *Appeals from decisions of the Board.* Within thirty days after any decision of the Board of Appeals is entered, any person, officer, department, board or bureau of the County, jointly or severally aggrieved by any such decision, may appeal to the Circuit Court for Howard County, in accordance with the Maryland Rules of Procedure. The Board of Appeals shall be a party to all appeals and shall be represented at any such hearing by the Office of Law.
- (e) *Employees of the Board.* The Board may appoint, within budgetary limitations, such employees, and the Executive shall make available to the Board such services and facilities of the County, as are necessary or appropriate for the proper performance of its duties.
- (f) *Implementing legislation.* The powers and functions of the Board of Appeals as herein provided for shall be defined by implementing legislation heretofore or hereafter enacted by the Council, subject to and to the extent required by applicable State law. The Council may by legislative act increase the compensation of the members of the Board of Appeals as provided in Section 501(a) of this Article and thereafter decrease such compensation; provided, however, that no reduction shall affect the compensation of a member of the Board of Appeals during his or her current term, and in no event shall the council have the power to decrease the compensation of members of the Board below the figure provided in this Charter. To the extent permitted by State law, the Council shall also have the power, by legislative act, to prescribe other appeals to be heard by, or to limit the jurisdiction of, the Board of Appeals in addition to those specified in this Article.

Editor's note— An amendment to § 501 proposed by C.B. 89, 1980 was approved at an election held Nov. 4, 1980, and became effective Dec. 4, 1980. An amendment proposed by Res. No. 124, 1982, was approved at an election held Nov. 2, 1982, and became effective Dec. 2, 1982. An amendment to subsections (c) and (f) proposed by Res. No. 126, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996. An amendment to subsection (c) proposed by Res. No. 103, 2000 was approved at an election held November 7, 2000, and became effective December 7, 2000. An amendment to § 501(b) proposed by Res. No. 100, 2012 was approved at an election held on Nov. 6, 2012, and became effective on Dec. 6, 2012.

Section 502. - Board of Appeals hearing examiner.

The County Council may appoint hearing examiners to conduct hearings and make decisions concerning matters within the jurisdiction of the Board of Appeals. Decisions of an examiner may be appealed to the Board of Appeals as provided by law. The Council shall establish by legislative act the duties, powers, authority and jurisdiction of any examiner appointed under this section. An examiner shall be a member in good standing of the Bar of the Maryland Court of Appeals and at the time of appointment shall have knowledge of administrative and zoning law, practice, and procedure. An examiner may be removed from office by vote of two-thirds of the members of the Council.

Editor's note— An amendment repealing § 502, proposed by C.B. 66, 1980, was approved at an election held Nov. 4, 1980, and became effective Dec. 4, 1980.

Subsequently, an amendment proposed by Res. No. 103, 2000, approved at election November 7, 2000 and effective December 7, 2000, added a new § 502 as set out herein.

ARTICLE VI. - BUDGETARY AND FISCAL PROCEDURES

Section 601. - Fiscal year and tax year and definitions.

- (a) *Fiscal year and tax year:* Unless and until changed in accordance with the provisions of law, the fiscal or budget year and the tax year of the County shall begin on the first day of July and shall end on the thirtieth day of June of the succeeding year.
- (b) *Definitions.*
- (1) The term "budget" when used herein shall be used to denote that package of materials consisting of the current expense budget, operating expense program, the capital budget and capital program, and the budget message. It is to be distinguished from the term "budget ordinance" which shall consist of the current expense budget and the capital budget.
 - (2) The term "budget ordinance" when used herein shall consist of the current expense budget and the capital budget.
 - (3) The term "capital budget" shall mean the plan of the County to receive and expend funds for capital projects during the first fiscal year of their inclusion in the capital program and shall include a narrative description of each capital project.
 - (4) The term "capital program" shall mean the plan of the County to receive and expend funds for capital projects during the first fiscal year covered by the capital budget and the next succeeding five fiscal years.
 - (5) The term "capital project" shall mean each of the following:
 - (i) Any physical public betterment or improvement and any preliminary studies and surveys relative thereto;
 - (ii) The acquisition of property of a permanent nature for public use;
 - (iii) The purchase of equipment for any public betterment or improvement when first constructed;
 - (iv) The purchase of equipment having a probable useful life exceeding three years, provided that the term of any bonds issued to fund the purchase shall not exceed the probable useful life of the equipment.
 - (6) The term "current expense budget" shall mean the plan of the County to receive and expend funds for charges incurred for operation, maintenance, interest and other charges for the ensuing fiscal year.
 - (7) The term "estimated surplus" shall mean the amount included as surplus revenue in the current expense budget for the ensuing fiscal year.
 - (8) The term "excess surplus" shall mean the amount by which the sum of the estimated surplus and the unbudgeted surplus exceeds the amount which is required to be appropriated to the budget stabilization account under Section 615A of this Charter.
 - (9) The term "operating expense program" shall mean a summary projection of receipts and operating expenses for the fiscal year covered by the current expense budget and the next succeeding five fiscal years.
 - (10) The term "total general fund expenditures" shall mean the total of all expenditures from the general fund, including operating transfers to the Board of Education, the Howard Community College, and other funds, but not including the amount of any excess surplus used for the restricted purposes listed in Section 615B of this Charter.
 - (11) The term "unbudgeted surplus" means the amount, determined by audit for the last complete fiscal year, by which the actual general fund surplus exceeds the amount of estimated surplus for that same fiscal year.

Editor's note— An amendment proposed by Res. No. 117, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996. An amendment to § 601(b) proposed by Res. No. 100, 2012 was approved at an election held on Nov. 6, 2012, and became effective on Dec. 6, 2012.

Section 602. - Comprehensive scope of budget; public hearing.

- (a) The County budget shall consist of the current expense budget and operating expense program, the capital budget and capital program, and the budget message. It shall represent a complete financial plan for the County reflecting receipts and disbursements from all sources, including all revenues, all expenditures and the surplus or deficit in the general fund and all special funds of the County government, and it shall also include the budgets as submitted by the County Council and the Board of Appeals.
- (b) During preparation of the budget the County Executive shall hold at least two public hearings to receive public comment. One hearing shall be held in December to receive proposals for inclusion in the budget. The other shall be held in March to receive comments on budget requests. Notice of the time and place of the hearings shall be published once a week for two successive weeks in at least one newspaper of general circulation in the County.

Editor's note— An amendment to § 602 proposed by Res. No. 125, 1982 was approved at an election held Nov. 2, 1982, and took effect Dec. 2, 1982. An amendment proposed by Res. No. 121, 1988 was approved at an election held Nov. 8, 1988, and became effective Dec. 8, 1988.

Section 603. - Submission and contents of the County budget.

Not later than seventy days prior to the end of the fiscal year, the Executive shall submit to the Council the proposed current expense budget for the ensuing fiscal year, the operating expense program for the fiscal year covered by the current expense budget and the next succeeding five fiscal years, and that part of the budget message pertaining to the current expense budget. And not later than ninety days prior to the end of the fiscal year, the Executive shall submit to the Council the proposed capital budget, the capital program for the fiscal year covered by the capital budget and the next succeeding five fiscal years, and that part of the budget message pertaining to the capital budget program.

- (a) *Contents of the current expense budget.* The proposed current expense budget shall contain not less than the following:
 - (1) A statement of all revenue estimated to be received by the County during the ensuing fiscal year, classified so as to show the receipts by funds and sources of income;
 - (2) A statement of debt service requirements for the ensuing fiscal year;
 - (3) A statement of the estimated cash surplus, if any, available for expenditure during the ensuing fiscal year, and any estimated deficit in any fund required to be made up in the ensuing fiscal year;
 - (4) An estimate of the several amounts, including any arbitrator's award made pursuant to section 217, which the executive deems necessary for conducting the business of the County to be financed from and not to exceed estimated revenue for the ensuing fiscal year;
 - (5) A statement of the bonded and other indebtedness of the County government and its agencies, including self-liquidating and special taxing district debt;
 - (6) A statement of the proposed contingency reserves which shall not exceed three per centum of the general fund and of any other fund;
 - (7) A comparative statement of the receipts and expenditures for the last completed fiscal year, a comparative statement of authorized expenditures and revenues and estimated expenditures and

revenues for the currently ending fiscal year, and the expenditures recommended by the Executive for the ensuing fiscal year for each program or project which shall be classified by agency, character and object;

- (8) A contingency reserve, which shall not exceed three per centum of the general fund; and
 - (9) Any other material which the Executive may deem advisable or the Council may require.
- (b) *Contents of the capital budget and capital program.* The proposed capital budget and capital program shall be so arranged as to set forth clearly the plan of proposed capital projects to be undertaken in the ensuing fiscal year and in each of the next five fiscal years, and also the proposed means of financing the same. The capital budget shall include a statement of the revenues anticipated during the ensuing fiscal year from all borrowing and from other sources for capital projects. The capital budget shall include a description of each proposed capital project to be undertaken in the ensuing fiscal year, including those previously authorized. The capital budget shall include a general County contingency reserve capital project.
- (c) *Contents of the budget message.* The budget message shall contain supporting summary tables and shall explain the proposed current expense budget and capital program both in fiscal terms and in terms of work to be done. It shall outline the proposed financial policies of the County for the ensuing fiscal year and describe the important features of the current expense budget. It shall indicate any major changes in fiscal policies and in expenditures, appropriations and revenues as compared with the fiscal year currently ending, and shall set forth the reasons for such changes. As to the capital program, the message shall include an explanation of changes made by the Executive in the program presented by the Office of Planning and Zoning. The message shall also include such other material as the Executive may deem necessary.

Editor's note— At an election held on Nov. 7, 2006, the voters approved an amendment to subsection (a)(4) of section 603. An amendment to subsections (a) and (b) of section 603 proposed by Res. No. 101, 2016 was approved at an election held on Nov. 8, 2016, and became effective on Dec. 8, 2016.

Section 604. - Filing of proposed budget; copies.

The proposed County budget shall be filed with the Administrator of the Council and a copy shall be delivered to each member of the Council. At least three complete copies shall be on file in the office of the Council and shall be available for inspection by the public during regular business hours. One copy shall be supplied to each newspaper of general circulation in the County and to each County library. The budget message and supporting summary tables shall be reproduced in multiple copies, and a copy shall be made available to any interested person on request. All of the documents required by this section shall be made available in at least one electronic medium that is readily available to the public.

Editor's note— An amendment to § 604 proposed by Res. No. 125, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996. An amendment to § 604 proposed by Res. No. 101, 2012 was approved at an election held on Nov. 6, 2012, and became effective on Dec. 6, 2012.

Section 605. - Public hearing.

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

Editor's note— An amendment to § 605 proposed by Res. No. 125, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996.

Section 606. - Action on the annual budget and appropriation ordinance by the County Council.

After the public hearing specified in the preceding section, the Council may decrease or delete any items in the budget ordinance except those required by the public general laws of this State and except any provisions for debt service on obligations then outstanding or for estimated cash deficits. The Council shall have no power to change the form of the budget as submitted by the Executive, to alter the revenue estimates or to increase any expenditure recommended by the Executive for current or capital purposes except: 1) as expressly provided in State law; 2) to appropriate funds to the retiree obligations trust, the contingency reserve, or the contingency reserve capital project; and 3) to correct arithmetic errors. The adoption of the budget ordinance, which shall include only the current expense budget and the capital budget, shall be by the affirmative vote of not less than a majority of the Council on an ordinance to be known as the Annual Budget and Appropriation Ordinance of Howard County. The capital program, as defined in this Charter, shall be adopted by the Council by its separate resolution. Any borrowing to finance capital projects must be authorized by an existing law of the General Assembly of Maryland or by a law of the Council adopted in accordance with the Charter. The Council may adopt from time to time bond issue authorization ordinances pursuant to an enabling law or laws then in force and effect to provide the means of financing such capital projects as are to be financed from borrowing. Such bond issue authorization ordinances are not subject to referendum and shall take effect from the date of their enactment. All of said ordinances referred to in this section shall be exempt from the executive veto. The Annual Budget and Appropriation Ordinance shall be adopted by the Council on or before the first day of the last month of the fiscal year currently ending, and if the Council fails to do so, the proposed current expense budget submitted by the Executive shall stand adopted, and funds for the expenditures proposed in the current expense budget shall stand appropriated as fully and to the same extent as if favorable action thereon had been taken by the Council.

Editor's note— Prior to its being renumbered from § 607 to § 606, this section had been amended by an amendment proposed by C.B. 7, 1973, approved at an election held Nov. 7, 1974. An amendment to § 606 proposed by Res. No. 100, 2012 was approved at an election held on Nov. 6, 2012, and became effective on Dec. 6, 2012. An amendment to § 606 proposed by Res. No. 101, 2016 was approved at an election held on Nov. 8, 2016, and became effective on Dec. 8, 2016.

Section 607. - Reproduction of budget; effective date; tax levy and balanced budget.

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

Editor's note— As stated in the editor's note at the beginning of this article, former § 607 had been amended and renumbered as § 606. By an amendment proposed by Res. No. 135, 1982, approved at an election held Nov. 2, 1982, effective Dec. 2, 1982, former § 608 was renumbered § 607.

Section 608. - Supplemental legislation by Council.

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

Editor's note— By an amendment proposed by Res. No. 135, 1982, approved at an election held Nov. 2, 1982, effective Dec. 2, 1982, former § 619 was redesignated § 608.

Section 609. - Transfer of appropriations.

- (a) Transfer of appropriations between general classifications of expenditures in the current expense budget within the same office or department and within the same fund may be authorized by the Executive. Transfers between offices, departments, institutions, boards, commissions or other agencies of the County government and within the same fund of the current expense budget may be made during the last quarter of the fiscal year and then only on the recommendation of the Executive and with the approval of the Council.
- (b) Interproject transfers of appropriations between capital projects in the capital budget may be authorized by legislative act of the Council upon request of the Executive, but no new project shall be created nor any abandoned except in accordance with Section 613 of this Article.
- (c) Nothing contained herein shall be construed to prevent the Council upon request of the Executive from providing by ordinance for inter-fund cash borrowings to meet temporary cash requirements nor to prevent reimbursements among funds for services rendered.

Section 610. - Supplementary and emergency appropriations.

- (a) *Supplementary.* During any fiscal year, the Council, upon the recommendation of the Executive, may make additional or supplementary appropriations from unexpended and unencumbered funds set aside for contingencies in the County budget, provided that the Director of Finance shall first certify in writing that such funds are available for such appropriation. No supplemental appropriation shall exceed the amount of the funds so certified.
- (b) *Emergency.* To meet a public emergency affecting life, health or property, the Council may, by ordinance, upon recommendation of the Executive, make emergency appropriations from contingent funds, from revenues received from anticipated sources but in excess of the budget estimates therefor, or from revenues received from sources not anticipated in the budget for the current fiscal year. To the extent that there may be no available unappropriated revenues to meet such emergency appropriations, the Council may, by ordinance, authorize the issuance of emergency notes which may be renewed from time to time; provided, however, that such notes and renewals shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made. The total of emergency appropriations in any fiscal year shall not exceed five per centum of all appropriations made in the budget for such year.

Section 611. - Lapsed appropriations.

Unless otherwise provided by public general law, all unexpended and unencumbered appropriations in the current expense budget remaining at the end of the fiscal year shall lapse into the County treasury, except that appropriations to the risk management and grants funds and to the Citizens' Election Fund shall be non-reverting. No appropriation for a capital project in the capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; provided, however, that any capital project shall stand abandoned if three fiscal years elapse without any expenditure from or encumbrance of the appropriation made therefor. The balances remaining to the credit of the completed or abandoned capital project shall be available for appropriation in subsequent capital budgets.

Editor's note— An amendment to § 611 proposed by Res. No. 122, 1988 was approved at an election held Nov. 8, 1988, and became effective Dec. 8, 1988. An amendment to § 611 proposed by Res. No. 104, 2012 was approved at an election held on Nov. 6, 2012, and became effective on Dec. 6, 2012. An amendment to § 611 proposed by Res. No. 27, 2016 was approved at an election held on Nov. 8, 2016, and became effective on Dec. 8, 2016.

Section 612. - Appropriation control and certification of funds.

- (a) No office, department, institution, board, commission or other agency of the County government shall during any fiscal year expend, or contract to expend, any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, for any purpose in excess of the amounts appropriated or allotted for the same general classification of expenditure in the budget for such fiscal year, or in any supplemental appropriation as hereinabove provided; and no such payment shall be made nor any obligation or liability incurred, except for small purchases in an amount to be established from time to time by ordinance unless the Director of Finance shall first certify that the funds for the designated purpose are available. Any contract, verbal or written, made in violation of this Section shall be null and void; and if any officer, agent or employee of the County shall knowingly violate this provision, he or she shall be personally liable and such action shall be cause, after public hearing, for his or her removal from office by the Executive or by majority vote of the Council, notwithstanding the provisions of Article VII of this Charter. Nothing in this Section or elsewhere in this Charter contained shall prevent the making of contracts of lease or for services providing for the payment of funds at a time beyond the fiscal year in which such contracts are made, provided the nature of such transactions reasonably requires the making of such contracts. But any contract, lease or other obligation requiring the payment of funds from appropriations of a later fiscal year shall be made or approved by ordinance which shall be effective immediately upon enactment. No contract for the purchase of real or leasehold property shall be made unless the funds therefor are included in the capital budget.
- (b) In exercising his or her powers as the custodian of the monies of the County, the Director of Finance may advance funds in his or her custody for the discharge of obligations incurred in connection with capital projects for which a bond enabling law or laws of the County has or have been approved and money appropriated therefor prior to the issuance of such bonds; provided that repayment of any such advance shall be made out of the proceeds of the sale of the bond issue concerned or from any other monies subsequently made available for such purpose.

Editor's note— Amendments to § 612 promulgated by Res. No. 123—125, 1988 were approved at an election held Nov. 8, 1988, and became effective Dec. 8, 1988. An amendment proposed by Res. No. 126, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996.

Section 613. - Restrictions of capital projects; amendment to capital budget after adoption of budget.

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

Section 614. - Enterprise accounting.

- (a) Separate budgets for each utility shall be included in the current expense and capital budgets prescribed in this Article which shall include statements of revenue and expense for the required fiscal years.
- (b) If for any two consecutive fiscal years any utility shall operate at a net loss as shown by its annual profit and loss statement, it shall be the duty of the Executive to recommend and the Council, by ordinance, to adopt for that utility a schedule of rates which in its judgment will produce revenue at least equal to expense.

Editor's note— An amendment to § 614 was proposed by Res. No. 125, 2005 and approved by the voters at an election held on Nov. 7, 2006 and became effective Dec. 7, 2006.

Section 615. - Composition and limitation upon County funds and levies; special taxes; bond obligation.

For the fiscal and tax year beginning July 1, 1969 and thereafter, the following provisions shall apply:

- (a) *Special funds; revenue and receipts; appropriations.* All revenues and receipts from utility assessments, from special services or benefit charges, from special taxes or assessments imposed upon special taxing areas for special or particular services, purposes or benefits, from funds held by the County as trustee or agent, or from bond proceeds, shall be paid into and appropriated from special funds created therefor.
- (b) *General revenue and receipts; appropriations.* All other revenues and receipts of the County from taxes, grants, State revenues and other receipts shall be paid into and appropriated from the general fund which shall be the primary fund for the financing of current expenses for the conduct of County business.
- (c) *Prohibitions.* No general fund revenues or receipts as defined in subsection (b) of this Section shall be dedicated to, expended for, or used to supplement, appropriations from the special funds referred to in subsection (a) of this Section, except as a loan to such special fund as authorized by Section 609(c) of this Article which authorizes inter-fund borrowing.
- (d) *Levy for roads.* No tax for the purpose of raising revenues for the construction and maintenance of public roads shall be levied upon any assessable property in the County except on a Countywide basis.
- (e) *Bond interest and redemption obligations.* Nothing in this section shall be construed to prevent the County from fulfilling any obligation to levy, if necessary, a tax upon all or a portion of the assessable property within the County to provide for the payment of the interest on and principal of any bonds issued upon the full faith and credit of the County.
- (f) *Working capital funds.* Upon request of the Executive, the Council may, by the annual budget and appropriation ordinance, or by other legislative act, provide for the establishment of working capital or revolving funds for the financing of central stores, equipment pools or other services common to the agencies of the County.
- (g) *Reserve Fund for Permanent Public Improvements.* Notwithstanding the provisions of Section 615(c) above, the Council may establish a Reserve Fund for Permanent Public Improvements, into which there may be paid by the annual budget and appropriation ordinance cash surpluses not otherwise

appropriated or toward which taxes or other sources of revenue may be dedicated; provided that the annual amount paid into such fund shall not exceed three per centum of the annual expense budget.

Section 615A. - Budget stabilization.

- (a) *Creation and Purpose.* The Budget Stabilization Account is established to retain revenues for future use to be used to maintain a consistent level of service without requiring a substantial tax increase if estimated revenues decline substantially during the course of the budget year.
- (b) *Non-Lapse.* Appropriations to the Budget Stabilization Account are not subject to the lapse provisions of Section 611 of the Charter.
- (c) *Appropriations to the Budget Stabilization Account.* Except as provided in subsection (e), any estimated surplus and any unbudgeted surplus shall be appropriated to the Budget Stabilization Account. Other revenues may be appropriated to the Budget Stabilization Account if the Executive includes such an appropriation in the proposed budget and if it is approved by the County Council pursuant to Section 606 of the Charter.
- (d) *Conditions Under Which Appropriations Are Not Required To Be Made.* The appropriations otherwise required by subsection (d) are not required to be made if either of the following conditions exists:
 - (1) At the time the budget is adopted for the ensuing fiscal year, the amount of funds in the Budget Stabilization Account equals or exceeds 7% of the total general fund expenditures for the last completed fiscal year, as determined by audit; or
 - (2) During the current fiscal year, funds have been or are being transferred from the Budget Stabilization Account to the General fund revenues in the current expense budget pursuant to subsection (f).
- (e) *Use of Budget Stabilization Account.* Funds appropriated in the Budget Stabilization Account may be transferred from the Budget Stabilization Account to the general fund revenues in the current expense budget under the following conditions and pursuant to the following procedure:
 - (1) *Conditions.* Funds appropriated in the Budget Stabilization Account may be used only for:
 - (i) Emergencies, pursuant to 610(b) of the Charter; or
 - (ii) At such time as the County Executive determines that both the following conditions exist:
 - a. Revenues for the current fiscal year are anticipated to be substantially below the revenue included in the current fiscal year's budget; and
 - b. Reasonable reductions in expenditures will not be sufficient to offset the anticipated revenue shortfall.
 - (2) *Procedure.* Provided that the conditions in paragraph (1) are met, the County Executive may transfer funds from the Budget Stabilization Account to the general fund revenues in the current expense budget by an ordinance enacted pursuant to this subsection which amends the Annual Budget and Appropriation Ordinance. A bill to amend the Budget Ordinance shall be introduced by the County Council at the request of the County Executive. The County Council may decrease the amount to be transferred from the Budget Stabilization Account but may not increase it. The ordinance amending the Budget Ordinance shall be adopted by the affirmative vote of a majority of the members of the County Council, shall be exempt from the Executive Veto, shall take effect from the date of enactment, and shall not be subject to referendum.
- (f) *Precedence.* The provisions of this section of the Charter concerning the Budget Stabilization Account shall supersede any inconsistent provisions of the Charter.

Editor's note— An amendment adding § 615A proposed by Res. No. 166, 1991 was approved at an election held Nov. 3, 1992, and became effective Dec. 3, 1992. An amendment to subsection (a)(3) and (4) proposed by Res. No. 119, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996. An amendment to § 615A proposed by Res. No. 100, 2012 was approved at an election held on Nov. 6, 2012, and became effective on Dec. 6, 2012.

Section 615B. - Restrictions on use of surplus revenues.

- (a) *Restrictions on Use of Excess Surplus Revenue.* Any excess surplus shall be used to:
- (1) Fund capital projects;
 - (2) Reduce existing County debt; and/or
 - (3) Fund appropriations in the current expense budget for capital outlay and for non-recurring expenses.
- (b) *Modification of Restriction.* The restriction on the use of excess surplus imposed by this section may be modified by an ordinance passed by an affirmative vote of 2/3 of the members of the County Council. An ordinance enacted pursuant to this subsection (c) shall be exempt from the Executive Veto, but shall otherwise be subject to the provisions of Section 209 of the Charter and shall be subject to referendum, pursuant to Section 211 of the Charter.

Editor's note— An amendment adding § 615B proposed by Res. No. 167-1991 was approved at an election held Nov. 3, 1992, and became effective Dec. 3, 1992. An amendment to § 615B proposed by Res. No. 100, 2012 was approved at an election held on Nov. 6, 2012, and became effective on Dec. 6, 2012.

Section 616. - Borrowing limitations.

- (a) Unless and until otherwise provided by legislative act of the Council within the limitations provided by public general law, the aggregate amount of bonds and other evidences of indebtedness outstanding at any one time shall not exceed four and eight-tenths per centum upon the full cash value assessable base of the County, except that:
- (1) Tax anticipation notes or other evidences of indebtedness having a maturity not in excess of twelve months;
 - (2) Bonds or other evidences of indebtedness issued or guaranteed by the County payable primarily or exclusively from taxes levied in or on, other revenues of, special taxing areas or districts heretofore or hereafter established by law; and
 - (3) 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.
- (b) All bonds and other evidences of indebtedness shall be sold at public sale; provided, however, that bonds or other evidences of indebtedness may be sold by private (negotiated) sale if the Council shall find and determine in the bond issue authorization ordinance providing for the sale of the bonds or other evidences of indebtedness that, for reasons specified in the bond issue authorization ordinance, either:
- (1) It is not practical to sell such bonds or other evidences of indebtedness at public sale; or
 - (2) A private (negotiated) sale will provide significant benefits to the county which would not be achieved if the bonds or other evidences of indebtedness were sold at public sale.

Editor's note— An amendment to § 616 proposed by Res. No. 33, 1990 was approved at an election held Nov. 6, 1990, and became effective Dec. 6, 1990. An amendment proposed by Res. No. 125, 2005, was approved by the voters at an election held on Nov. 7, 2006 and became effective Dec. 7, 2006.

Section 617. - Form and term of bonds.

- (a) Each issue of bonds shall be in one, or a combination, of the following forms: serial bonds, installment bonds, or, if the bonds are subject to mandatory sinking fund redemptions or if the payment of principal at maturity is otherwise provided for, term bonds.
- (b) All bonds shall be made payable within the probable useful life of the improvement or undertaking with respect to which they are to be issued, or, if the bonds are to be issued for several improvements or undertakings, then within the average probable useful life of all such improvements or undertakings. In the case of a bond issue for several improvements or undertakings having different probable useful lives, the Council shall determine the average of said lives, taking into consideration the amount of bonds to be issued on account of each such improvement or undertaking, and the period so determined shall be the average period of useful life. The determination of the Council as to the probable useful life of any such improvement or undertaking shall be conclusive. No bonds shall mature and be payable more than thirty years after their date of issuance

Editor's note— An amendment to § 617 proposed by Res. No. 126, 1988 was approved at an election held Nov. 8, 1988, and became effective Dec. 8, 1988. An amendment proposed by Res. No. 34, 1990 was approved at an election held Nov. 6, 1990, and became effective Dec. 6, 1990. An amendment to subsection (b) proposed by Res. No. 125, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996. An amendment proposed by Res. No. 125, 2005 was approved by the voters at an election held on Nov. 7, 2006 and became effective Dec. 7, 2006.

Section 618. - Contents of bond issue authorization ordinances.

Each Bond Issue Authorization Ordinance as referred to in Section 606 of this Article shall include a statement of the purpose or purposes of the issue, and if the purpose is to finance one or more capital projects, it shall describe each of them sufficiently for purposes of identification. The Ordinance shall estimate the cost of the project or projects and the portion thereof to be defrayed from sources, specifically named, other than the proposed bond issue. The Ordinance shall also include:

- (a) The amount of the proposed issue;
- (b) A statement showing that the proposed issue is within the legal limitation of the indebtedness of the County;
- (c) The probable useful life of the project or average probable useful life of the projects to be financed;
- (d) The date of the issue;
- (e) The dates of the first and last maturities;
- (f) The dates on which the interest shall be paid;
- (g) A declaration that the principal of and the interest on the proposed issue are to be paid by ad valorem taxes on real and tangible personal property and intangible property subject to taxation by the County without limitation of rate of 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 either the procedure for the public sale of the proposed issue or the findings and determinations required for a private (negotiated) sale of the proposed issue, shall state whether the proposed issue, or any portion thereof, may be sold at a price of less than par, and shall contain such other matters relating to the authorization, issue or sale of the issuance as the Council shall deem desirable.

Editor's note— An amendment to § 618 proposed by Res. No. 135, 1982 was approved at an election held Nov. 2, 1982, and became effective Dec. 2, 1982. The section was further amended as proposed by Res. No. 33, 1990 and Res. No. 34, 1990, approved at an election held Nov. 6, 1990, with the provisions effective Dec. 6, 1990. Pursuant to instructions of the county, the language of both resolutions has been included.

Section 619. - [Reserved.]

Note— See the editor's note to § 608.

ARTICLE VII. - MERIT SYSTEM

Section 701. - Scope of the Merit System.

The Merit System of the County shall embrace all officers and employees of the County except the officers and employees of the Board of Education and all employees covered by the State Merit System.

Section 702. - Exempt and classified service.

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

Editor's note— An amendment to § 702 proposed by Res. No. 125, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996.

Section 703. - The Personnel Board.

The Personnel Board shall consist of five members four of whom are members of the public and a fifth who is a member of the classified service. In addition, there shall be an alternate who is a member of the classified service and who shall serve on the board only in the absence of the employee member. Board members shall be appointed by the Executive, subject to confirmation by the Council. The employee member of the board and the alternate shall be selected for appointment from a list of three names nominated by secret ballot by the members of the classified service. Board members shall serve for overlapping terms of five years from the first day of January of the year of their appointments, or until their successors are appointed. Vacancies, except those at the expiration of a term, shall be filled in the same manner as the original appointment and for the unexpired term. Members of the Board shall receive no compensation for their services except reasonable and necessary expenses as may be provided in the budget. The Board shall annually select a Chairperson and a Vice Chairperson from its membership. The Personnel Officer shall serve as Executive Secretary to the Board and shall attend all meetings of the Board, except those meetings at which an appeal from an action of the Personnel Officer is to be heard. No member shall be reappointed after having served eight consecutive years immediately before reappointment.

Editor's note— An amendment to § 703 proposed by Res. No. 127, 1988 was approved at an election held Nov. 8, 1988, and became effective Dec. 8, 1988. An amendment proposed by Res. No. 126, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996.

Section 704. - Appointment, promotion and discipline.

- (a) *Personnel rules.* The Personnel Officer shall prepare and the Personnel Board shall adopt rules and regulations which provide for the appointment, promotion, demotion and separation of employees solely upon a basis of merit. To this end, it shall prescribe a system of examinations as a prerequisite for the filling of all positions in the classified service. The rules of the Board shall make provision for prescribing minimum qualifications for each class of positions in the classified service.
- (b) *Appointments.* Appointments to permanent positions in the classified service shall be on the basis of merit, as provided by law.
- (c) *Disciplinary actions.* The Personnel Board in its rules governing the classified service shall set forth the disciplinary actions, including demotion, suspension or dismissal, which may be taken by an appointing authority for employees in the classified service.
- (d) *Action by Council.* Personnel rules and regulations adopted by the Personnel Board shall be transmitted by the Personnel Officer to the Executive for submission to the Council for legislative action thereon.

Editor's note— An amendment to § 704 proposed by Res. No. 135, 1982 was approved at an election held Nov. 2, 1982, and became effective Dec. 2, 1982. An amendment proposed by Res. No. 128, 1988 was approved at an election held Nov. 8, 1988, and became effective Dec. 8, 1988. An amendment to § 704(b) proposed by Res. No. 27, 1994 was approved at an election held on Nov. 8, 1994, and became effective Dec. 8, 1994.

Section 705. - Appeals.

- (a) *Appeals to the Personnel Board.* Aggrieved applicants and employees may appeal the following actions to the Personnel Board:
 - (1) Actions of the Personnel Officer pertaining to eligibility lists for appointment or promotion;
 - (2) Disciplinary actions involving a loss of job, suspension, demotion or reduction in pay;
 - (3) Actions of the appointing authority which result in denial of the minimum merit increase allowed by law;
 - (4) Personnel actions which allegedly violate federal, state, or county human rights law;
 - (5) Employee performance evaluations.
- (b) *Action of the Personnel Board.* After a hearing, which may be closed at the request of the aggrieved individual, the Personnel Board shall issue a decision and order consistent with the provisions of this Charter and Howard County law. The decision and order of the Personnel Board shall be final on all parties concerned.
- (c) *Appeals to the appointing authority and Personnel Officer.* Aggrieved applicants and employees may appeal other personnel actions to the appointing authority or to the Personnel Officer as provided by law. Decisions of the appointing authority or Personnel Officer in these appeals shall be final on all parties concerned, except that, for good cause shown and with approval of at least 4 of its members, the Personnel Board may choose to hear appeals on the record from decisions of the appointing authority or the Personnel Officer.
- (d) *Arbitration.* Employees may elect to appeal actions of the appointing authority or the Personnel Officer through utilization of binding arbitration as may be established by law or contained in a collective bargaining agreement.

Editor's note— An amendment to § 705 proposed by Res. No. 129, 1988 was approved at an election held Nov. 8, 1988, and became effective Dec. 8, 1988. An amendment proposed by Res. No. 1, 1990 was approved at an election held Nov. 6, 1990, and became effective Dec. 6, 1990.

Section 706. - Classification and pay plans.

- (a) *Preparation of classification plan.* The Personnel Officer shall present to the Personnel Board within four months of the effective date of this Charter, a classification plan which describes the qualifications, duties and general requirements for each class of position. The Personnel Board shall adopt the plan either in the form submitted or in such amended form as the Board may determine proper after opportunity for hearings thereupon by any interested person. After adoption of the classification plan by the Personnel Board, the Personnel Officer shall transmit it to the Executive for submission to the Council for legislative action thereon at its first annual legislative session.
- (b) *Allocation of positions to classes.* Within three months of legislative action by the Council on the classification plan, the Personnel Officer shall allocate each position in the classified service to the appropriate class. Employees shall have a right to appeal such allocations to the Personnel Board, whose action upon such appeals shall be final.
- (c) *Revision of classification plan.* The Personnel Officer shall maintain the classification plan on a current basis in order that it may properly reflect the qualifications, duties and general requirements of each position in the classified service. Each such proposed change shall be submitted to the Personnel Board for its approval and to the Council for legislative action thereon.
- (d) *Administration of pay plan.* The Personnel Officer shall prepare a pay plan and shall allocate each class of positions to the appropriate pay grade as shown in the pay plan. The pay plan and the allocations to grades therein shall be presented by the Personnel Officer to the Personnel Board not more than sixty days following legislative action on the classification plan by the Council. After hearing any appeals arising thereunder, the Board shall adopt a pay plan as submitted or amended by it. After adoption of the pay plan by the Board, the Personnel Officer shall transmit it to the Executive for submission to the Council for legislative action thereon.
- (e) *Revisions of pay plan.* Not later than the first day of January of each year, the Personnel Officer shall submit his or her recommendations to the Personnel Board for changes deemed necessary to keep the pay plan on a current basis. The Personnel Board, not later than the first day of February, shall submit the pay plan with recommendations to the Executive. The Executive in the preparation of the annual expense budget shall consider for incorporation therein the pay plan recommendations of the Personnel Board. Prior to the adoption of the annual expense budget ordinance, the Council shall approve such of the proposed pay plan changes as it may deem proper. Should it approve less than the amounts contained in the annual expense budget, it shall adjust the appropriations sought for the various budget units in the light of such action. The law enacting the pay plan shall be effective on the first day of the ensuing fiscal year.

Editor's note— An amendment to § 706 proposed by Res. No. 126, 1982, was approved at an election held Nov. 2, 1982, and became effective Dec. 2, 1982. An amendment to subsection (e) proposed by Res. No. 126, 1996, was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996.

Section 707. - Pay plan for exempt positions.

The Personnel Officer, not later than the first day of February of each year, shall prepare and transmit to the Executive a proposed pay plan for officers and employees in the exempt service of the County, excluding elected officials. The Executive in the preparation of the annual expense budget shall consider for incorporation therein the pay plan changes

recommended by the Personnel Officer. Prior to adoption of the annual expense budget ordinance, the Council shall approve such of the proposed pay plan changes for exempt positions as it may deem proper. Should it approve less than the amounts contained in the annual expense budget, it shall adjust the appropriations sought for the various budget units in the light of such action. The law enacting the pay plan for exempt positions shall be effective on the first day of the ensuing fiscal year.

Editor's note— An amendment to § 707 proposed by Res. No. 126, 1982, was approved at an election held Nov. 2, 1982, and became effective Dec. 2, 1982.

Section 708. - Certification of pay.

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

Section 709. - Prohibitions.

- (a) *Discrimination.* No person may be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to employment in the classified service because of his or her political or religious opinions or affiliations, race or sex.
- (b) *Political endorsements.* No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service.
- (c) *Influence.* No person may use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration. No person, directly or indirectly, shall give, render, pay, offer, solicit or accept any money, service or other valuable consideration for securing or providing any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the classified service.
- (d) *Political activity.* No officer or employee of the county shall be prohibited from participating in politics or political campaigns; however, no officer or employee shall engage in political activity while on the job during working hours; advocate the overthrow of the government by unconstitutional or violent means; or be obligated to contribute to an election campaign, political party or political club, or to render political service.
- (e) *Fraud.* No person may make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any provision of this Article or in any manner commit or attempt to commit any fraud preventing the impartial execution of this Article and the rules promulgated thereunder.
- (f) *Rendering personal services.* No officer or employee of the County, elected or appointed, shall detail or cause any officer or employee of the County to do or perform any service or work outside of his or her public office or employment.
- (g) *Improper administration.* No employee administering the merit system, examiner or other person may defeat, deceive or obstruct any person in his or her right to examination, eligibility, certification or appointment under this Article, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service.

Editor's note— An amendment to § 709 proposed by Res. No. 127, 1982 was approved at an election held Nov. 2, 1982, and became effective Dec. 2, 1982. An amendment to subsections (a), (f), and (g) proposed by Res. No. 126, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996. An amendment to § 709(c) proposed by Res. No. 100, 2012 was approved at an election held on Nov. 6, 2012, and became effective on Dec. 6, 2012.

Section 710. - Penalties.

The Council shall, by ordinance, provide appropriate penalties for violations of Section 709 of this Article.

Editor's note— See amendment to § 710 proposed by Res. No. 135, 1982 was approved at an election held Nov. 2, 1982, and became effective Dec. 2, 1982.

ARTICLE VIII. - CENTRALIZED PURCHASING

Section 801. - Responsibility for purchasing.

The Chief Administrative Officer shall be responsible to the Executive for the execution of the County purchasing policies established in this Article.

Editor's note— An amendment to § 801 proposed by Res. No. 125, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996.

Section 802. - County purchasing policies and practices.

The Chief Administrative Officer shall be the County Purchasing Agent and shall have the following purchasing functions which he or she may delegate to a Deputy Purchasing Agent in his or her office and under his or her supervision:

- (a) The making of all purchases, leases and contracts for all public works and services, and for all supplies, material and equipment for all offices, departments, institutions, boards, commissions and other agencies of the County government for which payment is to be made out of County funds.
- (b) If recommended by the Executive and approved by legislative act of the Council, the establishment and operation of a County warehouse for County supplies, material and equipment and the maintenance of a sufficient stock of stable commodities to meet the requirements of the County government.
- (c) The development and operation of a uniform and modern system of property accounting and stores control based upon perpetual inventory.
- (d) The establishment, after consultation with the appropriate County officials, of suitable specifications and standards for all supplies, materials and equipment to be purchased and the inspection of all deliveries to determine compliance with such specifications and standards.
- (e) The establishment and maintenance of a system of requisitions and receipts covering the furnishing of supplies, materials and equipment to the various offices, department, institutions, boards, commissions and other agencies of the County.
- (f) The establishment, with the approval of the Executive and by legislative act of the Council, of reasonable rules and regulations governing emergency purchases and contracts and those involving material, equipment or services of an unusual or noncompetitive nature which shall not be subject to competitive bidding.

- (g) The sale of surplus, old and waste supplies, materials and equipment of the County, or the transfer of the same to offices, departments or other agencies of the County government.
- (h) The making of purchases for a stores revolving fund, which the Council is hereby authorized to establish, and of making sales from the stores to using agencies of the County.

Editor's note— An amendment to § 802 proposed by Res. Nos. 125 and 126, 1996 was approved by an election held Nov. 5, 1996, and became effective Dec. 5, 1996.

Section 803. - Application of this article to departments and agencies under State law.

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

Section 804. - Competitive bidding.

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

Section 805. - Conformity with budget limitations and allotments.

No deliveries of supplies, materials or equipment shall be made to any officer, 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 to be established from time to time by ordinance, no payment shall be made out of County funds for the purchase of supplies, materials or equipment, unless the Director of Finance shall first certify that the funds for the designated purpose are available.

Editor's note— An amendment to § 805 proposed by Res. No. 123, 1988 was approved at an election held Nov. 8, 1988, and became effective Dec. 8, 1988.

Section 806. - Contract execution.

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

Editor's note— An amendment to § 806 proposed by Res. No. 126, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996.

Section 807. - Cooperative purchasing.

As appropriate, the Purchasing Agent may undertake programs involving joint or cooperative purchases with other public jurisdictions within the State, or with the State of Maryland, and with other public entities.

Editor's note— An amendment to § 807 proposed by Res. No. 121, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996.

Section 808. - Furthering legislation.

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

Editor's note— An amendment to § 808 proposed by Res. No. 135, 1982 was approved at an election held Nov. 2, 1982, and became effective Dec. 2, 1982. An amendment proposed by Res. No. 126, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996.

ARTICLE IX. - GENERAL PROVISIONS

Section 901. - Conflict of interest.

- (a) *Prohibitions.* No officer or employee of the County, whether elected or appointed, shall in any manner whatsoever be interested in or receive any benefit of the profits or emoluments of any contract, job, work, or service for the County. No such officer or employee shall accept any service or thing of more than nominal value, directly or indirectly, from any person, firm or corporation having dealings with the County, upon more favorable terms than those granted to the public generally, nor shall he or she receive, directly or indirectly, any part of any fee, commission or other compensation paid or payable by the County, or by any person in connection with any dealings with the County, or by any person in connection with any dealings with or proceedings before any branch, office, department, board, commission or other agency of the County. No such officer or employee shall directly or indirectly be the broker or agent who procures or receives any compensation in connection with the procurement of any type of bonds for County officers, employees or persons or firms doing business with the County. No such officer or employee shall solicit or accept any compensation or gratuity in the form of money or otherwise for any act or omission in the course of his or her public work; provided, however, that the head of any department or board of the County may permit an employee to receive a reward publicly offered and paid for, for the accomplishment of a particular task.
- (b) *Rules of construction; exceptions by Council.* The provisions of this Section shall be broadly construed and strictly enforced for the purpose of preventing officers and employees from securing any pecuniary advantages, however indirect, from their public associations, other than their compensation provided by law. In order, however, to guard against injustice, the Council may, by resolution, specifically authorize any County officer or employee to own stock in any corporation or to maintain a business in connection with any person, firm or corporation dealing with the County, if on full public disclosure of all pertinent facts to the County Council by such officer or employee, the Council shall determine that such stock ownership or connection does not violate the public interest.

The County Council may, by ordinance, delegate to the Howard County Ethics Commission the power to make such determinations and to authorize the ownership or connection. Any ordinance which delegates this power shall provide for procedures including a public hearing, and shall establish criteria for determining when the ownership or connection does not violate the public interest.

- (c) *Penalties.* Any officer or employee of the County who willfully violates any of the provisions of this Section shall forfeit his or her office, or shall suffer such other penalty as provided by law. If any person shall offer,

pay, refund or rebate any part of any fee, commission, or other form of compensation to any officer or employee of the County in connection with any County business or proceeding, he or she shall, on conviction, be punishable by imprisonment for not less than one or more than six months or a fine of not less than \$100.00 or more than \$1,000.00, or both. Any contract made in violation of this Section may be declared void by the Executive or by resolution of the Council. The penalties in this Section shall be in addition to all other penalties provided by law.

Editor's note— An amendment to § 901(b) proposed by Res. No. 16, 1990 was approved at an election held Nov. 6, 1990, and became effective Dec. 6, 1990. Amendments proposed by Res. Nos. 122, 123, and 126, 1996 were approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996.

Section 902. - Citizens advisory boards.

The Council or the Executive may appoint for designated periods one or more temporary advisory boards of citizens of the County who shall, without compensation other than necessary expenses as may be provided in the budget, assist in the consideration of County administrative policies and programs. It shall be the duty of each such advisory board to study conditions in its respective field, with particular reference to the policies and programs in Howard County, and to report its findings and recommendations to the Council or the Executive, as appropriate.

Section 903. - Removal of members of Boards and Commissions.

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

Editor's note— An amendment to § 903 proposed by Res. No. 126, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996. An amendment to § 903 proposed by Res. No. 85-2004 was approved at an election held on Nov. 2, 2004 and became effective Dec. 2, 2004.

Section 904. - Construction of powers.

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

Section 905. - Additional compensation prohibited.

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

Editor's note— An amendment to § 905 proposed by Res. No. 126, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996.

Section 906. - Right to inspect and copy public records.

Any person shall have the right to inspect any public record, in accordance with the Maryland Public Information Act, in the possession of any board, commission, office, or department of the County. A copy of any such document shall be furnished upon payment of a reasonable fee prescribed by the County Council.

Editor's note— An amendment to § 906 proposed by Res. No. 106, 2012 was approved at an election held on Nov. 6, 2012, and became effective on Dec. 6, 2012.

Section 907. - Citizens' election fund system.

- (a) The County Council shall, by ordinance, establish a Citizens' Election Fund system for candidates for County Council or County Executive, or both. The ordinance shall include, but not be limited to, Provisions that:
- (1) Allow candidates to choose whether to participate in the Citizens' Election Fund System;
 - (2) Establish a Citizens' Election Fund Commission consisting of five County residents appointed by the council and two County residents appointed by the County Executive, and provide for the qualifications, terms, and officers of the commission; and
 - (3) Require the Commission to calculate, not later than 180 days prior to the end of the fiscal year, the total amount estimated for the full election cycle and the amount to be included in the current expense budget for the ensuing fiscal year to fully fund the Citizens' Election Fund System.
- (b) (1) Except as provided in subsection (c) of this section, in each fiscal year the Executive shall include in the Annual Budget and Appropriation Ordinance required by Article VI of this Charter the amount necessary to fully fund the Citizens' Election Fund System for the ensuing fiscal year, as calculated by the Commission.
- (2) Notwithstanding any provision of Article VI of this Charter to the contrary, if the Executive does not include the amount required by paragraph (1) of this subsection, the County Council may amend the Annual Budget and Appropriation Ordinance required by Article VI to include the required amount.
- (c) The Executive is not required to include in the Annual Budget and Appropriation Ordinance the amount required by subsection (b)(1) of this section if:
- (1) During the current fiscal year, funds have been or are being transferred from the Budget Stabilization Account to the General Fund Revenues in the current expense budget pursuant to Section 615A of this Charter; or
 - (2) Not later than 120 days prior to the end of the fiscal year, the Executive certifies to the Council that the County's fiscal condition makes it imprudent to include the amount, and the Council approves the certification by a vote of not less than two-thirds of its members.

Editor's note— An amendment adding § 907 proposed by Res. No. 27, 2016 was approved at an election held on Nov. 8, 2016, and shall take effect for the 2022 election cycle.

Section 908. - Bonding of officers.

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

Section 909. - County Seal and County Flag.

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

Editor's note— An amendment to § 909 proposed by Res. No. 125, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996.

Section 910. - Subpoena power.

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

Section 911. - Custody of papers and records.

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

Section 912. - Separability.

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

Section 913. - Citation.

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

Section 914. - Definitions and rules of construction.

As used in this Charter:

- (a) The word "bill" shall mean any measure introduced in the County Council for legislative action.
- (b) The words "act," "ordinance," "public local law" and "legislative act," when used in connection with any action by the Council, shall be synonymous, and shall mean any bill enacted in the manner and form provided in this Charter.
- (c) The word "resolution" shall mean a measure adopted by the Council having the force and effect of law but of a temporary or administrative character.
- (d) The word "law" shall be construed as including all acts, public local laws, resolutions and other legislative acts of the Council, all ordinances and resolutions of the County Commissioners not hereby or hereafter amended or repealed, and all public general laws and public local laws of the Maryland General Assembly in effect from time to time after the adoption of this Charter, whenever such construction would be reasonable.

- (e) The words "passage" and "adoption," when used in connection with the legislative acts of the Council, shall mean by the Council in approving any item of legislative business prior to its submission to the Executive for his or her veto.
- (f) The word "enactment" shall mean the action or means whereby any bill after its passage attains the status of law.
- (g) The word "State" shall mean the State of Maryland.
- (h) The word "shall" shall be construed as mandatory and the word "may" shall be construed as permissive.
- (i) The word "person" shall include the words "individual," "corporation," "partnership" and "association," unless such a construction would be unreasonable.
- (j) The word "officer" shall include the words "member of the Council."
- (k) Whenever in this Charter the masculine gender is used such words shall be construed to include the feminine gender.
- (l) The words "hereafter" and "heretofore" shall refer to December 5, 1968, unless such a construction would be unreasonable.
- (m) The phrase "two-thirds of the members of the Council" shall mean at least two-thirds of all members and, in the case of a five-member Council, shall mean four members.
- (n) The term "County Government" shall include all offices, departments, institutions, boards, commissions, and agencies established under the Howard County Charter, law or resolution, and their officers, agents and employees.

Editor's note— An amendment to § 914 proposed by C.B. 67, 1980 was approved at an election held Nov. 4, 1980, and became effective Dec. 4, 1980. An amendment proposed by Res. No. 132, 1988 was approved at an election held Nov. 8, 1988, and became effective Dec. 8, 1988. An amendment to subsections (e), (j), and (n) proposed by Res. No. 126, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996. An amendment proposed by Res. No. 117, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996. An amendment to § 914(m)–(o) proposed by Res. No. 100, 2012 was approved at an election held on Nov. 6, 2012, and became effective on Dec. 6, 2012.

ARTICLE X. - MANNER OF AMENDING OR TERMINATING THIS CHARTER

Section 1001. - Amendment.

Amendments to this Charter may be proposed by a resolution of the Council approved by not less than two-thirds of its members. Amendments may also be proposed by petition filed with the Chairperson of the County Council and signed by not less than twenty per centum of the registered voters of the County, or 10,000 of such registered voters in case twenty per centum of the number of registered voters is greater than 10,000. When so proposed, whether by resolution of the Council or by petition, the Chairperson of the County Council shall make available to the press and public a reasonable number of copies of the question which shall be submitted to the voters of the County at the next general or Congressional election occurring after the adoption of said resolution 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 from and after the thirtieth day following said election. Any amendments to this Charter, proposed in the manner aforesaid, shall be published by the Chairperson of the County Council in at least one newspaper of general circulation published in the County for five successive weeks prior to the election at which the question shall be considered by the voters of the County.

Editor's note— An amendment to § 1001 proposed by C.B. 86, 1980 was approved at an election held Nov. 4, 1980, and became effective Dec. 4, 1980. An amendment proposed by Res. No. 126, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996.

Section 1002. - Charter Review Commission.

A Charter Review Commission shall be appointed by the Council no later than three months following the latter's installation beginning in the year 1987 and every eight years thereafter, and may also be appointed at such other times as the Council in its discretion may determine. The Commission shall be composed of fifteen residents of the County, five of whom shall be appointed from a list of not less than ten names submitted by the County Executive. No more than ten members shall be of the same political party.

The membership of the Commission shall constitute a broad representation of all citizen interests. The Chairperson of the Commission shall be appointed from among the Commission members by the Council.

The Commission shall make its report not later than May 1 of the following year. It shall receive from the County an appropriation sufficient to carry out its duties and responsibilities.

Editor's note— An amendment to § 1002 proposed by C.B. 76, 1980 was approved at an election held on Nov. 4, 1980, and became effective Dec. 4, 1980. An amendment proposed by Res. No. 133, 1988 was approved at an election held Nov. 8, 1988, and became effective Dec. 8, 1988. An amendment proposed by Res. No. 126, 1996 was approved at an election held Nov. 5, 1996, and became effective Dec. 5, 1996.

Section 1003. - Termination.

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

ARTICLE XI. - TRANSITIONAL PROVISIONS

Section 1101. - Nature of this Article.

The provisions of this Article relate to the offices, departments and boards in the Executive Branch.

Section 1102. - Existing offices, departments and boards.

Offices, departments and boards of this Charter shall remain in effect and law until such time as they are modified, altered or abolished under the provisions of Sections 402, 403 or 404.

Sections 1103—1113. - Reserved.

Editor's note— C.B. 62, 1988, made major changes in titles and duties of certain offices in the Code, effective July 1, 1989. Therefore, § 100 of the bill deleted § 1103, "Office of County Administrator"; § 1104, "Office of Finance"; § 1105, "Office of Planning and Zoning"; § 1106, "Planning Board"; § 1107, "Department of Public Works"; § 1108, "Public Works Board"; § 1109, "Police Department"; § 1110, "Fire Department"; § 1111, "Fire Board"; § 1112, "Department of Recreation and Parks"; and § 1113, "Recreation and Parks Board."

Section 1114. - Appendix to this Charter.

At such time as reorganization plans are enacted as provided in Article IV, Sections 403 and 404, those offices, departments, and boards affected shall be codified pursuant to Article II, Section 210(c) and deleted from this Article.

ARTICLE XII. - TRANSITIONAL PROVISIONS

Section 1201. - Nature of the Article.

The provisions of this Article relate to the Councilmanic District method of election and establishment of district boundaries for Councilmanic Districts.

Section 1202. - Establishment of District boundaries for Councilmanic Districts.

The Councilmanic Districts for Primary and General Elections of 1986 shall be established by the County Council, based on the 1980 decennial census of the population of the United States, on or before March 15, 1986. Any Councilmanic District established in accordance with this Article shall be compact, contiguous, substantially equal in population, and have common interest as a result of geography, occupation, history, or existing political boundaries. The Board of Supervisors of Elections shall take any necessary steps to implement the election of the County Council by Councilmanic Districts so established.

Section 1203. - Termination of this Article.

After the quadrennial election in November 1990, this article shall cease to be part of this Charter.

Section 1204. - Separability.

If any provision of this Charter Amendment shall be held unconstitutional, invalid, or inapplicable, then it is intended and declared by the people of the County that all other provisions of the Charter Amendment and their application shall be separate and shall not be affected by any such decision.

