

CHARTER FOR PRINCE GEORGE'S COUNTY MARYLAND

PREAMBLE

We, the People of Prince George's County, grateful to Almighty God for our civil and religious freedom, desiring to preserve and to extend the fruits of that freedom to all our citizens, recognizing that all political power originates in the people, and desiring to obtain for our County a full measure of home rule and the most orderly arrangement of its form of government, do hereby establish and ordain this

CHARTER OF PRINCE GEORGE'S COUNTY, MARYLAND

ARTICLE I. - NAME AND RIGHTS OF THE COUNTY.

Section 101. - Body Corporate and Politic.

Prince George's 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 implied by this Charter and by the Constitution and laws of the State of Maryland. The County shall have all such powers as freely and completely as though they were specifically enumerated in this Charter, and no enumeration of powers in this Charter shall be deemed exclusive or restrictive.

Section 102. - Exercise of Powers.

The powers mentioned in the preceding section shall be exercised only by the County Council, 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.

Section 103. - Name and Boundaries.

The corporate name shall be "Prince George's 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. - INDIVIDUAL RIGHTS.

Section 201. - Equal Protection and Nondiscrimination.

No person shall be deprived of life, liberty, or property without due process of law, nor be denied the equal protection of the laws. No person shall be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color, national origin, sex, age, sexual orientation, marital status, familial status, or disability in such a way that such person is adversely affected in the areas of housing and residential real estate, employment, law enforcement, education, financial lending, public accommodations, or commercial real estate.

(Amended, CB-71-2002, ratified Nov. 5, 2002; Amended, CB-36-2018, ratified Nov. 6, 2018)

Section 202. - Rights of Witnesses and Other Persons.

Any witness appearing before the County Council or any of its committees may be represented by counsel. Any person whose character shall have been impugned by the County Council, or by any of its committees, or by any witnesses before the County Council or any of its committees, shall be given the opportunity to appear with or without counsel, to present evidence, to cross-examine any person who may have impugned his character, and to call witnesses of his own, and the County Council shall, upon application being made, exercise its subpoena power to compel the attendance of such persons and witnesses.

Section 203. - Right to Information.

In accordance with State law, any person shall have the right to inspect any public record in the possession of any unit or instrumentality of County government. A copy of any such document shall be furnished upon payment of a reasonable fee prescribed by law.

(Amended, CB-71-2002, ratified Nov. 5, 2002)

ARTICLE III. - LEGISLATIVE BRANCH.

Section 301. - Composition.

The Legislative Branch of the County government shall consist of the County Council, hereinafter referred to as the Council, and the officers and employees thereof. The Council shall be composed of nine district members and two at-large members.

(Petition ratified Nov. 4, 1980; Amended, CB-40-2016, ratified Nov. 8, 2016)

Section 302. - Legislative Power.

All legislative powers which may be exercised by Prince George's County under the Constitution and laws of Maryland, including all law making powers heretofore exercised by the General Assembly of Maryland but transferred to the people of the County by virtue of the adoption of this Charter, shall be vested in the Council.

Section 303. - Election.

The Council shall be elected at the same time as State officers and in the manner provided by law. Each district member of the Council, at the time of their election, shall reside in a different one of the nine Council districts of the County, and shall be nominated and elected by the qualified voters of the Council district in which they reside. Two members of the Council shall be nominated and elected by the qualified voters of the entire County.

(Petition ratified Nov. 4, 1980; Amended, CB-40-2016, ratified Nov. 8, 2016)

Section 304. - Council Districts.

- (a) Prince George's County is hereby divided into nine Council districts.
- (b) The boundaries of the Council districts shall be established pursuant to the provisions of Section 305 of this Charter prior to the filing dates for the 1982 General Election to become effective on noon of the first Monday in December, 1982.

(Petition ratified Nov. 4, 1980)

Editor's note— The composition of the nine Council Districts is set out following Section 8-121 of the County Code.

Section 305. - Redistricting Procedure.

The boundaries of Council districts shall be reestablished in 1982 and every tenth year thereafter. Whenever district boundaries are to be reestablished the Council shall appoint, not later than February 1 of the year prior to the year in which redistricting is to be effective, a commission on redistricting, composed of two members from each political party chosen from a list of five names submitted by the Central Committee of each political party which polled at least fifteen percent of the total vote cast for all candidates for the Council in the immediately preceding regular election. The Council shall appoint one additional member of the Commission who shall serve as chairman. No person shall be eligible for appointment to the Commission if he holds any elected office. By September 1 of the year prior to the year in which redistricting is to be effective, the Commission shall prepare, publish, and make available a plan of Council districts and shall present that plan, together with a report explaining it, to the Council. The plan shall provide for Council districts that are compact, contiguous, and equal in population. No less than fifteen calendar days and no more than thirty calendar days after receiving the plan of the Commission, the Council shall hold a public hearing on the plan. If the Council passes no other law changing the proposal, then the plan, as submitted, shall become law, as of the last day of November, as an act of the Council, subject to Sections 320 and 321 of this Charter. Such law shall be adopted by resolution of the County Council upon notice and public hearing.

(Amended, CB-92-1974, ratified Nov. 5, 1974; Petition ratified Nov. 4, 1980; Amended, CB-69-2002, ratified Nov. 5, 2002; Amended, CB-55-2012, ratified Nov. 6, 2012)

Editor's note— Members of the Prince George's County Redistricting Commission were appointed by CR-5-2001. The Commission's plan was allowed to become law without amendment by the Council.

Members of the 2011 Prince George's County Redistricting Commission were appointed by CR-2-2011. CB-64-2011 adopted the 2011 County Council Redistricting Plan.

Section 306. - Term of Office.

Each member of the Council shall serve for a term beginning at noon on the first Monday in December next following his election, and ending at noon on the first Monday in December in the fourth year thereafter.

Section 307. - Qualifications and Restrictions.

An at-large Council Member shall have been a qualified voter of Prince George's County for at least one year immediately preceding his or her primary election. Council Members representing one of the nine Council districts shall have been a qualified voter of their respective Council district for at least one year immediately preceding his or her

primary election. During his term of office, he shall not hold any other office of profit in state, county, or municipal government. A Council member shall not, during the whole term for which he was elected, be eligible for appointment to any County office or position carrying compensation which has been created during his term of office.

(Amended, CB-69-2002, ratified Nov. 5, 2002; Amended, CB-35-2018, ratified Nov. 6, 2018)

Section 307A. - Term Limitation.

No person shall be eligible to serve more than two consecutive terms on the County Council. No person shall be eligible to serve more than two consecutive terms as County Executive; provided that a Council member who has served two terms as a district member shall be eligible to run for an at-large seat on the Council and is eligible to serve for no more than two consecutive terms as an at-large member. This Section shall apply to all persons who are currently serving on the County Council or as County Executive on the effective date of this Section and to all persons elected thereafter.

(Petition ratified Nov. 3, 1992; Amended, CB-40-2016, ratified Nov. 8, 2016)

Section 307B. - Removal from Office.

A Council member may be removed from office by the affirmative vote of not less than two-thirds of the members of the full Council after a public hearing and only upon a finding that he is unable by reason of physical or mental disability to perform the duties of his office. The decision of the Council may be appealed by the Council member within ten days to the Circuit Court by petition. Upon filing of a petition, the Court may stay the removal pending its decision. Upon appeal, the Court shall make de novo determinations of fact.

(CB-70-2002, ratified Nov. 5, 2002)

Section 308. - Compensation.

The compensation of Council members may be changed by an affirmative vote of not less than two-thirds of the members of the Council. Not later than December 15 of the last year of each term, a compensation review board shall be appointed by the Council and the County Executive to study the rate of current compensation for Council members and the County Executive and make a recommendation regarding the amount of compensation. Membership on the Council shall be considered a full-time position for the purpose of determining compensation. The board shall issue its recommendation not later than the following February 15. The Council may, within ninety days of the receipt of the compensation review board's recommendation, amend the recommendation by a vote of not less than two-thirds of the full Council, otherwise the recommendation shall stand approved. Any increase or decrease in compensation which becomes law during one term of office shall not become effective before the next term.

(Amended, CB-114-1986, ratified Nov. 4, 1986; Amended, CB-70-2002, ratified Nov. 5, 2002; Amended, CB-38-2018, ratified Nov. 6, 2018)

Editor's note— Section 2-110.01 of the County Code contains the current provisions for compensation of Council Members.

Section 309. - Vacancies.

A vacancy in the Council shall exist upon the death or resignation of a Council member, or upon forfeiture of, or removal from office. The Council shall provide by law for the conduct of special elections to fill any vacancy on the Council that occurs during the first three years of a term. When a vacancy occurs during the last year of a term, a majority of the remaining members of the Council shall appoint a qualified person to fill the vacancy.

(Amended, CB-78-1990, ratified Nov. 9, 1990; Amended, CB-79-1996, ratified Nov. 5, 1996; Amended, CB-69-2002, ratified Nov. 5, 2002)

Section 310. - Forfeiture of Office.

A member of the Council shall immediately forfeit his office if he ceases to be a qualified voter of the County. In the case of a Councilman required to reside in a particular Councilmanic district, he shall forfeit his office if he ceases to be a resident of the Councilmanic district in which he resided at the time of his election; provided that no member of the Council shall forfeit his office by reason of any change in the boundary lines of his Councilmanic district made during his term.

Section 311. - Officers of the Council.

The Council shall elect from among its members a Chairman and a Vice Chairman. The Chairman, or in his absence the Vice Chairman, shall preside at all meetings. On all questions before the Council the Chairman and Vice Chairman shall have and may exercise the vote to which each is entitled as a Council member.

Section 312. - Clerk of the Council.

There shall be a Clerk of the Council who shall keep minutes of its meetings, maintain its Journal and perform such other duties as the Council may direct.

(Amended, CB-92-1974, ratified Nov. 5, 1974)

Section 313. - Office of Audits and Investigations.

There shall be an Office of Audits and Investigations, under the supervision and direction of a County Auditor who shall be appointed by the Council. The County Auditor shall receive such compensation as the Council may determine. The County Auditor shall serve a term of five years commencing on January 1, 2019, and each fifth year thereafter. The County Auditor appointment may be renewed for additional five-year terms. The Auditor shall remain until a successor is appointed and qualifies. The County Auditor may be removed for cause. The Auditor shall prepare and submit to the Council and to the County Executive a complete financial audit for the preceding fiscal year of selected agencies that receive or disburse County funds. Upon recommendation by the Auditor that a State audit in a given year is adequate, the Council may, by resolution, exempt from County audit an agency whose entire records, accounts, and affairs are completely audited each year by or with the approval of the State of Maryland or an independent audit by a qualified independent certified public accountant. Any such resolution of exemption from audit shall be limited to a period of not more than one year. In addition to the annual audit, either the Council or the County Executive may at any time order a special audit of the accounts of any agency receiving or disbursing County funds, and upon the death, resignation, removal or expiration of the term of any County administrative officer, the Auditor shall cause a special audit to be made of the accounts maintained by the officer, and by his agency. If, as a result of any audit, an officer shall be found

to be indebted to the County, the County Executive shall proceed forthwith to collect the indebtedness. In the event that the County Executive shall be found to be indebted to the County, the Council shall proceed forthwith to collect the indebtedness. The County Auditor is empowered to conduct investigations related to fraud, waste and abuse by the County Executive, Council Members or other County officials and employees. The Auditor is also empowered to conduct necessary audits of any agency which is the recipient of funds appropriated or approved by the Council whenever he deems it appropriate. No employee or official of the County shall interfere with, threaten with disciplinary action, or otherwise attempt to restrain an employee of the County from providing information to the County Auditor, nor shall any adverse action be taken against such employee. Any adverse action taken within twelve (12) months after the employee has provided information to the County Auditor shall be presumed to be retaliatory, which presumption may be rebutted only by clear and convincing evidence to the contrary. Any audit, including performance audits, special audits, and State audits which form the basis for an exemption by the Council from a County audit, shall be published in suitable form and made available to the public at reasonable hours at the Office of Audits and Investigations. All records and files pertaining to the receipt and expenditure of County funds by all officers, agents, and employees of the County and all agencies thereof, shall at all times be open to the inspection of the County Auditor. The Auditor shall promptly call to the attention of the Council and the County Executive any irregularity or improper procedure which he may discover. The County Auditor 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 audit, investigation, inquiry, or hearing authorized by law or by this Charter. 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.

(Amended, CB-92-1974, ratified Nov. 5, 1974; amended, CB-80-1988, ratified Nov. 8, 1988; Amended, CB-68-2002, ratified Nov. 5, 2002; Amended, CB-60-2006, ratified Nov. 7, 2006; Amended, CB-39-2018, ratified Nov. 6, 2018)

Editor's note— CR-125-1984 provides that audits prepared by the Office of Audits and Investigations shall be made available to the public and shall be distributed to the Prince George's County Memorial Library System.

Section 314. - Other Employees.

The Council may provide for the appointment of such other employees as it may deem desirable for the exercise of its powers, subject to the provisions of Article IX of this Charter.

Section 315. - Special Assistance.

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

Section 316. - Council Sessions.

The first and third Tuesdays of January, February, March, April, May, June, July, September, October and November, except November in a Councilmanic Election year, or the following Wednesday if a legal holiday, and such additional days as the Council shall determine, not to exceed an overall total of forty-five days or as otherwise limited by the State constitution, are designated as days for the enactment of legislation. For the purpose of performing such duties, other than enacting legislation, which are properly exercisable by the Council under the provisions of this Charter, the Council may sit in nonlegislative sessions at such other times as it may determine. A majority of the members of the full Council

shall constitute a quorum. The Council shall provide for the keeping and annual publication of a journal which shall be open to public inspection at all reasonable times. All voting except procedural motions, shall be by roll call, and the ayes and nays shall be recorded in the journal. No business shall be transacted, or any appointments made, or nominations confirmed except in public session. The Council shall adopt and publish Rules of Procedures not inconsistent with the provisions of this Charter.

(Amended, CB-64-1972, ratified Nov. 7, 1972)

Section 317. - Enactment of Legislation.

Every law of the County shall be styled: "Be it enacted by the County Council of Prince George's County, Maryland." The Council shall enact no law except by bill. The subject of every law shall be described in its title. Every law enacted by the Council, except the budget law and supplementary appropriation laws, shall embrace but one subject. No law or section of law shall be revived or amended by reference to its title only. A bill may be introduced by any member of the Council on any legislative session-day of the Council. On the introduction of any bill, a copy thereof and notice of the time and place of the public hearing on the bill shall be posted by the Clerk of the Council within ten days on an official bulletin board to be set up by the Council in a public place and by any other such methods as the Council shall dictate. Additional copies of the bill shall be made available to the public and to the press. Every copy of each bill shall bear the name of the member of the Council introducing it and the date it was introduced. Within ten days following the introduction of a bill the Clerk of the Council shall schedule and give public notice of a public hearing on the bill, which hearing shall not be less than fourteen days after its introduction. The Council may reject any bill on its introduction without a hearing by a majority vote of the members of the full Council. Such public notice shall be published in the County newspapers of record and in media for public notice as defined in Section 1008 of this Charter. The public hearing may, but need not be, held on a legislative session-day and may be adjourned from time to time. After the public hearing, a bill may be finally enacted on a legislative session-day with or without amendment, except, that if a bill is amended before enactment and the amendment constitutes a change of substance, the bill shall not be enacted until it is reprinted or reproduced as amended and a public hearing shall be set thereon and proceedings had, as in the case of a newly introduced bill. Any bill not enacted by the last day of November of each year shall be considered to have failed. To meet a public emergency affecting the public health, safety, or welfare, the County may enact 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. No bill shall be enacted except by the affirmative vote of a majority of the full Council. No emergency bill shall be enacted except by an affirmative vote of two-thirds of the members of the full Council. In the event of an emergency declared by the Governor pursuant to provisions of State law, which emergency affects any part or all of Prince George's County, the Council may provide, by law, for modification of voting, quorum, and publication requirements consistent with State law, for matters relating to and necessary to respond to the emergency.

(Amended, CB-92-1974, ratified Nov. 5, 1974; Amended, CB-70-2002, ratified Nov. 5, 2002; Amended, CB-59-2006, ratified Nov. 7, 2006; Amended, CB-50-2008, ratified Nov. 4, 2008; Amended, CB-52-2014, ratified Nov. 4, 2014)

Section 318. - Effective Date of Laws.

Any law, except an emergency law, shall take effect forty-five calendar days after it becomes law, unless by a provision of the law it is to take effect at a later date, or unless it is petitioned to referendum as provided in Section 319 of this Charter.

Section 319. - Referendum.

Any law which becomes law pursuant to this Charter may be petitioned to referendum, except a law: (1) imposing a tax; (2) appropriating funds for current expenses of the County government; (3) establishing Councilmanic districts; (4) amending a zoning map; or (5) granting a special exception to zoning regulations. Upon the adoption of the Capital Budget any new project not previously contained in the Capital Budget and any additions constituting an enlargement of a project shall be subject to referendum. Once a project has been approved by referendum, that portion of a subsequent Bond Enabling Act or Bond Issue Authorization Ordinance relating to the project shall not be subject to referendum, and if a bond enabling bill including the project and identifying it is approved by referendum that portion of any subsequent bond issue authorization ordinance relating to the project shall not be subject to referendum. A law shall be submitted to a referendum of the voters upon petition of ten thousand (10,000) qualified voters of the County. Such petition shall be filed with the Board of Supervisors of Elections of Prince George's County within forty-five calendar days from the date the bill becomes law. If more than one-third but less than the full number of signatures required to complete any referendum petition against such law be filed within forty-five calendar days from the date the bill becomes law, the effective date of the law, and the time for filing the remainder of signatures to complete the petition shall be extended for an additional forty-five calendar days. If such a petition is filed, the law to be referred shall not take effect until thirty calendar days after its approval by a majority of the qualified voters of the County voting thereon at the next ensuing regular election held for members of the House of Representatives of the United States. An emergency law shall remain in force from the date it becomes law notwithstanding the filing of such petition, but shall stand repealed thirty calendar days after having been rejected by a majority of the qualified voters of the County voting thereon. A petition may consist of several papers, but each paper shall contain the text or a fair summary of the law being 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 knowledge, information, and belief, the signers are qualified voters of Prince George's County, as set opposite their names. A minor variation in the signature of a petitioner between his signature on a petition and that on the voter registration records shall not invalidate the signature. The invalidation of one signature on a referendum petition shall not serve to invalidate any other signature on the petition. Each petitioner shall include his address and the date of his signature opposite his name. The Board of Supervisors of Elections shall verify the qualification of said petitioners.

(Amended, CB-92-1974, ratified Nov. 5, 1974)

Section 320. - Publication of Laws.

The Council shall cause all laws and all amendments to this Charter to be published promptly following their enactment as provided by law. Such laws and Charter amendments shall also be made available to the public at reasonable prices to be fixed by the Council.

Section 321. - Compilation of Laws.

At intervals not greater than every four years, the Council shall compile and codify all laws of the County in effect at such times. Each such codification shall be submitted to the Council, and, if adopted by law, shall be known as the "Prince George's County Code." Such code shall be published with an index and such appropriate notes, citations, annotations, and appendices as the Council may determine. At least annually the Council shall prepare and publish a Supplement to the County Code of laws.

(Amended, CB-67-1978, ratified Nov. 7, 1978)

Section 322. - Confirmation of Administrative Appointments.

Administrative appointments by the County Executive to the position of Chief Administrative Officer, head of an agency in the executive branch of the County government, or member of a board or commission and any executive director thereof shall be subject to confirmation by the Council. The Council shall hold public hearings on all such appointments not less than thirty days after their submission to the Council by the County Executive. If the Council fails to act to confirm or reject such appointments within forty-five days of their submission to the Council by the County Executive, the appointment shall stand approved. In the case of appointments by the County Executive to the position of Chief Administrative Officer or head of an agency in the executive branch of the County government, a vote of two-thirds of the members of the full Council shall be required to reject such appointment. In the case of appointments by the County Executive to membership on a board or commission, or appointments of any executive director thereof, a vote of a majority of the full Council shall be required to reject such appointment.

(Amended, CB-92-1974, ratified Nov. 5, 1974; Amended, CB-96-1976, ratified Nov. 2, 1976; Amended, CB-71-2006, ratified Nov. 7, 2006)

Section 323. - Powers and Duties of the Council.

The Council shall refer to a referendum of the voters of the County, at the ensuing regular congressional primary or general election, any act enabling the County to borrow money to finance capital projects, and any act or resolution pledging the full faith and credit of the County or any other guarantee by the County for any bonds to be issued by or for the benefit of any state or bicounty agency or district except for school construction bonds or obligations. Each such enabling act shall describe, sufficiently for purposes of identification, the specific capital project or projects to be financed by the borrowing authorized by said act, and shall authorize borrowing only for either a single capital project or for a number of capital projects of the same generic class. Unless the act or resolution so referred is approved by a majority of the voters at the referendum, the Council shall have no power to enact an authorizing ordinance pursuant to Section 823 of the Charter to carry into effect the terms of the act or resolution so referred and shall have no power to pledge the full faith and credit of the County or any other guarantee of the County for bonds to be issued by or for the benefit of any state or bicounty agency of district. Any ordinance authorizing the issuance of bonds pursuant to Section 823 of the Charter shall be referred to referendum of the voters as provided in this subsection and shall not be effective unless approved by a majority of the voters, if such authorization is for the purpose of providing for borrowing to finance a capital project authorized by any law enacted prior to the effective date of this amendment which law has not been approved at referendum.

(Petitions ratified Nov. 7, 1972, and Nov. 7, 1978; Amended, CB-36-1978, ratified Nov. 7, 1978; Amended, CB-68-2002, ratified Nov. 5, 2002)

ARTICLE IV. - EXECUTIVE BRANCH.

Section 401. - 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 402. - Executive Power and Duties.

All executive power vested in Prince George's County by the Constitution and laws of Maryland and this Charter shall be vested in the County Executive who shall be the chief executive officer of the County and who shall faithfully execute the laws. His powers, duties, and responsibilities shall include, but shall not be limited to: (1) preparing and submitting to the Council and the public, within six months after the close of the fiscal year, an annual report on the activities and accomplishments of the County government, including a detailed financial statement; (2) providing the Council, or a committee thereof, with any information concerning the executive branch which the Council may require for the exercise of its powers; (3) recommending to the Council such measures for legislative action as he may deem to be in the best interests of the County; (4) appointing the head of each agency of the executive branch, subject to confirmation by the Council as required by Section 322 of this Charter, and removing the same at his discretion; (5) preparing an executive pay plan which establishes the compensation of the Chief Administrative Officer and the head of each agency of the executive branch, subject to the approval of the Council; (6) appointing the members of all boards and commissions subject to confirmation by the Council as required by Section 322 of this Charter, unless otherwise prescribed by law or this Charter; (7) insuring that County funds in excess of those required for immediate needs are invested in the best interests of the County; (8) signing or causing 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 Chairman or any member of the Board of County Commissioners, and affixing the County Seal thereto; (9) preparing and submitting to the County Council semi-annual reports of certain exempt positions consistent with Section 806 of this Charter; and (10) enforcing all laws in the County except as otherwise provided for by State law or charters of municipalities located within the County.

(Amended, CB-80-1988, ratified Nov. 8, 1988; Amended, CB-58-2006, ratified Nov. 7, 2006)

Section 403. - Election.

The County Executive shall be nominated and elected by the qualified voters of the entire County at the same time as State officers and in the manner provided by law.

Section 404. - Term of Office.

The County Executive shall serve for a term beginning at noon on the first Monday in December next following his election, and ending at noon on the first Monday in December in the fourth year thereafter.

Section 405. - Qualification and Restrictions.

The County Executive shall have been a qualified voter of Prince George's County for at least five years immediately preceding his election. During his term of office, he shall not hold any other office of profit in federal, state, county, or municipal government. The County Executive shall not, during the whole term for which he was elected, be eligible for appointment to any County office or position carrying compensation which has been created during his term of office. He shall devote his full time to the duties of his office.

Editor's note— Section 307A provides that no person shall be eligible to serve more than two consecutive terms as County Executive.

Board of Supervisors of Elections of Prince George's County v. Goodsell, 396 A 2d 1033; 284 Md 279 (1979).

Section 406. - Compensation.

The County Executive's compensation may be changed by an affirmative vote of not less than two-thirds of the members of the Council. Not later than December 15 of the last year of each term, a compensation review board shall be appointed by the Council and the County Executive to study the rate of current compensation for the Council and the County Executive and make a recommendation regarding the amount of compensation. The board shall issue its recommendation not later than the following February 15. The Council may, within ninety days of the receipt of the compensation review board's recommendation, amend the recommendation by a vote of not less than two-thirds of the full Council, otherwise the recommendation shall stand approved. Any increase or decrease in compensation which becomes law during one term of office shall not become effective before the next term.

(Amended, CB-70-2002, ratified Nov. 5, 2002)

Section 407. - Vacancy.

A vacancy in the office of County Executive shall exist upon the death, resignation or removal of the County Executive, or upon forfeiture of office by a County Executive. Immediately upon a vacancy, the Chief Administrative Officer shall become the Acting County Executive until a County Executive is chosen by the methods established in this Section of the Charter. In the event of a vacancy in the office of County Executive occurring during the last two years of the term, the Council shall select from among its members, by majority vote, a successor for the office for the balance of the unexpired term. If this selection by the Council is not made within fourteen (14) calendar days after the vacancy occurs, the Chairman of the Council shall succeed to the Office for the balance of the unexpired term. The Council shall provide by law for the conduct of a special election to fill a vacancy in the office of County Executive that occurs during the first two years of a term and for the appointment, powers and duties of an Acting County Executive pending the outcome of such special election.

(Amended CB-68-1984, ratified Nov. 6, 1984; Amended, CB-51-2014, ratified Nov. 4, 2014)

Section 408. - Forfeiture of Office.

The County Executive shall immediately forfeit his office if he ceases to be a qualified voter of the County.

Section 409. - Removal from Office.

The County Executive may be removed from office by the affirmative vote of not less than two-thirds of the members of the full Council after a public hearing and only upon a finding that he is unable by reason of physical or mental disability to perform the duties of his office. The decision of the Council may be appealed by the County Executive within ten days to the Circuit Court by petition. Upon filing of a petition, the Court may stay the removal pending its decision. Upon appeal, the Court shall make de novo determinations of fact.

Section 410. - Temporary Absence or Disability.

The County Executive shall, within ten days after taking office, designate in writing the Chief Administrative Officer or some other person in the executive branch to perform the duties of the County Executive during the latter's temporary inability to perform such duties by reason of absence from the County or disability. Such designation shall be filed with the Clerk of the Council. An Acting County Executive shall have the same rights, duties, powers, and obligations as an elected incumbent in said office, except the power of veto.

Section 411. - Executive Veto.

Upon the enactment of any bill by the Council, with the exception of such measures made expressly exempt from the executive veto by this Charter, it shall be presented to the County Executive within ten days for his approval or disapproval. Within ten days after such presentation, he shall return any such bill to the Council with his approval endorsed thereon or with a statement, in writing, of his reasons for not approving the same. Upon approval by the County Executive, any such bill shall become law. Upon veto by the County Executive, his veto message shall be entered in the Journal of the Council, and, not later than at its next legislative session-day, the Council may reconsider the bill. If, upon reconsideration, two-thirds of the members of the full Council vote in the affirmative, the bill shall become law. Whenever the County Executive shall fail to return any such bill within ten days after the date of its presentation to him, the Clerk of the Council shall forthwith record the fact of such failure in the Journal, and such bill shall thereupon become law. In the case of budget and appropriation bills, the County Executive may disapprove or reduce individual items in such bills, except where precluded by State law. Each item or items not disapproved or reduced in a budget and appropriation bill shall become law, and each item or items disapproved or reduced in a budget and appropriation bill shall be subject to the same procedure as any other bill vetoed by the County Executive.

(Amended, CB-92-1974, ratified Nov. 5, 1974; Amended, CB-59-2006, ratified Nov. 7, 2006)

Section 412. - Chief Administrative Officer.

The County Executive shall appoint a Chief Administrative Officer. He shall be appointed on the basis of his qualifications as a professional administrator and shall serve at the discretion of the County Executive. The Chief Administrative Officer shall perform such administrative duties and exercise such general supervision over the agencies of the executive branch as the County Executive may direct.

ARTICLE V. - ADMINISTRATIVE ORGANIZATION.

Section 501. - Supervision and Control.

Except as otherwise provided in this Charter or in State law, all agencies of the County government shall be subject to the direction, supervision, and control of the County Executive.

Section 502. - Structure.

All functions and duties of the executive branch shall be allocated among and within such agencies as may be established by law.

Section 503. - Reorganization.

The County Executive may propose changes in the organization of the executive branch, including the establishment or abolition of agencies, and in the assignment of functions, powers, and duties among agencies. Reorganization proposals shall be set forth in executive orders in statutory form and be submitted to the Council. Such executive order shall become effective and have the force of law sixty calendar days after submission unless disapproved by majority vote of the full Council.

Section 504. - Administrative Appointments.

The County Executive shall appoint a single officer to head each agency of the executive branch, subject to confirmation by the Council as required by Section 322 of this Charter. The County Executive shall appoint the members of all boards and commissions, subject to confirmation by the Council as required by Section 322 of this Charter, unless otherwise prescribed by State law or this Charter. All employees of the executive branch, except those otherwise provided for in this Charter, shall be appointed and removed by the heads of the several agencies of the County government in accordance with the provisions of the County personnel law.

Section 505. - Temporary Administrative Appointments.

During the temporary absence of the Chief Administrative Officer or the head of an agency of the executive branch, or if such position shall become vacant, the County Executive shall make a temporary appointment to fill such position. No person shall serve as Acting Chief Administrative Officer or acting head of any agency for a period longer than sixty calendar days. Such limit may be extended an additional four calendar months by resolution of the Council. An individual may be temporarily appointed to fill a vacancy, no more than one year, without an intervening permanent appointment.

(Amended, CB-40-2018, ratified Nov. 6, 2018)

Section 506. - Citizens Advisory Boards.

The Council or the County Executive may appoint, for designated periods, one or more temporary advisory boards of citizens of the County who shall assist in the consideration of County policies and programs.

Section 507. - Removal of Members of Boards and Commissions.

Except for members of the Personnel Board established by Section 906 of this Charter, the Board of Ethics as established by Section 1001, and except as otherwise provided for by State law, a member of any appointed board or commission may be removed from office by the County Executive.

(Amended, CB-92-1974, ratified Nov. 5, 1974; CB-96-1976, ratified Nov. 2, 1976; Amended, CB-70-2002, ratified Nov. 5, 2002)

Section 508. - Common Administrative Services.

To the extent permitted by State law and to the extent of their being available within the County government, any agency receiving or disbursing County funds shall be served by, and shall utilize, the services of the County for legal services, budgeting and accounting, receiving and collecting funds, purchasing, data processing, public relations, land acquisition, architecture and engineering, personnel administration, and such other administrative services as the Council may establish by law. The provisions of this section shall not be construed to preclude contracting for professional services in accordance with Article VI of this Charter. In the event the County Attorney determines there is a conflict of interest between the executive and legislative branches on matters requiring legal services and advice, both branches shall engage outside counsel.

(Amended, CB-41-2016, ratified Nov. 8, 2016)

ARTICLE VI. - PURCHASING.

Section 601. - County Purchasing Agent.

There shall be a County Purchasing Agent, who shall be responsible for the administration of the purchasing policies established by this Charter or by law.

Section 602. - Duties of the County Purchasing Agent.

The duties of the County Purchasing Agent shall include responsibility for: (1) the making of all purchases and the contracting for all public work and services for which payment is to be made out of County funds; (2) the establishment, after consultation with the appropriate County officials, of specifications and standards for all supplies, materials and equipment, and the inspection of all deliveries to insure compliance with such specifications and standards; (3) the establishment and maintenance of a system of requisitions and receipts covering the furnishing of supplies, materials, and equipment to the various using agencies; (4) the preparation for legislative action thereon by the Council of reasonable rules and regulations governing emergency purchases, contracts, and services or material and equipment of an unusual or noncompetitive nature which shall not be subject to competitive bidding; (5) the sale or other disposition of surplus, old, and waste supplies, materials, and equipment or the transfer of same between using agencies; and (6) the conduct of programs involving joint or cooperative purchasing with other public jurisdictions.

(Amended, CB-92-1974, ratified Nov. 5, 1974, Amended, CB-68-2002, ratified Nov. 5, 2002)

Section 603. - Competitive Bidding.

Any single purchase or contract under the jurisdiction of the County Purchasing Agent and involving an expenditure in excess of such amount(s) as may be established by legislative act of the County Council, except emergency purchases and those involving services or material and equipment of a noncompetitive nature as may be defined and governed by the rules and regulations mentioned in Section 602 of this Charter, shall be made from or let by sealed bids or proposals publicly opened after public notice for such period and in such manner as the County Purchasing Agent or his authorized deputy shall determine. Such purchases and contracts shall be made from or awarded to the responsive and responsible bid that is most favorable to the County with respect to technical requirements and costs. A security or bond for the performance of work as determined by the County's Purchasing Agent may be required for purchases and contracts. No such purchase or contract shall be made or awarded within a period of one week from the date of the public opening of bids. In all cases, the County shall reserve the right to reject any and all bids. No contract or purchase shall be subdivided to avoid the requirements of this section. Anything to the contrary of this Section 603 notwithstanding, the Council may authorize the County Purchasing Agent to negotiate extensions of existing contracts for garbage and refuse collection, without competitive bidding, upon such terms and for such duration as the Council may by law prescribe; provided, however, that any such law shall require the County Purchasing Agent to poll the residents of the service area covered by a collection contract, and shall provide that the County Purchasing Agent not conclude any agreement for an extension unless a certain number of the residents of the service area, as prescribed by the Council, indicate their concurrence in the extension.

(Amended, CB-92-1976, ratified Nov. 2, 1976; Amended, CB-137-1986, ratified Nov. 4, 1986; Amended, CB-117-1987, ratified Nov. 8, 1988; Amended, CB-68-2002, ratified Nov. 5, 2002)

Section 604. - Nondiscrimination in Employment.

No contractor who is the recipient of County funds shall discriminate in employment because of religion, race, color, sex, national origin, age, sexual orientation, marital status, familial status or disability. The Council shall enact furthering legislation to implement the provisions of this section.

(Amended, CB-93-1976, ratified Nov. 2, 1976; Amended, CB-36-2018, ratified Nov. 6, 2018)

Section 605. - Application to Agencies Operating under State Law.

To the extent permitted by law, the provisions of this Article shall apply to agencies created by or operating under State law and which receive or disburse County funds. In the interests 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 agencies, and their use shall be encouraged.

Section 606. - Cooperative Purchasing.

As appropriate, the County Purchasing Agent may undertake programs involving joint or cooperative purchases with other public jurisdictions.

Section 607. - Local and Minority Business.

The County is committed to the encouragement and support of local and minority businesses consistent with requirements of Federal and State law.

(CB-58-2006, ratified Nov. 7, 2006)

ARTICLE VII. - PLANNING AND ZONING.

Sec. 701. - Definition and Effect of Terms Used in this Article.

- (a) The term "General Plan" shall mean a map, with accompanying data, including charts, plats, and descriptive matter, which outlines the prospective overall development of the entire Metropolitan Washington Area, or of both Montgomery and Prince George's Counties, and is prepared in cooperation with the planning authorities of other jurisdictions. There shall be only one general plan in force and effect in Prince George's County.
- (b) The term "Master Plan" shall mean a map, with accompanying data, of the County or of one or more planning areas of the County. Planning areas shall be predetermined by law and shall be substantially equal in geographic size, except that an incorporated municipality or urban renewal district may constitute a planning area. Said plan, when organized by planning area, shall on a comprehensive basis assign a prospective land use, either of a public or private character, to each particular piece, parcel, or tract of land lying within the said planning area. Said plan, when organized on a county-wide basis shall, consistent with local area plans, assign the specific locations throughout the County of particular public improvements, including, but not limited to, roads, schools, firehouses, water lines, or sewer lines. A master plan shall contain an estimate of the cost of all public facilities which must be acquired and constructed in order to carry out the objectives and requirements of the plan. A master plan hereafter adopted and approved shall be of no force and effect until it is adopted and approved in compliance with procedures established by law, including requirements for notice and public hearing. After final adoption and approval, a master plan organized on a planning area basis may be amended only for the entire area encompassed by the plan. A master plan may contain a time schedule estimating the completion of development of various phases or portions thereof. The adoption and approval of a master plan shall not give rise to a presumption that a change has occurred in the condition or character of the neighborhood in which any piece, parcel, or tract of land is located, nor shall such adoption and approval, in and of itself, warrant the approval of any application for reclassification.
- (c) The term "Comprehensive Zoning Map" shall mean an ordinance in the form of a map, which, by its provisions, assigns to each particular piece, parcel, or tract of land contained within its boundaries a particular zoning classification. Such map may not be adopted for an area smaller than a planning area, as that term is used in the definition herein of master plan.
- (d) The term "Zoning Map Amendment" shall mean a reclassification from one zoning category or subcategory established by the text of the zoning ordinance, to another zoning category or subcategory so established, of any piece, parcel, or tract of land which is smaller than a planning area, as that term is used in the definition herein of master plan.
- (e) Any "Person of Record" shall include the applicant for a zoning map amendment or special exception to a zoning regulation, or any municipality, taxpayer or association of taxpayers in Prince George's County who appears in a zoning case in person, in writing, or by counsel at any time prior to the final decision therein.
- (f) The term "Zoning Case" shall mean any application or consideration of a zoning map amendment or

special exception to a zoning regulation.

Footnote 1: *The Court of Appeals of Maryland held in Prince George's County v. Maryland-National Capital Park and Planning Commission, 269 Md. 202, 306 A. 2d 223 (1973) that the provisions of this Article have no force and effect in that portion of Prince George's County within the Maryland-Washington Regional District as codified in Article 28, Annotated Code of Maryland.*

Section 702. - Initiation of Master Plans.

The County Executive, by executive order, or the Council, by legislative act, may direct the initiation of a master plan to the extent that funds are available.

Section 703. - Approval of Proposed Master Plans and the General Plan.

All proposed master plans, and the portion of a proposed general plan applicable to Prince George's County shall, prior to final approval, be submitted to the County Executive for review. Within sixty calendar days after receipt thereof, the County Executive shall forward the said plan to the Council, together with his recommendations thereon. The Council, in turn, shall, by legislative act, approve, reject, modify or revise said plan, in accordance with the procedures established by law and by Sections 317, 319, and 411 of this Charter.

Section 704. - Adoption of the Text of a Zoning Ordinance and Amendments Thereto, and Adoption of Comprehensive Zoning Maps.

The Council shall have the authority to adopt and amend the text of a zoning ordinance, and to adopt comprehensive zoning maps, by legislative act in accordance with the procedures established by law and by Sections 317, 319, and 411 of this Charter.

Section 705. - Approval of Zoning Map Amendments and Special Exceptions.

Subject to the provisions of law and of Sections 706, 707, 708, 709, 710, and 711 of this Charter, the Council shall have the exclusive authority to approve zoning map amendments and to grant special exceptions to zoning regulations, which shall be exempt from the referendum and executive veto provisions of this Charter.

Section 706. - Procedural Requirements in Zoning Cases.

- (a) Before any zoning map amendment or special exception to a zoning regulation may be granted, there shall be a public hearing thereon before either the Council or a zoning hearing examiner, appointed pursuant to the provisions of this Charter. Said hearing may be held only upon public notice of the time and place of the hearing given at least thirty calendar days immediately preceding the hearing.
- (b) All applications in a zoning case, and any amendments thereto, shall contain specific allegations setting forth the precise legal basis for, and the public purpose to be served by, the granting of the request. All applications must disclose the names and addresses of all persons having a legal or equitable interest in the property which is the subject of a zoning case, including shareholders owning more than five percent of the stock in any corporation having such interest in any land involved in the application, excepting those corporations which are listed and regularly traded on a recognized stock exchange.

- (c) All persons who appear to testify in any zoning case shall be sworn and reasonable cross-examination of witnesses shall be permitted.
- (d) Upon request of any person of record, the Council shall employ its subpoena power to compel the attendance of witnesses and the production of relevant books and records. The Council may excuse a witness from attendance upon a showing by the witness that the placing of said witness under subpoena was frivolous or oppressive.
- (e) A complete transcript containing all record evidence, including exhibits, shall be prepared in each zoning case. The record in any zoning case shall include a technical staff report, all communications to any public official or agency concerning the application, a current land-use inventory, and specific factual and statistical data from official sources indicating the impact upon public facilities by the requested zoning map amendment or special exception to a zoning regulation.
- (f) The burden of proof in any zoning case shall be upon the applicant. After the close of an evidentiary hearing in any zoning case before either the Council or the Zoning Hearing Examiner, as the case may be, said hearing shall not thereafter be reopened for the purpose of adducing additional evidence to supply a defect in proof.

Section 707. - Decisions in Zoning Cases.

- (a) The final decision of the Council in any zoning case shall be based solely upon record evidence, and shall be supported by specific written findings of basic facts and conclusions of law.
- (b) The votes or abstentions thereon of all members of the Council must be recorded.
- (c) The decision, findings, conclusions, and votes of the Council thereon shall be served upon all persons of record.
- (d) A majority vote of the full Council shall be necessary to grant any zoning map amendment or special exception to a zoning regulation.
- (e) Where any application for a zoning map amendment or special exception to a zoning regulation conflicts with the requirements of a master plan, or with the recommendation of a municipality respecting land within its boundaries, or with the recommendation of any agency charged with making recommendations in zoning cases, said application may be granted only upon the affirmative vote of two-thirds of the full Council.
- (f) Applications in zoning cases on which a decision has not been finally rendered within 90 calendar days from the conclusion of the hearing by the Council or from the filing and service of a hearing examiner's decision in cases heard by a hearing examiner, as hereinafter provided, shall automatically be considered to have been denied by the Council.

Section 708. - Restrictions in Zoning Cases.

- (a) No amendment to an application in a zoning case shall be permitted after notice of public hearing is given.
- (b) No application for a zoning map amendment or special exception to a zoning regulation may be filed on substantially the same land until two calendar years have elapsed after action, including appellate review, shall have been completed upon any previous application. After two such applications on substantially

the same land shall have been acted upon, a period of four calendar years must elapse before another application may be filed.

- (c) Staff studies of any agency or commission in the nature of land development plans which have not been subjected to the procedures and requirements for the adoption and approval of a master plan shall not be used as any part of the basis for the approval of applications in zoning cases.
- (d) A zoning map amendment may not be approved subject to a condition or qualification which is not uniformly applicable throughout the County to all land in the same zoning classification.
- (e) No zoning classification shall be a floating zone.
- (f) State and County officials may not appear in a representative capacity on behalf of any private party in any zoning case.
- (g) The Council may by law require that, subsequent to the granting of a zoning map amendment, a site plan shall be filed and approved as a prerequisite for the issuance of a building permit. Such law shall contain standards for approval and shall require that notice of the filing of the site plan be given to adjacent property owners and to any municipality in which the land is located and that a public hearing shall be held prior to the approval of the site plan.

Section 709. - Conflicts of Interest.

All public officials participating in the decision on, or the processing of, any application in any zoning case shall file a public statement under oath, not later than July 1 of each year, with the Clerk of the Circuit Court for Prince George's County, disclosing any interest in land located in Prince George's County held by himself or his spouse during the preceding year. As used herein, interest includes both legal and equitable interest and includes the ownership of more than five percent of the stock in any corporation which holds an interest in land in Prince George's County. All public officials participating in the decision on, or the processing of, an application in a zoning case shall annually file copies of their federal and state income tax returns with the Chief Judge of the Seventh Judicial Circuit. Said returns may be disclosed by the Chief Judge to any law enforcement officer as the public interest may require.

Section 710. - Zoning Hearing Examiner.

The Council may, subject to the provisions of Article IX of this Charter, employ one or more hearing examiners to conduct public hearings in zoning cases. An examiner shall be an attorney admitted to practice before the highest court of a state or of the District of Columbia, shall possess judicial temperament, shall have at least five years experience in administrative litigation, and shall demonstrate a knowledge of administrative and zoning law, practice, and procedure by competitive written examination. Said examiners shall be subject to the provisions of Sections 709, 1001, and 1002 of this Charter.

Section 711. - Duties of Zoning Hearing Examiner.

In all cases delegated by the Council to a zoning hearing examiner, he shall conduct a full and complete public hearing upon the application in question, subject to all the requirements and restrictions imposed by law upon the Council. He shall be empowered to swear witnesses and to request subpoenas from the Council. After the conclusion of the hearing, he shall prepare and serve upon all persons of record a written decision which shall contain specific findings of basic facts, conclusions of law, and a recommended disposition of the case. Within thirty calendar days after service of the said decision, any person of record may file exceptions to any portion of the decision and may request

oral argument thereon before Council. The Council shall grant such request and shall give at least ten calendar days notice of the time and place of the argument to all persons of record. In the event no exceptions or request for oral argument is filed within thirty calendar days from the service of said decision, the Council may act forthwith upon the application in accordance with Section 707 of this Charter. The Council shall in all cases, decide finally each application by record vote within 90 calendar days after the hearing examiner files his decision, in accordance with Section 707 of this Charter.

Section 712. - People's Zoning Counsel.

The County Executive shall appoint one or more attorneys, who are members of the bar of Maryland and are experienced in zoning law and procedure, to serve as People's Zoning Counsel. Their compensation shall be contained in the annual budget, and they shall be provided such clerical and other assistance as may be determined by the annual budget. They shall be subject to the provisions of Sections 709, 1001, and 1002 of this Charter. It shall be the duty of the People's Zoning Counsel to appear at all hearings on zoning cases, whether before the Council or a hearing examiner, for the purposes of protecting the public interest and insuring the compilation of a full and complete record. The People's Zoning Counsel may summon, examine and cross-examine witnesses, introduce documentary evidence into the record, file exceptions, and make such argument to the hearing examiner or the Council as the law and the evidence in the case may warrant.

Section 713. - Judicial Review.

In addition to any person otherwise entitled to judicial review of a final decision of the Council in a zoning case, any person of record shall be entitled to judicial review of said decision without the necessity of pleading or proving any special loss, injury, or grievance. Any person or class of persons entitled to judicial review of a zoning case in the Circuit Court for Prince George's County may appeal a final decision of said Court in such case to the Court of Appeals by filing a timely appeal in accordance with the Maryland Rules of Procedure.

Section 714. - District Council.

During the existence of the Prince George's County District Council of the Maryland-Washington Regional District, said District Council shall be the County Council and shall be subject to all of the restrictions, limitations, and modifications contained in this Charter.

Section 715. - Furthering Legislation.

The Council shall adopt and publish rules of procedure pertaining to zoning cases not inconsistent with the provisions of this Article.

ARTICLE VIII. - BUDGET AND FINANCE.

Section 801. - Fiscal Year and Tax Year.

The fiscal or budget year and the tax year of the County shall be as established by County or State law. If the fiscal or budget year or the tax year is established by law as beginning on any day other than the first day of July, then all related references to dates in this Charter shall be adjusted accordingly.

(Amended, CB-68-2002, ratified Nov. 5, 2002)

Editor's note— Former Section 803 was amended and renumbered to be Section 801.

Section 802. - Definition of Terms Used in this Article.

- (a) The term "capital budget" shall mean the plan of the County to receive and expend funds for capital projects scheduled to begin during the first fiscal year included in the capital program.
- (b) The term "capital program" shall mean the plan of the County to receive and expend funds for capital projects during the fiscal year covered by the capital budget and the next succeeding five fiscal years thereafter.
- (c) The term "capital project" shall mean:
 - (1) Any physical public betterment or improvement;
 - (2) The acquisition of property of a permanent nature for public use; and
 - (3) The purchase of equipment for any public betterment or improvement when first constructed.
- (d) The term "County funds" shall mean any monies received by the County or appropriated or approved by the Council or to which the County may at any time have legal or equitable title.
- (e) The term "County government" shall include all agencies and their officers, agents, and employees who receive or disburse County funds.
- (f) The term "general classification of expenditure" shall mean, with respect to the general fund, compensation, operating expense, capital outlay, and recoveries for each agency and subagency unit thereof; total debt service costs; and each item falling within all other nonagency expenditure categories; and with respect to all other funds, the total for each such fund.
- (g) The term "operating 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.
- (h) The term "recovery" shall mean the classification used to account for reimbursement of expenditures incurred by an agency or fund for services it provides to another agency or fund.
- (i) The term "revenue" shall mean all the funds that the County receives in a fiscal year, including tax payments, fees for specific services, receipts from other governments, fines, forfeitures, shared revenues, interest income, and transfers from other funds.

(Amended, CB-92-1974, ratified Nov. 5, 1974; Amended, CB-95-1978, ratified Nov. 7, 1978; Amended, CB-68-2002, ratified Nov. 5, 2002)

Editor's note— Former Section 804 was amended and renumbered to be Section 802.

Section 803. - Comprehensive Scope of Budget.

The County budget shall consist of the current expense budget, the capital budget and capital program, and the budget message. It shall represent a complete financial plan for the County, including all estimated revenues from all sources, all planned expenditures, and the surplus or deficit in the general and all special funds of the County government and shall be presented in such format as the Council may prescribe by resolution.

(Amended, CB-95-1978, ratified Nov. 7, 1978; Amended, CB-68-2002, ratified Nov. 5, 2002)

Editor's note— Former Section 805 was renumbered without amendment to be Section 803.

Section 804. - Public Hearings by County Executive and Submission of the County Budget.

The County Executive shall hold one or more advertised public hearings on the proposed budget prior to submission to the Council. Not later than March 15 of each fiscal year, the County Executive shall submit to the Council the proposed County budget for the ensuing fiscal year.

(Amended, CB-129-1974, ratified Nov. 5, 1974; Amended CB-38-1980; ratified Nov. 4, 1980; Amended, CB-68-2002, ratified Nov. 5, 2002; Amended, CB-58-2006, ratified Nov. 7, 2006)

Editor's note— Former Section 811 was amended and renumbered to be Section 804.

Section 805. - Contents of the Capital Budget and Capital Program.

The proposed capital budget and capital program shall be so arranged as to set forth clearly the plan of proposed capital projects to be undertaken in the ensuing fiscal year and in each of the next five fiscal years, and also the proposed means of financing the same. The capital budget shall include a statement of the receipts anticipated during the ensuing fiscal year from all borrowing and from other sources for capital projects.

(Amended, CB-68-2002, ratified Nov. 5, 2002)

Editor's note— Former Section 808 was renumbered without amendment to be Section 805.

Section 806. - Contents of the Operating Budget.

- (a) The proposed operating expense budget shall contain the following information: (1) a statement of all revenue estimated to be received by the County during the ensuing fiscal year, classified so as to show the receipts by funds and sources of income; (2) a statement of debt service requirements for the ensuing fiscal year; (3) a statement of the estimated 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; (3.1) the proposed expenditures of the Legislative Branch as submitted by the Council; (4) an estimate of the expenditures which the County 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 and contingent liabilities; (6) a statement of the proposed contingency reserves, subject to appropriation only in accordance with Section 816 of this Charter, which shall equal five per centum of the general fund, provided, however, that if an emergency results in a depletion of the reserve by more than thirty per centum, the reserve deficit may be refunded within the

next two fiscal years; (7) a comparative statement of the actual revenues and expenditures for the last completed fiscal year; the budgeted and estimated revenues and expenditures for the currently ending fiscal year; and the projected revenues and expenditures recommended by the Executive for the ensuing fiscal year; (8) forecast of goods and services that would necessitate competitive bidding for the ensuing fiscal year; and (9) any other material which the County Executive may deem advisable or the Council may require by resolution.

- (b) Concurrent with the submission of the proposed annual operating budget, the County Executive shall submit to the County Council a report of all exempt positions pursuant to Section 902(2), (3), (4), (5), (9), and (13) of this Charter. The report shall include the name of the incumbent and compensation for all such positions for the six-month period ending the prior March 1. A second report for the six-month period ending September 1 shall be submitted not later than September 15 of each year. A similar report shall be filed in the manner prescribed herein by the County Council for the Legislative Branch.

(Amended, CB-92-1974, ratified Nov. 5, 1974; Amended, CB-95-1978, ratified Nov. 7, 1978; Amended, CB-18-1992, ratified Nov. 3, 1992; Amended, CB-68-2002, ratified Nov. 5, 2002; Amended, CB-58-2006, ratified Nov. 7, 2006)

Editor's note— CR-88-1987 provided that any revenues in the proposed current expense budget which are projected to be derived from a new category of tax not enacted by the County Council shall be separately identified in the proposed budget as a contingent section of the proposed budget.

Former Section 809 was amended and renumbered to be Section 806.

Section 807. - Contents of the Budget Message.

The budget message shall contain supporting summary tables and shall explain the proposed operating 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 operating 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.

(Amended, CB-68-2002, ratified Nov. 5, 2002)

Editor's note— Former Section 810 was amended and renumbered to be Section 807.

Section 808. - Filing of Proposed Budget, Copies.

The proposed County budget shall be filed with the Clerk of the Council and copies thereof shall be made available to the public upon request.

(Amended, CB-68-2002, ratified Nov. 5, 2002)

Editor's note— Former Section 812 was renumbered without amendment to be Section 808.

Section 809. - Public Budget Hearings and Action on the Budget by the Council.

Upon receipt of the proposed County budget, the Clerk of the Council shall cause to be published a notice of the place and time of at least two public hearings on the budget by the Council. Such public notice shall be published in the County newspapers of record and in media for public notice as defined in Section 1008 of this Charter. The Council may

hold such other preliminary 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 session. After the final public budget hearing, the Council may not add new items but may increase, decrease, or delete any items in the budget except those required by the laws of this State or of this County, 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 or to alter the revenue estimates except to correct mathematical errors, or, by a vote of two-thirds of the members of the full County Council, adjust the revenue estimates by an increase or decrease of no more than one percent (1%). The adoption of the operating budget, the capital budget and the capital program shall be by the affirmative vote of not less than a majority of the full Council by a law to be known as the Annual Budget and Appropriation Ordinance of Prince George's County. The Annual Budget and Appropriation Ordinance shall be adopted by the Council on or before June 1 of each fiscal year, and if the Council fails to do so, the proposed operating budget submitted by the County Executive shall stand adopted, and funds for the expenditures proposed in the current expense budget shall stand appropriated as fully and to the same extent as if favorable action thereon had been taken by the Council.

(Amended, CB-129-1974, ratified Nov. 5, 1974; Amended, CB-95-1978, ratified Nov. 7, 1978; Amended, CB-68-2002, ratified Nov. 5, 2002; Amended, CB-72-2006, ratified Nov. 7, 2006; Amended, CB-52-2014, ratified Nov. 4, 2014)

Editor's note— Portions of former Sections 813 and 814 were amended and combined into current Section 809.

Section 810. - Public Availability of the Budget.

The budget as adopted shall be made available to the public upon request.

(Amended, CB-68-2002, ratified Nov. 5, 2002)

Editor's note— Former Section 815 was amended and renumbered to be Section 810.

Section 811. - Tax Levy and Balanced Budget.

When the County budget shall have been finally adopted in the Annual Budget and Appropriations Ordinance, the Council shall thereupon by separate resolution 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.

(Amended, CB-92-1974, ratified Nov. 5, 1974; petition ratified Nov. 7, 1978; Amended, CB-68-2002, ratified Nov. 5, 2002)

Editor's note— Former Section 817A was amended and renumbered to be Section 811.

Section 812. - Tax Rate Limitation.

- (a) (1) Except as provided in this Section 812, the Council shall not levy a real property tax which would result in a total collection of real property taxes greater than the amount collected in fiscal year 1979;
- (2) The Council may levy a real property tax which would result in a total collection of real property taxes greater than the amount collected in fiscal year 1979 if the real property tax rate does not exceed Two Dollars and forty cents (\$2.40) for each One Hundred Dollars (\$100.00) of assessed value.
- (b) In the event that any annual collection of real property taxes exceeds the limits set forth in this section as

estimated in the annual budget projections, said excess shall be placed in the contingency fund, and, if not used during the current fiscal year, said excess will be included in the budget estimate for real property taxes in the following fiscal year.

- (c) In the event the County Council shall establish, pursuant to proper authority, any separate class of residential real property tax, then, and in that event, all other classes of real property taxes would be exempt from this section, and the total real property taxes on residential real property shall not exceed the total amount of taxes collected on residential real property in fiscal year 1979.
- (d) In accordance with the provisions of Section 9-105 of the Tax-Property Article of the Annotated Code of Maryland, on or before January 1 of each year, the County Council shall set, by law, the homestead credit percentage for the taxable year beginning the following July 1. The homestead credit percentage shall be no greater than 100% plus the percentage of increase in the Consumer Price Index for the previous twelve months, rounded to the nearest whole number, but not more than 105%.

(Petition ratified Nov. 7, 1978; CB-63-1984, ratified Nov. 6, 1984; CB-89-1992, ratified Nov. 8, 1994; Amended, CB-68-2002, ratified Nov. 5, 2002)

Editor's note— Section 7, Chapter 80, 2000 Laws of Maryland, provides that any limit on a local tax rate in a Charter provision that is expressed as a rate to be applied to an assessment of real property shall be construed to mean a rate equal to 40% times the rate stated in the Charter provision. Accordingly, the \$2.40 rate stated in Section 817B(a)(2) shall be construed to be \$.96

Former Section 817B was renumbered with minor amendments to be Section 812.

Section 813. - Approval of New or Additional Taxes by Referendum.

- (a) Notwithstanding the provisions of Section 319 of this Charter, the County Council shall refer to a referendum of the qualified voters of the County, at the ensuing regular general election for members of the House of Representatives of the United States, any ordinance or resolution levying or charging the amount of any tax or fee in excess of the amount levied or charged in the preceding fiscal year. Each such ordinance or resolution shall be subject to a separate ballot question at the referendum. Any ordinance or resolution adopted by the County Council levying or charging any tax or fee which is required to be referred to referendum as provided in this Section shall contain a separate levy or charge in an amount equal to the amount of any tax or fee levied or charged in the preceding fiscal year. Such separate levy or charge shall be effective on the date provided in the ordinance or resolution approving it. Any increase in the amount of any tax or fee over and above the amount levied or charged in the preceding fiscal year shall be of no force or effect unless approved by a simple majority of voters voting on the ballot question at the referendum. Upon the approval of such ordinance or resolution by a simple majority of voters voting on the ballot question at the referendum, such ordinance or resolution shall take effect immediately.
- (b) The County Executive and the County Council shall inform the general public through public hearings, government media and public print and telecommunication media of the County's intention to levy or charge a tax or fee in excess of the amount levied or charged in the preceding fiscal year, its projected fiscal impact upon taxpayers, and its intended purpose. The County Executive shall budget, and the County Council shall appropriate, the revenue necessary to permit such information to be provided to the general public in the manner prescribed herein.

- (c) The language of the ballot question at the referendum describing any ordinance or resolution pursuant to t shall contain, but not be confined to:
- (1) A description, in easy to understand language, of the kind or classification of the tax or fee proposed to be levied or charged;
 - (2) The amount of such tax or fee during the preceding fiscal year;
 - (3) The amount of any proposed increase; and
 - (4) The purpose for which such additional tax or fee is being levied or charged.
- (d) (1) Fees relating to licenses and permits for the following shall be exempt from the requirements of this Section: street privileges, liquor, traders, hawkers and peddlers, refuse, taxicabs, solicitors, marriage, dance, bondsmen, animal registration, mechanics, electrical, building and grading, boiler, apartments, single family rental, sign, utility, towing facilities, heating and air conditioning repair, TV/radio repair facilities, palmists, burglar alarms, benefit performance and casino, sediment control, contractor board of registration, health, and secondhand dealers.
- (2) Fees relating to charges for services for the following shall be exempt from the requirements of this Section: Sheriff's Department, Zoning Appeals Board, tax collection service, Driving While Intoxicated ("DWI"), inmate commissions, health, appearance and witness, advance life support transport, tax sale cost recoveries, housing—state prisoners, housing—federal prisoners, contractual police services, boiler inspection, DWI work release, County sales, animal control, mosquito control, Circuit Court marriage ceremonies, State's Attorney incentive payments, casino night levies, cable franchises, and local 911.
- (e) This Section shall not be construed to amend or otherwise modify Section 812 hereof.

(Petition ratified Nov. 5, 1996; Amended, CB-68-2002, ratified Nov. 5, 2002)

Editor's note— Former Section 817C was renumbered with minor amendments to be Section 813.

Section 814. - Transfer of Appropriations.

Transfers of appropriations between general classifications of expenditures in the current expense budget within the same agency and within the same fund may be authorized by the County Executive; provided, however, that transfers exceeding a \$250,000.00 aggregate, or such other sum as may be set by legislative act, in one fiscal year may be made on the recommendation of the County Executive with the approval of the County Council. Transfers between agencies of the County government and within the same fund of the current expense budget may be made on the recommendation of the County Executive and with the approval of the Council. Interproject transfers of appropriations between capital projects in the capital budget may be authorized by legislative act of the Council upon request of the County Executive, but no new project shall be created nor any abandoned except in accordance with Section 818 and Section 820 of this Charter. Nothing contained herein shall be construed to prevent the Council, upon request of the County Executive, from providing by law for interfund cash borrowings to meet temporary cash requirements nor to prevent reimbursements among funds for services rendered.

(Amended, CB-68-2002, ratified Nov. 5, 2002; Amended, CB-73-2006, ratified Nov. 7, 2006)

Editor's note— Former Section 818 was renumbered with minor amendments to be Section 814.

Section 815. - Supplementary Appropriations; Staffing Level Increases.

- (a) During any fiscal year, the Council, upon recommendation of the County Executive, may, by resolution, make additional or supplementary appropriations from unexpended and unencumbered funds set aside for contingencies in the County budget, and from Federal, State or private grants which were not included in the budget for the current fiscal year, and may, by legislative act, make additional or supplementary appropriations from revenue received from anticipated sources but in excess of budget estimates therefor, from revenues received from sources not anticipated in the budget for the current fiscal year and from any prior year available and uncommitted fund balance.
- (b) During any fiscal year, no agency of County government may exceed the number of positions in each grade for that agency as approved in the operating budget without the prior approval of the Council.

(Amended, CB-92-1974, ratified Nov. 5, 1974; Amended, CB-95-1978, ratified Nov. 7, 1978; Amended, CB-68-2002, ratified Nov. 5, 2002; Amended, CB-70-2006, ratified Nov. 7, 2006)

Editor's note— Former Section 819 was amended and renumbered to be Section 815.

Section 816. - Emergency Appropriations.

To meet a public emergency, which constitutes a sudden, unexpected or unforeseen condition or occurrence, creating an imminent hazard to life, health or property and requiring an immediate action, the Council may, by resolution and upon the recommendation of the County Executive, make emergency appropriations from contingent funds, from revenue received from anticipated sources but in excess of the budget estimates therefor, from revenues received from sources not anticipated in the budget for the current fiscal year, or from any prior year available and uncommitted fund balance. To the extent that there may be no available unappropriated revenues to meet such emergency appropriations, the Council may, by legislative act approved by a two-thirds affirmative vote of the full County Council, authorize the issuance of emergency notes which may be renewed from time to time. 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.

(Amended, CB-92-1974, ratified Nov. 5, 1974; Amended, CB-95-1978, ratified Nov. 7, 1978; Amended, CB-68-2002, ratified Nov. 5, 2002)

Editor's note— Former Section 820 was amended and renumbered to be Section 816.

Section 817. - Appropriation Reduction.

If at any time during the fiscal year, the County Executive shall ascertain that the available revenue for the year may be less than the total appropriations, he shall reconsider the appropriations for all agencies, and may revise them so as to forestall expenditures in excess of the income and fund balances. Any reduction in appropriations of the Legislative Branch shall be reviewed and approved by the Council, and a copy transmitted to the County Executive.

(Amended, CB-95-1978, ratified Nov. 7, 1978; Amended, CB-68-2002, ratified Nov. 5, 2002)

Editor's note— Former Section 822 was amended and renumbered to be Section 817.

Section 818. - Lapsed Appropriations:

Unless otherwise provided by law, all unexpended and unencumbered appropriations in the operating budget remaining at the end of the fiscal year shall lapse into the County treasury. No appropriation for a capital project in the capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; provided 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 projects shall be available for appropriation in subsequent capital budgets.

(Amended, CB-68-2002, ratified Nov. 5, 2002)

Editor's note— Former Section 821 was renumbered with minor amendments to be Section 818.

Section 819. - Appropriation Control and Certification of Funds.

No 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 in the budget for such fiscal year, or in any supplemental appropriation as herein provided; and no such payment shall be made nor any obligation or liability incurred, except for purchases in an amount to be fixed by legislative act, unless the Director of Finance or his designee shall first certify that the funds for the designated purpose are available. If any officer, agent or employee of the County government shall knowingly violate this provision, he shall be personally liable and such action shall be cause, after public hearing, for his removal from office by the County Executive or by majority vote of the Council, notwithstanding the provisions of Article IX of this Charter. Nothing in this Charter shall authorize the making of contracts providing for the payment of funds at a time beyond the fiscal year in which such contracts are made for personal service contracts exceeding an aggregate of One Hundred Thousand Dollars (\$100,000.00) per contractor, or such other sum as may be set by legislative act, and an aggregate of Five Hundred Thousand Dollars (\$500,000.00) for all other multiyear contracts, or such other sum as may be set by legislative act, provided the nature of such transactions reasonably requires the making of such contracts, unless such contracts are approved by resolution of the County Council upon notice and public hearing. No language in such contract, including language subjecting the contract to further funding availability, shall obviate the requirement that all multiyear contracts shall be approved by resolution of the County Council upon notice and public hearing. Any contract, lease, or other obligation requiring the payment of funds from the appropriations of a later fiscal year shall be made or approved by resolution of the County Council upon notice and public hearing. No contract for the purchase of real property shall be made unless the funds therefor are included in the capital budget.

(Amended, CB-92-1974, ratified Nov. 5, 1974; Amended, CB-95-1978, ratified Nov. 7, 1978; Amended, CB-68-2002, ratified Nov. 5, 2002; Amended, CB-74-2006, ratified Nov. 7, 2006; Amended CB-57-2012, ratified Nov. 6, 2012)

Editor's note— Former Section 823 was amended and renumbered to be Section 819.

Section 820. - Restrictions on 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 that upon receipt of a recommendation in writing from the County Executive, 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.

(Amended, CB-68-2002, ratified Nov. 5, 2002)

Editor's note— Former Section 824 was amended and renumbered to be Section 820.

Section 821. - Composition and Limitations upon County Funds.

All revenues and receipts from utility assessments, self-sustaining public service enterprises, and refuse collection; from monies held by the County as trustee or agent; or from bond proceeds shall be paid into and appropriated from special funds created therefor. All other revenues and receipts of the County from taxes, grants, State revenues and other receipts shall be paid into and appropriated from the general fund which shall be the primary fund for the financing of current expenses for the conduct of County business. Upon request of the County 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. Notwithstanding other provisions of this Article, the Council may establish a Reserve Fund for Permanent Public Improvements, and self-insurance of County property into which there may be paid by the Annual Budget and Appropriation Ordinance cash surpluses not otherwise appropriated, or toward the financing of which taxes or other sources of revenue may be dedicated.

(Amended, CB-68-2002, ratified Nov. 5, 2002)

Editor's note— Former Section 825 was renumbered without amendment to be Section 821.

Section 822. - Form and Term of Bonds.

All general obligation bonds shall be in serial and/or term form and payable as consecutively numbered, in annual installments, the first of which shall be payable not more than two years from the day of issue. Bonds shall be properly authenticated. 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. No bonds shall mature and be payable more than forty years after their date of issuance.

(Amended, CB-92-1974, ratified Nov. 5, 1974; Amended, ratified Nov. 5, 2002; Amended, CB-50-2014, ratified Nov. 4, 2014)

Editor's note— Former Section 826 was amended and renumbered to be Section 822.

Section 823. - Contents of Bond Issue Authorization Ordinances.

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 this Charter. The Council may adopt from time to time bond issue authorization ordinances pursuant to an enabling law or laws then in force and in effect to provide the means of financing such capital projects as are to be financed from borrowing. Each Bond Issue Authorization Ordinance 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, but no capital project shall be included unless the amount included therein shall be deemed sufficient to complete at least a usable portion of such project. 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 issues. The Ordinance shall also include the amount of the proposed issue; a statement showing that the proposed issue is within the legal limitation on the indebtedness of the County; the probable useful life of the project or average probable useful life of the projects to be financed; a statement of the tax or other revenues of the County pledged to the payment of the principal of, and interest on, the bonds; and that the full faith and credit of the County are pledged to such payments.

(Amended, CB-92-1974, ratified Nov. 5, 1974; Amended, CB-36-1979, ratified Nov. 4, 1980; Amended, CB-68-2002, ratified Nov. 5, 2002)

Editor's note— Former Section 827 was amended and renumbered to be Section 823.

Section 824. - Furthering Legislation.

The Council may adopt such budget and fiscal laws to implement the objects and purposes of this Article as it shall deem necessary.

(Amended, CB-68-2002, ratified Nov. 5, 2002)

Editor's note— Former Section 828 was renumbered without amendment to be Section 824.

ARTICLE IX. - PERSONNEL.

Section 901. - The Personnel System.

Except for those in exempt positions, the Council shall provide by law for a personnel system governing the appointment and removal of employees, and other personnel procedures for employees in the County government. The personnel system shall insure that personnel actions are based upon merit and fitness, and that no employee or applicant for employment shall be discriminated against in any personnel action by reason of race, color, religion, age, disability, creed, sex, marital status, familial status, sexual orientation, political affiliation, or country of national origin.

(Amended, CB-53-2014, ratified Nov. 4, 2014; Amended, CB-36-2018, ratified Nov. 6, 2018)

Section 902. - Classified and Exempt Service.

County positions shall be either in the classified or the exempt services. The exempt service shall consist of: (1) elected officials; (2) the Chief Administrative Officer; (3) the directors and deputy directors of offices and departments in the executive branch; (4) the executive directors and members of boards and commissions; (5) the immediate staff of the County Executive; (6) the County Auditor; (7) persons assigned to hourly rated positions for temporary or seasonal help, provided that such persons are not compensated for more than 1000 hours work per twelve-month period; (8) experts or specialists performing temporary services; (9) persons employed as attorneys-at-law, except hearing examiners; (10) employees required to be covered by the State merit system; (11) aides for each member of the Council; (12) the Council Administrator, and (13) other positions recommended by the County Executive and approved by the County Council.

(Amended, CB-92-1974, ratified Nov. 5, 1974; Amended, CB-96-1976, ratified Nov. 2, 1976; Amended, CB-2-1980; ratified Nov. 4, 1980; Amended, CB-70-2002, ratified Nov. 5, 2002; Amended, CB-58-2004, ratified Nov. 2, 2004)

Editor's note— The amendment to Section 902 to include deputy directors of offices and departments in the Executive Branch in the exempt service shall not apply to individuals who are in those positions on December 6, 2002.

Section 903. - Salaries and Wages.

Salaries and wages of both classified and exempt service employees shall be determined in accordance with classification and salary plans. Except as otherwise provided herein, for such plans to become effective, they shall be submitted by the County Executive to the Council for legislative action thereon. If the Council fails to take final action upon a salary plan within sixty calendar days of its submission to the Council by the County Executive, then such plan shall stand approved. Classification plans for positions uniquely within the Legislative Branch shall be adopted by resolution of the Council.

(Amended, CB-58-2004; ratified Nov. 2, 2004)

Section 904. - The Personnel Law.

The personnel law of the County shall include but not be limited to: (1) classification and pay plans including the allocation of positions; (2) construction, maintenance, and expiration of eligibility lists; (3) certification and appointment procedures; (4) probationary requirements; (5) promotion, transfer, and separation procedures; (6) disciplinary procedures; (7) career development plans; (8) special rules relating to the fire and police services; and (9) such other matters as may be required by law.

Section 905. - Reserved.

(Amended, CB-70-2002, ratified Nov. 5, 2002)

Section 906. - Personnel Board.

There shall be a Personnel Board consisting of five qualified voters of the County. Members of the Personnel Board shall be appointed by the County Executive for terms coterminous with his and confirmed by the Council. Vacancies shall be filled for the unexpired term in the manner of original appointment. Each member shall serve until his successor is appointed and qualified. A member of the Board may be removed only for cause by the County Executive, subject to approval by the Council. The County Executive shall designate a member of the Board as chairman.

Section 907. - Powers and Duties of the Personnel Board.

The Personnel Board shall have the power and the duty: (1) to recommend to the Council rules and regulations which shall have the force of law upon adoption by the Council; (2) to hear appeals from employees in the classified service concerning any action of the Personnel Officer or the appointing authority of the employee, except that the Personnel Board shall not grant relief to employees covered by a collective bargaining agreement authorized by Section 908 of this Charter where that collective bargaining agreement contains a procedure which can provide a remedy to the employee. After a hearing, which shall be public if so requested by the aggrieved employee, the Personnel Board may issue such order as it finds proper by the facts presented in the case. All data pertinent to the decision shall be subject to the scrutiny of the aggrieved party or his attorney; (3) to hear and decide for the County appeals from employees concerning any action pertaining to the methods of examination, certification, or preparation of eligibility lists for

appointment or promotion; (4) to advise and consult, as appropriate, with County officials on matters concerning the administration of the County career service and personnel rules and regulations and to report to the County Executive and the Council on the operation of the personnel system; and (5) to carry out such other functions as may be assigned by law. In case of any appeal to the Personnel Board, its decision shall be final on all parties concerned and may not be appealed to any other administrative board. Any person aggrieved by a final decision of the Personnel Board may, within thirty calendar days, appeal a decision to the Circuit Court of Prince George's County. Such appeal shall be limited to errors of jurisdiction, errors of law, and clear abuse of discretion by the Personnel Board.

(Amended, CB-85-1978, ratified Nov. 7, 1978; Amended, CB-70-2002, ratified Nov. 5, 2002)

Section 908. - Right to Organize and Bargain Collectively.

In order that County employees may participate in the formulation and implementation of personnel policies affecting their employment, they shall have the right to organize and bargain collectively through representatives of their own choosing, subject to any procedural regulations that the Council shall provide by law. The Council shall provide by law a labor code for County employees, which shall include: (1) the manner of establishing units appropriate for collective bargaining; (2) the manner of designating or selecting bargaining representatives; and (3) definitions of and remedies for unfair labor practices. In order to prevent strikes, job actions, and other disruptions that might impede the protection of the public health, safety, and general welfare, the County Executive shall immediately submit to binding arbitration any disputed issues including but not limited to wages and terms and conditions of employment arising out of the negotiation of a collective bargaining agreement with a representative of County Protective Service Employees which has not successfully been negotiated by March 1 of the year in which any existing agreement expires unless an extension is mutually agreed upon. "Protective Service Employees" shall be defined as sworn police officers, uniformed firefighters, correctional officers and deputy sheriffs. The disputed issues shall be submitted to the American Arbitration Association and arbitrated pursuant to the rules of the American Arbitration Association. The arbitration hearing shall be concluded and decision rendered within ninety days of the submission of arbitration unless otherwise ordered by the arbitrator. The decision of this mandatory arbitration shall be binding upon the County and the Protective Service Employees. The County Executive is authorized to submit to binding arbitration any disputes arising out of the interpretation of, or the application of, any collective bargaining agreement with the representative of County employees. Nothing herein shall be deemed to authorize a strike by any County employee or employees engaged in duties directly affecting the public safety.

(Petition ratified Nov. 4, 1980; Amended, CB-83-1988, ratified Nov. 8, 1988)

Section 909. - Political Activity.

All County employees may participate or refrain from participating in partisan political activity. County employees shall not engage in partisan political activity during their hours of employment.

ARTICLE X. - GENERAL PROVISIONS.

Section 1001. - Code of Ethics.

The Council shall prescribe by law a code of ethics, and provide for the enforcement and penalties for violations thereof, covering all elected and appointed officers and employees of the County paid in whole or in part from County funds, and including persons appointed to serve on boards and commissions established by law. The code of ethics shall provide for the regulation of ex parte communications and for the disqualification of any person participating in the decision process, if there is a conflict between his official duties and his private interests. The code of ethics shall also provide for the establishment of a five-member board to administer the code. Members of such board, to be known as the Board of Ethics, shall be appointed by the County Executive and confirmed by the Council for staggered terms. A member of the board can only be removed by the County Executive subject to approval by the Council. Not more than three members of the Board shall be members of the same political party.

(Amended, CB-92-1974, ratified Nov. 5, 1974; Amended, CB-109-1992, ratified Nov. 8, 1994)

Section 1002. - Conflict of Interest.

No officer or employee of the County, whether elected or appointed, shall in any manner whatsoever be interested in, or receive any benefit from, 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 value, directly or indirectly, upon more favorable terms than those granted to the public generally, from any person, firm, or corporation having dealings with the County; nor shall he 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 or proceedings before any agency of the County government. 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, persons, or firms doing business with the County. No such officer or employee shall solicit any compensation or gratuity in the form of money or otherwise for any act or omission in the course of his public work, except as provided by law or interstate compact; provided that the head of any department or board of the County may permit an employee to receive a reward publicly offered and paid for the accomplishment of a particular task. 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 to guard against injustice, the Board of Ethics 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 Board of Ethics by such officer or employee, the Board of Ethics shall determine that such stock ownership or connection does not violate the public interest. Any officer or employee of the County who willfully violates any of the provisions of this Section shall forfeit his office. 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 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 County Executive or by resolution of the Council. The penalties in this Section shall be in addition to all other penalties provided by law.

(Amended, CB-92-1974, ratified Nov. 5, 1974)

Section 1003. - Private Use of Public Employees.

No officer or employee of the County, elected or appointed, shall compel any other officer or employee of the County to do or perform any private service or work outside of his public office or employment.

Section 1004. - Additional Compensation.

No officer or employee of the County, elected or appointed, whose compensation is fixed, in whole or in part, by this Charter, the laws of the County, or its personnel regulations, shall be entitled to any other compensation from the County for performance of public duties, except expenses for travel and subsistence incident to the performance of his official duties as prescribed by law.

Section 1005. - Official Lobbying.

The Council shall not appropriate or approve any funds for any agency which receives or disburses County funds, other than for the immediate staff of the County Executive and the Council, to be used for the purpose of securing the passage or defeat of any legislation. No officer appointed by the County Executive or by the Council may, in his official capacity, recommend or request the passage or defeat of any legislation without the express prior approval of the County Executive or of the Council. Nothing herein shall preclude any officer or employee from providing public data or information in response to any official inquiry or making any recommendation required by law. Every officer or employee shall provide public data or information to the Council in response to an official inquiry or when making any recommendation required by law.

(Amended, CB-92-1974, ratified Nov. 5, 1974)

Section 1006. - Limitation on Ad Valorem Taxation.

Except as required by State law or the terms of any certificate of indebtedness outstanding on the effective date of this Charter, the Council shall have no power to levy any ad valorem tax on real or personal property for the benefit of any particular agency which receives or disburses County funds. Any ad valorem tax on real or personal property, with the aforementioned exceptions, shall accrue only to the general fund of the County.

Section 1007. - Bonding Officers.

Officers of the executive branch who have possession of or control over any funds of the County shall be bonded for the faithful performance of their duties in such sum as may be fixed and with sureties to be approved by the Council on recommendation of the County Executive. Surety bond premiums shall be paid by the County.

Section 1008. - Newspapers of Record.

The Council shall designate one or more County newspapers of record and shall designate two or more primary sources of County maintained electronic media available to the public for the publication and transmission of official County notices. Such designation shall be for at least one year and shall, insofar as possible, provide County-wide access. At least four weeks' public notice shall be given prior to any change in newspapers of record. Where a newspaper of record is sold to or merged with another newspaper, the designation shall continue in the new newspaper if circulation is continued to the previous subscribers, unless the designation is declined by the paper.

Where the circulation of a newspaper of record is not continued, or the designation is declined, for any reason, the County Council may designate another newspaper of record without public notice for a temporary or permanent period.

(Amended, CB-36-1980, ratified Nov. 4, 1980; Amended, CB-52-2014, ratified Nov. 4, 2014)

Section 1009. - Prevailing Hours and Wages.

The Council shall provide by law a system for establishing prevailing hours and wages for all contractors and subcontractors performing work for the County government. Said law shall establish a Wage Determination Board of the purpose of administering the provisions thereof. Said board shall be composed, in part, of representatives of industry and labor.

Section 1010. - County Seal.

The Council shall adopt a County Seal. The Seal shall contain the corporate name of the County and such other information or insignia as the Council may determine. The County Executive, the Chief Administrative Officer, the Clerk of the Council, and such other officers as may be specified by law shall have power to attest to the County Seal.

Section 1011. - Custody of Papers and Records.

The Council 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 1012. - Subpoena Power.

The Council 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 law or by this Charter. The Council may delegate its powers recited herein.

(Amended, CB-70-2002, ratified Nov. 5, 2002)

Section 1013. - Reserved.

(Amended, CB-88-1976, ratified Nov. 2, 1976; Amended, CB-43-1981, ratified Nov. 2, 1982; Amended, CB-104-1986, ratified Nov. 4, 1986; Amended, CB-71-2002, ratified Nov. 5, 2002)

Editor's note— Section 1, Laws of Maryland 1987, Chapter 594, enacted the Local Government Tort Claims Act, Title 5, Subtitle 4, Courts and Judicial Proceedings Article, Annotated Code of Maryland. Section 2 of that Act previously repealed this provision.

Section 1014. - Construction of Powers.

The failure to mention a particular power 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 mentioned or the similar powers 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 for the conduct of its affairs.

Section 1015. - Separability.

If any article, section, subsection, sentence, clause, or phrase 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, subsections, sentences, clauses, or phrases of the Charter and their application to all other persons and circumstances shall be separable and shall not be affected by any such decision.

Section 1016. - Citation.

This Charter shall be known and may be cited as "The Prince George's County Charter."

Section 1017. - Definitions and Rules of Construction.

As used in this Charter or the schedule of legislation attached hereto:

- (a) The word "bill" shall mean any measure introduced in the 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, ordinances, 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 General Assembly in effect from time to time after the adoption of this Charter, whenever such construction would be reasonable.
- (e) The words "enact," "enacted," or "enactment," when used in connection with the legislative acts of the Council, shall mean the action by the Council in approving any item of legislative business prior to its submission to the County Executive for his approval or veto.
- (f) The word "State" shall mean the State of Maryland.
- (g) The words "State law" shall mean all laws or portions of law enacted by the General Assembly of Maryland which may not be repealed by the Council after the effective date of this Charter.
- (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 word "councilman."
- (k) The words "County Executive" shall be construed as meaning the chief executive officer of the County and the elected Executive Officer mentioned in Section 3, Article XI-A of the Constitution of Maryland.
- (l) Whenever in this Charter the masculine gender is used, such words shall be construed to include the feminine gender.

- (m) The word "agency" when used to designate a subordinate element of government shall be construed as including offices, departments, institutions, boards, commissions, and corporations of the County government and, as specified, all other offices, departments, institutions, boards, commissions, and corporations which receive County funds.
- (n) The words "administrative officers" as used in Section 313 of this Charter shall mean the head of any agency which receives or disburses County funds.
- (o) When computing a period of time in days, the day of the event shall not be included in the computation, but the last day shall be included in the determination. Unless the words "calendar days" are used, Saturdays, Sundays, and holidays observed by the County shall not be included.
- (p) The words "qualified voter," wherever they appear in this Charter, shall mean "registered voter."

(Amended, CB-92-1974, ratified Nov. 5, 1974; Amended, CB-40-1976, ratified Nov. 2, 1976; Amended, CB-109-1978, ratified Nov. 7, 1978; Amended, CB-71-2002, ratified Nov. 5, 2002)

ARTICLE XI. - EFFECT AND AMENDMENT OF CHARTER.

Section 1101. - Effective Date of Charter.

This Charter shall become effective on the thirtieth day following its adoption, except as otherwise specifically provided in the Transitional Provisions (Article XII) of this Charter.

Editor's note— The Charter was adopted by County voters on Nov. 3, 1970.

Section 1102. - Existing Laws.

The Public Local Laws of Prince George's County and all rules, regulations, resolutions, and ordinances of the County Commissioners in force at the time of the effective date of this Charter are hereby repealed to the extent that they are inconsistent with the provisions of this Charter, but no further; and to the extent that they are not hereby repealed because of such inconsistency, all such public local laws, rules, regulations, resolutions, and ordinances shall continue in full force and effect until repealed and amended.

Section 1103. - Existing Officers and Employees.

All appointed officers and employees of the County government holding office at the effective date of this Charter, except the officers holding the offices specifically abolished by this Charter, shall continue to be employed at their existing compensation subject to the provisions of this Charter.

Section 1104. - Reference in State Constitution and Laws to County Commissioners.

All references in the Constitution and the laws of this State to the County Commissioners shall, at such time as the elected members of the first Council and the first County Executive take office, be construed to refer to the Council and to the County Executive whenever such construction would be reasonable. The Council and the County Executive shall succeed to all powers vested heretofore in the County Commissioners by the Constitution and laws of this State.

Whenever any State law imposes upon the Board of County Commissioners the responsibility of making a recommendation to the Governor of Maryland or to any other official not established by this Charter concerning the appointment of any person, such responsibility shall devolve upon the County Executive.

Section 1105. - Charter Amendment.

Amendments to this Charter may be proposed by an act of the Council approved by not less than two-thirds of the members of the full Council, and such action shall be exempt from executive veto. Amendments may also be proposed by petition filed with the County Executive and signed by 10,000 registered voters of the County. When so proposed, whether by act of the Council or by petition, the question shall be submitted to the voters of the County at the next general election occurring after the passage of said act or the filing of said petition; and if at said election the majority of votes cast on the question shall be in favor of the proposed amendment, such amendment shall stand adopted from and after the thirtieth day following said election. Any amendments to this Charter, proposed in the manner aforesaid, shall be published by the County Executive in the County newspapers of record and in media for public notice as defined in Section 1008 of this Charter for five successive weeks prior to the election at which the question shall be considered by the voters of the County.

(Amended, CB-52-2014, ratified Nov. 4, 2014)

Editor's note— CR-1-2001 established a Charter Review Commission to review the provisions of the Charter and recommend appropriate amendments to the County Executive and County Council.

Section 1106. - Charter Review.

Establishing not later than one year prior to the beginning of each fourth year of a term, the County Council and the County Executive shall appoint, by resolution, a Charter Review Commission for the purpose of undertaking a comprehensive study of the Charter and recommending changes, where appropriate. The Charter Review Commission shall commence its work at the discretion of the Chair of the Commission.

(Amended, CB-71-2002, ratified Nov. 5, 2002; Amended, CB-41-2018, ratified Nov. 6, 2018)

ARTICLE XII. - TRANSITIONAL PROVISIONS.

[Sec. 1201 through Sec. 1219. - Reserved.]

Editor's note— Sections 1201 through 1219 were repealed, CB-92-1974; repeal ratified, Nov. 5, 1974.

Note— (NOTE: The Schedule of Legislation, which appears under Article XII, is located at the end of Section 1106, above.)

SCHEDULE OF LEGISLATION

The purpose of this Schedule is to allocate the functions and duties of the executive branch among and within the herein established service offices and operating departments of the County government. This schedule takes effect under the authority of its adoption by the people of Prince George's County together with the Charter to which it is

attached. Provisions contained in this Schedule shall become effective on July 1, 1971.

Section 1. - Office of Management and Budget.

There shall be an Office of Management and Budget headed by the Director of Management and Budget. The Director shall be responsible for the duties of the Director of Budget as set forth in Section 802 of the Charter. The Director shall be responsible for assisting in the preparation of the annual current expense and capital budgets of the County and advising upon any request for County funds and upon revenue needs. The Director shall review and recommend upon allotment requests. The Director shall study budget execution and the efficiency of organization, methods, and procedures and prepare reports thereon. The Director shall assist County departments in increasing productivity and operational effectiveness. The Director shall coordinate intergovernmental relationships on behalf of the County.

(Executive Order No. 18-1975; Executive Order No. 18-1989, CB-61-1989; Executive Order No. 9-1996, CB-18-1996; Executive Order No. 1-2000, CB-28-2000)

Section 2. - Office of Finance.

There shall be an Office of Finance headed by the Director of Finance. The Director of Finance shall be responsible for keeping a system of accounts; controlling appropriations and allotments; preparing monthly and annual financial statements for the County Executive and the Council; auditing, prior to payment, any claims against the County of whatever kind; depositing, investing and having custody of all funds; prescribing accounting systems; preparing for bond sales and advising on debt management; administering tax sales; and collecting and billing for all revenues and receipts due the County.

(Executive Order No. 18-1975)

Section 3. - Office of Human Resources Management.

There shall be an Office of Human Resources Management headed by the Director of Human Resources Management, who shall be the County's Personnel Officer. The Office of Human Resources Management shall consist of the Director, the Director's subordinate agents and employees, and the Personnel Board. The Director shall be responsible for administering the personnel system required by Article IX of this Charter and shall be responsible for the overall administration of the County's labor relations program and policies.

(Executive Order No. 10-1996, CB-19-1996; Executive Order No. 33-2003, CB-93-2003)

Section 4. - Office of Central Services.

(a) There shall be an Office of Central Services headed by a Director of Central Services. The Director of Central Services shall be responsible for administering such central services as may be required by law. These central services shall include, but need not be limited to:

- (1) Procurement and materiel management;
- (2) Printing and reproduction service;

- (3) Mail service;
- (4) Messenger service;
- (5) Central warehousing;
- (6) Fleet management; and
- (7) Property management and services.

The Minority Business Opportunity Commission shall operate within the Office of Central Services.

(Executive Order No. 18-1975; Executive Order No. 9-1984, CB-48-1984; Executive Order No. 9-1996, CB-18-1996; Executive Order No. 10-1999, CB-31-1999)

Section 5. - Office of Law.

There shall be an Office of Law headed by the County Attorney. To the extent permitted by State law, the County Attorney shall be the legal advisor to the County Executive and all agencies that receive or disburse County funds. He shall also be the legal advisor and legislative draftsman of the Council, unless the Council shall specifically direct otherwise. He shall represent the County in all actions in which the County is a party. He shall be responsible for all County activities directed toward the civil enforcement of laws for the protection of consumer interests. He shall appoint necessary assistants. With the approval of the County Executive and subject to budget limitations, he may engage attorneys on a temporary basis for extraordinary work.

(Executive Order No. 18-1975)

Section 6. - Department of Public Works and Transportation.

There shall be a Department of Public Works and Transportation headed by a Director of Public Works and Transportation. The Director of Public Works and Transportation shall coordinate all appropriate transportation plans, matters or activities, as necessary, with the Maryland State Department of Transportation, and all other Federal, State, Regional and local offices, agencies, boards, commissions or departments that deal with the subject of transportation as specified in law. He shall administer construction and maintenance of all public works, which shall include but not be limited to roads, streets, stormwater facilities, and bridges, and such other functions as may be required by law.

(Executive Order No. 52-1973; Executive Order No. 18-1975; Executive Order No. 9-1984, CB-48-1984; Executive Order No. 7-2006, CB-65-2006)

Section 7. - Reserved.

Section 8. - Department of Family Services.

There shall be a Department of Family Services headed by a Director of Family Services. The Director of Family Services shall be responsible for developing, conducting, and administering a comprehensive Countywide program to serve the needs of families residing in Prince George's County, including special focus on the needs of senior citizens, women, children and youth, and persons with disabilities. The Prince George's County Advisory Committee on Aging shall function in an advisory capacity to the Director on programs concerning the aging. The Director shall provide administrative support for the Commission for Women, the Commission for Persons with Disabilities, the Commission for Children and Youth, and the Commission for Families.

(Executive Order No. 7A-1977, CB-52-1977; Executive Order No. 51-1989, CB-4-1990; Executive Order No. 71-1991, CB-121-1991)

Section 9. - Office of Information Technology.

There shall be an Office of Information Technology headed by the Director of Information Technology. The Director shall be responsible for information management and technology within the County government and for maintaining an effective and efficient information and communications system, including coordination with the Office of Homeland Security to provide maintenance and support for public safety and emergency communication systems. The Director shall also be responsible for the administration of the Cable Television Commission of the County.

(Executive Order No. 1-2000, CB-28-2000; Executive Order No. 13-2001, CB-23-2001; Executive Order No. 14-2003, CB-21-2003; CB-70-2012)

Section 10. - Department of Housing and Community Development.

There shall be a Department of Housing and Community Development headed by a Director of Housing and Community Development. The Director of Housing and Community Development shall be responsible for coordination of the County's policies with regard to housing and community development, which include planning and program development and management, rural community services, and housing rehabilitation. The Director shall also be responsible for the administration of the Division of Housing Support and coordination of county support and services to the Housing Authority.

(Executive Order No. 14-1983, CB-38-1983; Executive Order No. 9-1984, CB-48-1984)

Section 11. - Department of the Environment.

There shall be a Department of the Environment headed by a Director of the Environment. The Director of the Environment shall be responsible for the overall administration and coordination of the County's environmental policies and programs including, but not limited to, solid waste and recycling management, water and sewer planning, sustainability, and water quality and flood management planning. The Director shall study and report on master plans, capital improvement programs, and any planning and zoning matters related to the County's environmental policies and programs which may be referred to the Executive branch. The Director shall be responsible for the administration of County laws relating to Animal control.

(Executive Order No. 84-1972; Executive Order No. 18-1975; Executive Order No. 36-1983, CB-80-1983; Executive Orders No. 9-1984 and 12-1984, CB-48-1984; Executive Order No. 23-1995, CB-37-1995; Executive Order No. 13-2001, CB-23-2001; Executive Order No. 7-2006, CB-65-2006; CB-69-2012; CB-26-2014)

Section 12. - Police Department.

There shall be a Police Department headed by the Chief of Police. The Chief of Police shall be responsible for all law enforcement in the County, except where otherwise specified by State law, any municipal charter, or this Charter and its Schedule of Legislation. The Chief of Police shall have had at least five years experience in the field of law enforcement.

(Executive Order No. 18-1975)

Section 13. - Fire/Emergency Medical Services Department.

There shall be a Fire/Emergency Medical Services ("EMS") Department headed by a Fire Chief. The Fire Chief shall be responsible for fire prevention, fire suppression, emergency medical services, fire and rescue communications, research and training activities, and coordination of the volunteer fire companies. The Fire Chief shall have had at least five years administrative experience in the field of fire prevention, fire training, or fire suppression. There shall be a Fire Commission which, effective May 1, 2012 and thereafter, shall be composed of nine residents of the County, appointed as provided in Section 504 of this Charter. Members of the Fire Commission serving as of May 1, 2012 may serve until their successors are appointed and have qualified. The Fire Commission shall review the financial needs and requests for public funds of each volunteer fire company. It shall formulate annually one capital budget, one capital improvement program, and one current expense budget for all volunteer fire companies with respect to the expenditure of public funds, and shall submit said budgets and program, together with appropriate justification, to the County Executive in accordance with the provisions of this Charter.

(Executive Order No. 18-1975; Executive Order 47-1991, CB-17-1994; Executive Order No. 5-1998, CB-62-1998; Executive Order No. 9-1999, CB-30-1999; CB-40-2001; Executive Order No. 14-2003, CB-21-2003; Executive Order No. 49-2011, CB-65-2011; Executive Order No. 7-2012, CB-11-2012)

Section 14. - Office of Homeland Security.

There shall be an Office of Homeland Security headed by a Director of Homeland Security. The Office of Homeland Security shall be responsible for providing planning, coordination and domestic preparedness training and shall coordinate the County's emergency management effort with Federal, State and local jurisdictions. The Office of Homeland Security shall also be responsible for management of an integrated public safety and emergency communication system. Within the Office of Homeland Security, there shall be an Office of Public Safety Communication, and an Office of Emergency Management. The head of the Office of Emergency Management shall be appointed by the Governor pursuant to the provisions of Article 16A, Section 7, of the Annotated Code of Maryland, upon the recommendation of the County Executive. Prior to submission to the Governor, the County Executive shall secure concurrence of the County Council with the recommendation in the manner set forth in Section 322 of the Charter. The Office of Emergency Management shall have the duties and responsibilities as set forth in Article 16A, Section 7, of the Annotated Code of Maryland. There may be an Advisory Committee on Homeland Security which shall function in an advisory capacity to the Director of Homeland Security.

(Executive Order No. 14-2003, CB-21-2003)

Section 15. - Department of Corrections.

There shall be a Department of Corrections headed by the Director of Corrections. The Director of Corrections shall act as jailer or warden of the county jail, which is and shall be known as the Prince George's County Detention Center, and shall be responsible for the administration of said jail as authorized by law. The Director of Corrections shall further be responsible for developing, implementing and maintaining a viable and responsible program of corrective and rehabilitative services for the County which shall include but not be limited to safekeeping, care and feeding of all prisoners in his custody in the county jail, and the development and maintenance of coordinated and functional liaison with appropriate state and county agencies and officers associated with correctional and rehabilitation programming. The Department may have associated with it such advisory board as may be established pursuant to law.

(Executive Order No. 19-1977, CB-88-1977)

Section 16. - Office of Community Relations.

There shall be an office of Community Relations headed by the Director of Community Relations. The Director shall be responsible for responding to citizen and resident complaints and inquiries concerning County services and programs; assisting citizens and residents in addressing community disputes and in developing leadership skills; coordinating County relations with community-based organizations; and developing community-based programming.

The Human Relations Commission shall operate within the Office of Community Relations.

(Executive Order No. 76-1978, CB-167-1978; CB-99-1985; Executive Order No. 71-1991, CB-121-1991; Executive Order No. 23-1995, CB-37-1995; Executive Order No. 13-2001, CB-23-2001; Executive Order No. 20-2003, CB-34-2003; CB-46-2011)

Section 17. - Department of Permitting, Inspections, and Enforcement.

There shall be a Department of Permitting, Inspections, and Enforcement headed by a Director of Permitting, Inspections, and Enforcement. The Director of Permitting, Inspections, and Enforcement shall be responsible for the administration of County laws relating to business licensing and the processing of complaints against such businesses. The Director shall study and report on any planning and zoning matters related to permitting, inspections, and enforcement. The Director shall also be responsible for the administration and enforcement of the County's permitting functions as assigned by law. These functions shall include, but need not be limited to:

- (1) Housing regulations and inspections;
- (2) Construction standards, including plans review and inspections, and enforcement of building and fire codes related to building permits;
- (3) Zoning enforcement; and
- (4) Property standards.

Additional responsibilities relating to permit granting and inspectional authority may be assigned by law.

(CB-69-2012)

Section 18. - Reserved.

