

Baltimore County
Charter Review Commission

Final Report and Recommendations

November 6, 2017



Hon. Tom Quirk
Chairman
County Council

Hon. Theodore "Ted" Venetoulis
Chairman – Charter Review
Commission

Hon. Kevin Kamenetz
County Executive

**Baltimore County
Charter Review Commission**

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Hon. Theodore “Ted” Venetoulis

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Introduction and Summary of Recommendations

Introduction

In 1914, the Maryland Constitution was amended with the addition of Article XI-A – Local Legislation, and was ratified on November 2, 1915. This amendment offered voters in Baltimore City and various counties the opportunity to adopt a Home Rule Charter, which would operate as a local constitution. In Baltimore County, the voters approved the creation of a Charter Board in the general election of November 2, 1954, whose charge was to prepare a Home Rule Charter to submit to the voters for approval at the general election in 1956. The County Charter was approved by the voters on November 6, 1956 and adopted in early 1957, wherein Baltimore County moved from its previous County Commissioner form of government to a Charter form of government, with separate Executive and Legislative branches.

The County Council began suggesting amendments to the Charter in 1959 and in the ensuing years, the Council has passed 62 bills that have amended the Charter and been approved by the voters at the following general election. In addition, during the past 60 years, the Charter has undergone several reviews and revisions, including reviews in 1962, 1978 (chaired by Mr. Stanley Sollins), and most recently in 1989-90 (chaired by The Honorable James T. Smith, Jr.). In 2015, the County Council passed Bill 12-15 to amend the Charter and authorize a Baltimore County Charter Review Commission, and the change was adopted by the voters on November 8, 2016.

Pursuant to that Charter change, on February 21, 2017, the County Council passed Resolution 16-17 and established the first mandated Charter Review Commission, with a similar Charter Review taking place in the seventh year of each decade thereafter. Shortly after passage of Resolution 16-17, the members of the Charter Review Commission were announced in a press release. Section 1203 of the Charter requires the Commission to be appointed by March 1st and a report of its findings and recommendations submitted to the County Council and the County Executive by October 15th.

Process

On February 22, 2017, an organizational meeting was held. The Commission members gathered and introduced themselves and their backgrounds, and the Chair discussed the manner and scope of the Commission's Charter Review; that is whether the review and discussion would be by Article or subject matter, or some combination. The Chair also emphasized that the Commission would be dedicated to openness, transparency, and public participation. The vision would be for the Commission to hold public meetings several

times per month, with some meetings held in the evening so that citizens and other interested persons would have the opportunity to attend the Commission meetings and provide input. In addition, it was suggested that several meetings be held in various areas of the County, such as the west, east, and central areas, in a further effort to give the public more convenient access to the Commission meetings. The Chair also reiterated the requirement of convening at least one public hearing and receiving testimony from the public prior to the Commission adopting its findings and recommendations and submitting its report.

The Chair also suggested that the Commission attempt to operate on a consensus basis, in terms of considering and recommending potential changes to the Charter. It was felt that a thorough review and discussion of the issues would result in meaningful debate and mete out worthwhile recommendations for change; but should the need arise, formal votes on specific issues and decision-making would occur. The members agreed with this approach. Michael E. Field, the County Attorney (and ex officio member of the Commission), reminded the Commission of the necessity for compliance with Maryland's Open Meetings Act, to which the Commission members also agreed.

Due to the limited size of the Commission (11 members), it was deemed unnecessary to create committees, but rather to review the twelve Articles within the Charter as a committee of the whole. The County Council's attorneys, Thomas J. Peddicord, Jr. and Thomas H. Bostwick, as well as Mr. Field in his position as County Attorney, provided staffing and technical support to the Commission. In anticipation of the Articles to be discussed at the Commission meetings, the Commission staff provided the members with copies of the County Charter and a briefing document for each Article. The briefing document consisted of a summary of various sections within an Article, relevant historical information, and comments and recommendations for possible changes to a Charter section.

The review of the Charter occurred during meetings that were held in March, April, May, September, and October. In addition to meetings of the Commission held in a conference room at the County Council Office, meetings were also held at the Arbutus and Perry Hall branches of the Baltimore County Public Library. In all, the Commission held twelve meetings, all of which were open to and attended by the public. At each meeting, the attendees were invited to speak and provide their comments concerning the Charter. Members of the County Council were also invited and attended meetings of the Commission. The Councilmembers provided their comments or recommendations concerning the Charter, and one member submitted written recommendations. A webpage was created on the Council's website devoted to the Charter Review Commission at the following address:

<https://www.baltimorecountymd.gov/countycouncil/boards%20and%20commissions/charterreviewcommission.html>

This page contains a list of the Commission members, a schedule of the Meetings of the Commission, Meeting Agendas, and Meeting Minutes. It also contains the reports of previous Charter Review Commissions for further research and historical context. Also on the webpage, an email address was created at charterreview@baltimorecountymd.gov in order to give anyone the opportunity to contact the Commission with suggestions or recommendations on possible Charter changes. A number of community groups and individuals submitted written letters containing their thoughts and recommended changes. All written submissions to the Commission are posted on the webpage.

On June 21st, the Commission convened a public hearing at 6:00 PM in the County Council Chamber. Notice of this hearing was advertised for two weeks prior to the hearing in the newspaper, as well as posted on the Council's website. There were fifteen persons in attendance at the hearing and eleven testified, with some submitting written letters and testimony. At its subsequent meetings in September and October where the Commission finalized its recommendations, the public testimony was said to have resonated greatly with the Commission members and proved pivotal in some of the Commission's recommendations.

Charter Review

At the Commission meetings, the twelve Charter Articles were summarized by Commission staff and the briefing documents reviewed. Over the course of the Charter Review meetings and discussions, most of the possible Charter changes came under one of two categories – proposed technical changes and proposed substantive changes.

The technical changes primarily comprise minor updates to the Charter language, such as to make various provisions gender neutral, updating the names of Offices and Departments to coincide with current Offices and Departments of County government, and removing language that is dated and no longer applicable due to the evolution of customs and practices, renaming of cross-referenced sections, or changes in law. The adoption of recommendations for technical changes was mostly unremarkable and did not result in significant debate. The Commission relied heavily on the Commission staff to identify and make these necessary changes. The substantive changes generally required more discussion and often garnered significant opinions and debate.

Both the technical and substantive recommendations are set forth in later sections of this report and contain the verbatim language of a particular section, together with

recommended additions or deletions to the text. There are also Comments at the bottom of each section that explain the reason or rationale for the recommended changes. A summary of the substantive changes is detailed below.

Recommended Changes

Legislative Branch

Beginning with the Legislative Branch, the Commission discussed Section 308 – Legislative Procedure. Subsection (f) deals with the effective date of laws. The first sentence of this section states “No bill shall be passed before the tenth calendar day following its introduction, except by the consent of a majority plus one of the total number of county council members established by this Charter.” This section implies that a bill could be introduced and passed at the same Legislative Session. There is no history as to why this sentence was added to the Charter by Bill 79-78 and approved by the voters in 1978, but it was determined that this sentence conflicts with the requirements of Article XI-A, Section 3 of the Maryland Constitution, concerning the publication and notice of local laws, as applied by the Maryland Court of Appeals in *Schaeffer v. Anne Arundel County, et al*, 338 Md. 75 (1995). The Commission recommends that this sentence be deleted.

The Commission also recommends that the time for passage of a bill be extended. Subsection (h) of this section states that “Any bill not passed within forty days after its introduction shall fail.” This is an issue that was discussed extensively at previous meetings, and was also a consistent topic of members of the public who testified at previous meetings and the public hearing. The consensus among citizens was that the 40-day period needed to be extended, similar to other surrounding jurisdictions, in order to give the public greater opportunity to respond to legislation and provide input. This issue was considered previously by the current Council and Bill 65-15 to extend the time period to 65 days was introduced on September 8, 2015, but later withdrawn.

Bills before the County Council are generally introduced and voted on in a monthly cycle. That is, a bill introduced at the first Monday meeting of a month is voted on at the first Monday meeting of the succeeding month; if introduced at the third Monday meeting of a month, a bill is voted on at the third Monday meeting of the succeeding month, and so on. The 40-day limitation generally does not allow for additional time in the monthly legislative cycle. Most of the bills before the Council, particularly supplemental appropriation bills or other routine bills requested by the Executive Branch or bills originating from the Council, can be introduced and voted on during this 40-day period.

However, the Commission recognized there are times when, due to the complexity of a subject matter or public controversy, it would be helpful for a bill to be extended past 40 days in order to allow for additional input from the public and other interested stakeholders, and for a bill to be held over on occasion from one Legislative Session to the next, or perhaps another monthly cycle if necessary. To that end, the Commission recommends the 40-day period be extended to 65 days.

Executive Branch

In the Executive Branch, Section 402 concerns the County Executive and subsection (d) sets forth the duties of the office. Over time, and in what has been a clear custom and practice associated with the Executive, the Commission agreed with the premise that the duties of the County Executive includes the authority to appoint the heads of offices and departments in the Executive Branch, subject to confirmation by the County Council, as well as to remove those individuals when necessary. It was also agreed it be mandated that the Executive submit those appointees at the commencement of every term for confirmation by the Council, even where the Executive is beginning a second term and re-appointing individuals. This has been done for at least the last 14 years. Therefore, the Commission recommends that subsection (d)(9) be amended to codify the current practice of the Executive submitting for appointment or reappointment the County Administrative Officer, as well as the heads of all departments and offices at the commencement of each term for confirmation by the County Council.

In Section 403, subsection (d) states that the County Administrative Officer exercises supervision over the activities of those offices and departments “whose heads he appoints.” In practice, it is the County Executive who appoints the heads of offices and departments in the Executive branch, not the Administrative Officer; therefore the Commission recommends that this language be deleted.

In order to be consistent with the earlier premise that the County Executive has ultimate authority to appoint and remove office and department heads in the Executive branch, the Commission recommends that Section 404(b) – covering the removal of appointed officers in the Executive branch – be changed to clarify that, except when provisions for removal are set forth elsewhere in the Charter, the Executive may remove the heads of offices and departments appointed in the Executive branch of County Government. The existing procedure for removal of the County Administrative Officer in subsection (a) is unchanged. Moreover, it is important to note that we are not recommending any changes to the term of the Administrative Officer, or the terms of the Zoning Commissioner and Deputy Zoning Commissioner (also known in the County Code as the Administrative Law Judges), nor are we recommending any changes in the manner in which individuals

in those positions are appointed or removed. These positions currently have terms that expire on June 1st of the year following the election of the County Executive. We are also not recommending any changes to the position of People’s Counsel or the tenure in which an individual may serve in that office.

Administrative Services

Article V of the Charter sets forth the organization and structure of the Administrative Services of County government – the nuts and bolts of government. The Administrative Services are expressly subject to the supervision and control of the County Administrative Officer, who is responsible solely to the County Executive for their efficient operation and management. The Article identifies and explains the offices and departments within the Executive branch. The most extensive changes recommended in this Article pertain to the technical changes referenced earlier in this report. A number of the offices and departments listed in this Article have changed their nomenclature and in most cases reflect an expansion of duties or consolidation of functions, and some former offices are now departments. For instance, the Office of Planning is now the Department of Planning. Also, the Office of the Budget and the Office of Finance have since been consolidated into the Office of Budget and Finance. The Commission recommends changing the names of these and other offices and departments to be brought up to date with their current names in County government.

Specifically as to Planning, Section 522 sets forth that the Director is to serve until resigning or being removed on the recommendation of the County Executive and approval of a majority plus one of the County Council members. Once again, harkening to the need for the Executive to have the authority to appoint and remove the heads of offices and departments in the Executive branch, the Commission recommends the language be deleted in this section.

A similar change is recommended in Sections 541 and 542, concerning the Chief of Police and the Fire Chief, respectively. Subsection (b) of both of these sections state that the Chief shall continue to hold office until resigning or being “removed pursuant to the provisions of this Charter.” The Commission determined that there are no such provisions in the Charter for removal. As such, the Commission recommends the language in these subsections be deleted, and that the language be changed to reflect that removal in both instances shall be pursuant to Section 404(b) – the newly added language for removal of appointed officers in the Executive branch.

A final recommendation also concerns the Administrative Services of the County. As summarized in a letter from the County Council to the Commission Chair on September 19, 2017, the Council has in recent months considered the necessity of legislation to

address a gap in the manner in which County government handles certain personnel matters, specifically involving exempt service employees of the County. Although the Charter in Sections 505 and 801 requires the legislature to establish a Merit System to govern the compensation of classified employees, there is no similar requirement to establish a comparable system for exempt service employees, or what are known as “at-will” employees. As such, the Council asked that the Commission review this issue and consider Charter recommendations to address the situation.

During the discussion of this issue, a similar section of the Anne Arundel County Charter (Section 508) was reviewed and compared to the County’s Charter Section 505. It was noted that Anne Arundel’s Charter section addresses the issue raised by the County Council in its letter; namely, not only does it have provisions for the applicable merit system employees, but it also requires a compensation plan for employees in the exempt service to be adopted by the County Council, upon the recommendation of the County Executive.

In order to address this gap in Baltimore County’s Charter, the Commission recommends the addition of language similar to the Anne Arundel County Charter, which would require the compensation of exempt employees to be established and adopted by the County Council.

Other Issues that Warranted Further Discussion

A number of other issues and possible changes to the Charter were brought to the attention of the Commission during its review of the Charter provisions, at the public hearing, and during its meetings and deliberations. Although the Commission did not achieve consensus on these issues and collectively recommend to keep the Charter unchanged, the members believe these matters deserve recognition and could warrant further consideration in the future.

County Council Member Holding State Employment

Section 202(b) of the Charter states that “No person shall qualify or serve as a member of the County Council while he holds any other office or employment for profit of or under the State or County.” Simply put, this section prohibits a Council member from holding employment with the State, whether in State government or with a State agency such as a public school system or college. During the deliberations, it was mentioned that a reciprocal bar does not hold true for members of the General Assembly, who may

hold County employment. It was also mentioned that the previous Council attempted to address this issue a number of years ago in Bills 52-07 and 81-08 – to delete the portion of Section 202(b) containing this prohibition; however, the question was defeated by County voters at the general election in 2008.

Although the members recognize the seeming inequity of State elected officials being permitted to have County employment but Council members not being permitted to have State employment, the members agreed not to make any changes to this Charter section. There may have been a perception in the past that allowing this change would somehow confer an inapt benefit, but perhaps citizens in the future will see it more as a leveling of the playing field and permit such a Charter change. That being said, in not recommending a change, the Commission members also expressed concern over potential conflicts of interest that could arise.

Amendments to Legislation

During the periods that the Commission discussed and debated the merits of changing Section 308(h) to extend the current 40-day period for passage of a bill to 65 days, there was also extensive discussion regarding other issues relevant to this change. Chief among those issues was the manner in which amendments enter into the legislative process. Members of the public were consistent in the theme that the current process of offering and passing amendments to bills is in need of change as well.

Indeed, it is well recognized at all levels of government that passing legislation is not a static and always predictable process. During much of the process, there is sufficient time for input and ideas, for amendments to be considered and discussed, offered by legislators, input received by interested parties, and voted on appropriately. There are other times on occasion where amendments are considered and offered very late in the process, without extensive public debate or input. This latter situation is what often frustrates communities about the process.

In discussions, the Commission considered whether this is a “Charter” issue and whether it should recommend changes to set forth a process for adopting substantive amendments in legislation. Some Commission members felt strongly that provisions in the Charter were necessary and pointed to other jurisdictions, such as Howard County. Section 209(c) of the Howard County Charter requires that if a substantive amendment (as determined by a majority of the Council) is passed, a bill is rewritten with the amendment and held over for another public hearing and vote thereafter. Other members believe that as a document setting forth the general structure and organization of government, the Charter should not contain such detail, which could have unintended consequences and need to be changed repeatedly in the future.

The Commission did not reach a consensus on this issue and there was not enough support for a Charter change related to the process for amending bills. Nonetheless, the Commission believes it is important to include its discussion of the issue for possible legislative action by the Council, or changes to its procedural rules.

Legislative and Executive Branch – Separation of Powers

Another issue discussed by the Commission involves the flow of information between the Executive and Legislative branches of government. Section 310 sets forth the separation of powers and states in part that “Unless for the purpose of inquiry or information, neither the County Council nor any member thereof shall deal directly with any officer, agent or employee in the Executive branch of the County government other than the County Executive.” The section also states that the Council and its members shall not “in any manner attempt to influence or coerce any such officer, agent or employee in the performance of his duties.” The rationale for this section is obvious – to allow for the independence of the Executive branch, and for employees not to be unduly influenced or subject to reprisals from the Legislative branch in the performance of their duties.

While acknowledging the natural tension that exists from time to time between the branches of government, some Commission members expressed that the current language is inadequate and allows the Executive branch to withhold information without consequence from Councilmembers for partisan reasons or to punish Councilmembers when the branches of government are not getting along. Several members of the public also testified as to their own difficulty in obtaining information from County agencies, and sometimes having to resort to Public Information Act requests to compel the County to respond. To address the issue between the branches of government, whether perceived or real, the Commission considered more specific language in the Charter to require more timely and meaningful responses to requests by Councilmembers for information from the Executive branch.

The Commission considered similar language from other jurisdictions, but in the end, the majority of Commission members felt additional language would be neither practical nor enforceable, and not appropriate in a Charter document. Section 310 as it is currently written simply sets forth a basic principle of our form of government known as the separation of powers – a “civics 101” proposition – wherein the branches of government are separate and each may not interfere with the workings of the other. The Commission concluded that regulating the relationship or the behavior, good or bad, among the members of these branches is not Charter material.

The Chair, a former Baltimore County Executive, expressed that it is not good policy for an Executive or subordinates to engage in partisan behavior such as not responding to reasonable requests for information from Councilmembers, particularly in matters dealing primarily with constituents. Individuals are not only constituents of the Councilmembers in their Districts, but of the Executive and the County as a whole. Failing to take that into consideration is counterproductive.

Potential Expansion of the County Council

The final issue involves the size of the County Council. Since the adoption of the County Charter, the Council has consisted of seven members. In the original Charter, the seven members had to reside in one of the seven Councilmanic Districts, but were each elected on a general ticket by the qualified voters of the entire County. Thereafter in 1972, the Charter was amended so that members of the County Council are now elected by the voters only in the Councilmanic District in which they reside. In 2001, during the Councilmanic Redistricting Process that takes place after each census, the District maps were re-drawn, with the recognition of a majority-minority District in the Owings Mills-Randallstown-Woodlawn areas of the County that now comprise District 4. The current Districts were last re-drawn in 2011 following the 2010 census.

With that backdrop, the Commission reviewed the possible expansion of the County Council from its present size of seven members to nine members, including the potential of at-large members. The Commission obtained data related to this topic, which indicated that the Baltimore City Council currently consists of 15 members, including an independently elected President. The Montgomery and Prince Georges County Councils each consist of nine members. Other information revealed that when Council Districts were initially created in 1956, the 1950 U.S. Census data indicated Baltimore County had a population of 270,000 people. 10 years later in 1960, it had increased to 490,000. July 1, 2016 census estimates indicate the County has grown to 831,000 – the third largest jurisdiction in the State – meaning each Councilperson represents about 118,000 people. The national average for local representation is one district/alderman for 85,000-90,000 people. In addition, other Maryland Counties with seven-member Councils have much less population. Frederick County has 233,000; Harford County has almost 245,000; and Anne Arundel County has 537,000.

The majority of the Commission declined to recommend expansion of the Council at this time, and concludes that the current ratio between a Councilperson and the population in each District is not excessive. The Commission is also mindful of the fiscal impact associated with the addition of two new Districts, both in initial, start-up and capital costs, and yearly increases in the budget.

That said, the Commission notes that, based on the original composition of the County, the population, and the number of Councilmembers, it is logical to consider a possible increase in the size of the Council in the future, particularly as the population has more than doubled and continues to increase. The County is also more diverse than it has ever been, and the demographics continue to change. The Commission also notes that advances in technology have increased accessibility and communication between constituents and their elected representatives. What were once land lines and regular paper mail have evolved into cell phones, text messages, email, and social media – just to name a few. In the interim, the resulting increased workload in constituent services due to the growth of the Districts and changes in population can be addressed by other measures, such as increases in Council staff.

Conclusion

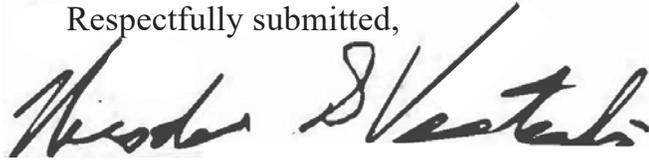
Baltimore County’s Charter has stood the test of time for 60 years now, and has served as a great foundation for the structure and organization of County government. Indeed, it has served as a helpful guide for other counties in Maryland that have adopted a Charter form of government over the years. In order to continue to be responsive to the inevitable changes in Baltimore County – in population and in technology – we need to be willing to make changes to our governing document when necessary. The changes we have recommended by no means solve every issue for the County going forward. But the changes do represent a thoughtful approach and should serve as a bridge to the next Commission ten years from now.

The Commission wishes to express its gratitude to the County Council and the County Executive for their confidence and faith in appointing the members of the Commission. The charge to review every Article, every section, and every subsection of the Charter has been one that each member has taken very seriously, and the endeavor has been extremely rewarding. Each member brought a unique perspective and energy to the group, and the decisions to make certain recommendations and decline to make others were based on significant and, at times, contentious debate. Attendance at our meetings was exemplary, and the many hours spent poring through documents and discussing the issues evidences the members’ dedication to the task at hand.

We also thank the public for its participation in this Charter Review process. We received excellent feedback and suggestions from individuals who attended and testified at Commission meetings, or offered written submissions for our consideration. Indeed, the input from the public was vitally important to the Commission’s decision-making, and ensured that we were not influenced solely by our own views and ideas.

The Commission also wishes to acknowledge the Commission staff for their hard work. The staff presented the Charter Articles to the Commission members in a workable fashion and facilitated candid discussions on the various Charter subjects. To them and the other staff members that worked behind the scenes, we offer our sincere thanks.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Theodore Venetoulis". The signature is fluid and cursive, with a prominent initial 'T' and 'V'.

Theodore Venetoulis
Chairman

**Substantive
Recommendations**

ARTICLE III. - THE LEGISLATIVE BRANCH

Sec. 308 – Legislative procedure.

- (f) *Effective date of laws; emergency measures.* [No bill shall be passed before the tenth calendar day following its introduction, except by the consent of a majority plus one of the total number of county council members established by this Charter.] All public local laws and ordinances enacted by the county council shall take effect forty-five days after enactment, unless by the affirmative vote of a majority plus one of the total number of county council members established by this Charter any such law or ordinance shall be declared to be effective on an earlier or later date, or declared an emergency measure affecting the public health, safety or welfare, in which latter event the same shall take effect from the date of enactment. The term “emergency measure” shall not include any measure creating or abolishing any office or changing the salary, term or duty of any officer, or granting any franchise or special privilege, or creating any vested right or interest.

Comment: This sentence was added to Section 308 by Bill 79-78, approved by the voters on November 7, 1978. There is no relevant legislative history. Whatever the intent of this provision, it conflicts with the requirements of Article XI-A, Section 3 of the Maryland Constitution, dealing with the publication of local laws, as applied by the Maryland Court of Appeals in Schaeffer v. Anne Arundel County, et al, 338 Md. 75 (1995).

ARTICLE III. - THE LEGISLATIVE BRANCH

Sec. 308 – Legislative procedure.

- (h) *Failure of bills.* Any bill not passed within [forty] SIXTY-FIVE days after its introduction shall fail.

Comment: According to the Reporter's Notes to the Proposed Charter, this section was added to the Charter at the suggestion of several interested citizens. Its "purpose is to fix a deadline after which bills.....are definitely and finally killed". A similar measure to lengthen the time period was introduced in the 2015 County Council by four Councilmembers, but withdrawn before final vote.

ARTICLE IV – THE EXECUTIVE BRANCH

Sec. 402. – County Executive.

- (c) *Temporary absence of county executive.* During the temporary disability or absence from the county of the county executive, the county administrative officer shall serve as acting county executive. If both the county executive and the county administrative officer are temporarily disabled or absent from the county, the director of [the] budget AND FINANCE, as the acting county administrative officer, shall also serve as acting county executive, unless the county council designates the head of another office in the administrative services, or the director of public works to serve as acting county executive. If a county executive fails actively to perform the daily duties and responsibilities of his office for a continuous period of six months, [his] THE COUNTY EXECUTIVE'S office may be declared vacant by the affirmative vote of a majority of the total number of county council members established by this Charter, and such vacancy shall thereupon be filled in the manner above provided in Section 402(b) of this Article. An acting county executive shall have the same rights, duties, powers and obligations as an elected incumbent of said office, exclusive, however, of the power of executive veto.

Comment: See Comment for §503.

- (d) *Duties of the office.* The county executive shall be responsible for the proper and efficient administration of such affairs of the county as are placed in [his] THE COUNTY EXECUTIVE'S charge or under [his] THE COUNTY EXECUTIVE'S jurisdiction and control under this Charter or by law. In addition to and not by way of limitation of [his] THE COUNTY EXECUTIVE's general duties of [his] supervision and management of the executive branch of the county government, [he] THE COUNTY EXECUTIVE shall have the following express responsibilities, duties and powers:
- (9) To appoint OR REAPPOINT AT THE COMMENCEMENT OF EACH TERM, subject to confirmation by the affirmative vote of a majority of the total number of county council members established by this Charter, the county administrative officer AT THE CONCLUSION OF HIS OR HER TERM and the heads of all offices and departments of the county government for which provision is made in this charter. If the council fails to act to confirm or reject any appointment within forty days of its

submission to the council by the county executive, the appointment shall stand approved;

Comment: There was some discussion over whether Section 402(d)(9) requires the Executive to submit for confirmation the names of all department heads at the beginning of each term (particularly those who are “holding over” and re-appointed by an Executive that is elected to a second term, or a new Executive who retains an existing department head). The language added to this subsection would codify the existing custom and practice of the Executive submitting appointments (and reappointments) at the beginning of each term for confirmation by the County Council.

[(11) To serve on all boards and commissions on which a county commissioner was, prior to the adoption of this Charter, required to serve as a member, exclusive, however, of the board of health;]

[(14)] To prepare and issue, or cause to be prepared and issued, rules and regulations of the character which prior to the adoption of this Charter were prepared or issued by the county commissioners, provided that before taking effect all such rules and regulations shall be approved by the county council;

Comment: See comment to Sections 533 and 540. The County Executive does not issue regulations. The County Code makes provision for the adoption of regulations by departments and offices of county government that are authorized by law to do so. BCC Article 3, Title 7.

ARTICLE IV – THE EXECUTIVE BRANCH

Sec. 403. – County Administrative Officer.

- (d) *Nature of office and duties.* The county administrative officer shall exercise supervision over all activities of those offices and departments FOR WHICH PROVISION IS MADE IN THIS CHARTER [whose heads he appoints], and the boards and commissions connected therewith. [He] THE COUNTY ADMINISTRATIVE OFFICER shall be responsible directly to the county executive. In addition to and not by way of limitation of [his] THE general duties of supervision as above provided, the county administrative officer shall have the following express powers and duties:
- (1) To be the chief budget officer of the county and to prepare and submit to the county executive for [his] THE COUNTY EXECUTIVE’S approval and submission to the county council all county budgets, prepared in the manner and form provided in Article VII of this Charter;
 - (2) To make periodic reports, with such recommendations as [he] THE COUNTY ADMINISTRATIVE OFFICER may deem appropriate, to the county executive concerning the affairs of the county government;
 - (3) To hold periodic staff meetings with [his] THE COUNTY ADMINISTRATIVE OFFICER’S subordinate officers in the administrative services;
 - (4) To make any study or investigation which in [his] THE COUNTY ADMINISTRATIVE OFFICER’S judgment may be in the best interests of the county, including but not limited to the affairs, functions, acts, methods, personnel or efficiency of any department, office or officer under [his] THE COUNTY ADMINISTRATIVE OFFICER’S jurisdiction;
 - (5) To perform such other administrative duties as may be delegated to [his] THE COUNTY ADMINISTRATIVE OFFICER by the county executive;
 - (6) To do and perform such other duties as may be prescribed by this Charter or required by ordinance or resolution of the county council or as may be necessarily implied by the powers and duties herein specified.

Comment: This subsection states that the administrative officer shall exercise supervision over all activities of those offices and departments “whose heads he appoints.” The Administrative Officer does not actually appoint the heads of offices and departments. That is the Executive’s prerogative. The change to this subsection deletes the quoted language “whose heads he appoints,” and reinforces that the County Administrative Officer “supervises” the offices and departments “for which provision is made in this Charter.” The changes also make the section gender-neutral.

ARTICLE IV – THE EXECUTIVE BRANCH

Sec. 404. – Removal of Appointive Officers in Executive Branch.

- (b) *Removal of other appointive officers.* EXCEPT WHEN PROVISIONS FOR REMOVAL ARE SET FORTH IN THIS CHARTER, THE COUNTY EXECUTIVE MAY REMOVE THE HEADS OF ANY OFFICES AND DEPARTMENTS APPOINTED UNDER SECTION 402 IN THE EXECUTIVE BRANCH OF COUNTY GOVERNMENT FOR WHICH PROVISION IS MADE IN THIS CHARTER. Subject to the merit system provisions of the county personnel law as set forth in Article VIII of this Charter and with the approval of the county executive, the county administrative officer may remove at any time any OTHER officer or employee in the administrative services of the county.

Comment: Subsection (a) of this section sets forth the procedure for removal of the Administrative Officer. Subsection (b) states the Administrative Officer, with approval of the Executive and subject to the merit system, may remove at any time any other officer or employee in the Administrative Services. The change to subsection (b) above reinforces that the Executive (not the Administrative Officer) has the power to remove the heads of offices and departments he appoints in the Executive Branch, unless provisions for removal are set forth in the Charter (such as with the Zoning Commissioner and Deputy Zoning Commissioner, who serve a term and can be removed at the recommendation of the Executive and approval of at least a majority plus one of the Council members; a similar procedure may also remove the People's Counsel). The Administrative Officer still retains the power to remove other employees of the Administrative Services of the County. The changes to subsection (b) are consistent with the change made to Section 403(d) of the Charter.

ARTICLE V – THE ADMINISTRATIVE SERVICES

Division 1. – Outline of Organization

Sec. 505. – Term and Compensation of Officers and Employees in the Administrative Services.

Subject to the applicable merit system provisions of the county personnel law, all officers, agents and employees in the administrative services of the county shall hold such terms and receive such compensation as may from time to time be provided by this Charter or by law. OFFICERS AND EMPLOYEES IN THE EXEMPT SERVICE AS DEFINED IN SECTION 801 OF THIS CHARTER SHALL HAVE THEIR COMPENSATION DETERMINED ACCORDING TO A SYSTEM ADOPTED OR AMENDED BY THE COUNTY COUNCIL UPON THE RECOMMENDATION OF THE COUNTY EXECUTIVE.

Comment: The change to this section addresses a gap in the manner in which county government handles exempt service employees of the County, also known as “at-will” employees. Currently there is no system governing the compensation of exempt employees. The change to this section would require that a system be established by the County Council upon the recommendation of the County Executive.

ARTICLE V. - THE ADMINISTRATIVE SERVICES

Subdivision 1. The Office of Law

Sec. 508 – Powers and duties of the county attorney.

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

- (1) By written request of the county council,
- (2) By written request of the county executive or the county administrative officer, or
- (3) With the approval of the county administrative officer, by written request of the head of any office or department in the administrative services. All deeds, bonds, contracts, releases and other legal papers and instruments involving the interests of the county shall, before their execution or delivery, be submitted to the county attorney for approval in writing as to their form and legal sufficiency. The county attorney shall have such additional duties as may from time to time be provided by law.

Comment: Minutes of the County Council legislative meetings are kept by the Secretary to the Council, as required by Section 302(b). The minutes are far more complete and detailed than the journal. The requirement that the County Attorney maintain a journal is superfluous.

ARTICLE V – THE ADMINISTRATIVE SERVICES

Division 2. – Offices of the Administrative Services

Subdivision 6. – Office of Planning and Zoning

Sec. 522. – Organization of Office and Selection of its Components.

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

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

Comment: See comments for §503 and 504. In addition, this section states that the Executive shall appoint the director of planning and zoning (which is now known as the Department of Planning) subject to confirmation by the County Council. It also states that the director shall serve until he resigns or is removed upon the recommendation of the

Executive and approval of a majority plus one of the Council members. In order to be consistent with the Executive's power over the heads of the offices and departments he appoints, as set forth in Section 402(d)(9), and the prerogative to remove such appointments in his discretion, as would be codified in the new language of Section 404(b), the existing language of this section – that the director shall serve until he resigns or is removed upon the recommendation of the Executive and approval of a majority plus one of the Council members – has been deleted.

ARTICLE V. - THE ADMINISTRATIVE SERVICES

Subdivision 3. Department of Recreation and Parks

Sec. 533 – Board of recreation and parks.

- (a) *Composition and appointment.* There shall be a board of recreation and parks which shall consist of a representative selected from among the qualified residents of each councilmanic district plus three additional members selected from among the qualified residents of the entire county; provided, however, that not more than two members thereof shall reside in any one councilmanic district; and provided further, that no member of the board shall be required to vacate his office prior to the expiration of the term for which he was appointed by reason of any revision in the boundary lines of the councilmanic districts. The members of the board shall be appointed by the county executive and shall have resided within the county for a period of three years preceding their appointment. A minimum of three members of the board shall be appointed with due regard to their training, experience and interest in the natural sciences and conservation. Additional qualifications and the terms of office of members of the board shall be as provided by law[, and the county executive shall serve thereon as an ex officio member].

Comment: The County Executive does not serve on the Board, therefore it is recommended that the last part of this paragraph be deleted.

ARTICLE V. - THE ADMINISTRATIVE SERVICES

Subdivision 8. Department of Social Services

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

The department of social services shall consist of the board of social services, the director of social services and all offices, agents and employees under their authority and supervision. The members of the county board of social services shall be appointed and shall do and perform such duties and functions as may from time to time be provided by state law. [The county executive shall serve as a member of said board ex officio instead of a county commissioner as heretofore.] In addition to all duties and functions heretofore performed by the board of social services it shall be responsible for [the operation and development of the county home and] such other related social services activities as may be assigned thereto by directive of the county administrative officer or by legislative act of the county council not inconsistent with general law. All references in this Charter to the head of an office or department shall be construed as including the director of social services as head of the department of social services, but nothing in this Charter contained shall be held or construed as affecting or in anywise changing the administration of the county social services program in accordance with the requirements of state law.

Comment: The Commission recommends the deletion of language requiring the county executive to serve as a member of the board of social services. Under state law, the county executive is required to appoint a member of his administration to serve on the board but the executive himself is not required to serve on the board. See § 3-501(d) of the Human Services Article of the Annotated Code of Maryland. No county executive has served in this board any time recently but has appointed a member from his staff.

ARTICLE V – THE ADMINISTRATIVE SERVICES

Division 2. – Offices of the Administrative Services

Subdivision 9. – Police Department

Sec. 541. – Chief of Police.

- (a) *Duties.* The police department shall be administered by the chief of police of Baltimore County, who shall have and perform such other duties and functions as may, from time to time, be assigned by directive of the county administrative officer or by legislative act of the county council.
- (b) *Term.* The police chief shall continue to hold office until such time as he may resign or be removed pursuant to SECTION 404(B) [the provisions] of this Charter.

Comment: Subsection (b) of this section states that the police chief “shall continue to hold office until such time as he may resign or be removed pursuant to the provisions of this Charter.” Because there are no such provisions for removal, it is recommended that this language be deleted and replaced with a reference to Sec. 404(b) – the newly added language for removal of appointed officers in the Executive branch.

ARTICLE V – THE ADMINISTRATIVE SERVICES

Division 2. – Offices of the Administrative Services

Subdivision 10. – Fire Department

Sec. 542. – Fire Chief.

- (a) *Duties.* The fire department shall be administered by the fire chief of Baltimore County, who shall be responsible for the administration of the fire department and shall have and perform such other duties and functions as may, from time to time, be assigned thereto by directive of the county administrative officer or by legislative act of the county council.

- (b) *Term.* The fire chief shall continue to hold office until such time as he may resign or be removed pursuant to SECTION 404(B) [the provisions] of this Charter.

Comment: See comment for Sec. 541.

Technical Recommendations

ARTICLE II. – THE COUNTY COUNCIL.

Sec. 204. Compensation.

Compensation and allowances to be paid to members of the county council shall be set as provided in § 10-302 OF THE LOCAL GOVERNMENT Article [25A, Section 5(AA)] of the Annotated Code of Maryland, as amended.

Comment: In Chapter 119 of the Laws of Maryland of 2013, Article 25A, Section 5(AA) of the Annotated Code of Maryland was revised as § 10-302 of the Local Government Article of the Annotated Code of Maryland.

ARTICLE III. – THE LEGISLATIVE BRANCH.

Sec. 306. Legislative powers of county council.

The county council shall be the elected legislative body of the county and is vested with all the law-making power thereof, including all such powers as may heretofore have been exercised by the General Assembly of Maryland and transferred to the people of the county by the adoption of this Charter. The county council shall also have and may exercise all legislative powers heretofore vested in the county commissioners of Baltimore County, including the power to accept gifts and grants. The county council may enact public local laws for the county and is authorized to repeal or amend such local laws as have heretofore been enacted by the General Assembly of Maryland upon matters covered by the Express Powers Act of 1918 (TITLE 10 OF THE LOCAL GOVERNMENT Article [25A] of the Annotated Code of Maryland[, 1957 Edition]) as now in force or hereafter amended. The county council may also provide for the enforcement of all ordinances, resolutions, bylaws and regulations adopted under the authority of law by fines, penalties and imprisonment, within the limits prescribed by law.

Comment: In Chapter 119 of the Laws of Maryland of 2013, Article 25A of the Annotated Code of Maryland, 1957 Edition, was revised generally as Title 10 of the Local Government Article of the Annotated Code of Maryland.

ARTICLE IV. – THE EXECUTIVE BRANCH.

Sec. 406. Temporary appointments.

- (a) *County administrative officer.* During the temporary absence of the county administrative officer, or if the office of county administrative officer shall become vacant, the director of [the] budget AND FINANCE shall serve as acting county administrative officer pending, in the case of a vacancy, the appointment of a successor to fill the balance of the unexpired term. In [his] THE DIRECTOR'S capacity as acting county administrative officer, the director of [the] budget AND FINANCE need not possess, but the successor shall possess, all those qualifications hereinabove in this article specified for an original appointee.

Comment: See Comment for § 503.

ARTICLE V. – THE ADMINISTRATIVE SERVICES

Division 1. Outline of Organization

Sec. 503. Offices.

There shall be the following offices in the administrative services:

- (1) Office of law.
- (2) Office of [personnel] HUMAN RESOURCES.
- (3) Office of BUDGET AND finance.
- (4) Office of [the budget] INFORMATION TECHNOLOGY.
- [(5) Office of central services.
- (6) Office of planning and zoning.]

Comment: Under § 502 of the Charter "offices and departments may be created, merged or abolished by legislative act proposed by the county executive and passed by a majority plus one of the total number of county council members established by this Charter." Agency names have changed with some frequency over the years both by legislative act solely amending the Baltimore County Code and by acts amending the Charter. For example, Charter Bill 67-68 was approved by the voters and it established an office of data processing and management information. Charter Bill 131-90 was also approved by the voters and it, inter alia, abolished the same office.

Most recently, the office of personnel became the office of human resources in Code Bill 123-98, the office of finance and the office of the budget were merged into the office of budget and finance in Code Bill 49-96, the office of information technology was established in Code Bill 69-95 and took over many of the functions of the office of central services, which was abolished in the same bill, and the office of planning (which had been renamed from the office of planning and zoning some years earlier) was renamed the department of planning in Code Bill 122-10.

Despite the relative ease and frequency of these changes, the Commission recommends that the Charter be amended to comport with the modern names of these offices.

ARTICLE V. – THE ADMINISTRATIVE SERVICES

Division 1. Outline of Organization

Sec. 504. Departments.

There shall be the following departments in the administrative services:

- (1) Department of public works.
- (2) Department of [permits and licenses] PERMITS, APPROVALS AND INSPECTIONS.
- (3) Department of recreation and parks.
- (4) Department of environmental protection and [resource management] SUSTAINABILITY.
- (5) Department of education.
- (6) Department of libraries.
- (7) Department of health.
- (8) Department of social services.
- (9) Police department.
- (10) Fire department.
- (11) Department of aging.
- (12) Department of [community development] PLANNING.
- (13) DEPARTMENT OF CORRECTIONS.
- (14) DEPARTMENT OF ECONOMIC AND WORKFORCE DEVELOPMENT.

Comment: Under § 502 of the Charter, "offices and departments may be created, merged or abolished by legislative act proposed by the county executive and passed by a majority plus one of the total number of county council members established by this Charter." Department names have changed with some frequency over the years both by legislative act solely amending the Baltimore County Code and by acts amending the Charter. For example, the public safety function (police, fire, corrections) has undergone significant changes in the Charter. The voters approved Charter Bill 72-68, which abolished the former department of public safety and "elevated" what were then called the fire bureau and police bureau.

Most recently, the department of permits and development management (which replaced the department of permits and licenses in Code Bill 69-95) became the department of permits, approvals and inspections in Code Bill 122-10, the department of environmental protection and resource management became the department of environmental protection and sustainability in Code Bill 122-10, the office of planning became the department of

planning in Code Bill 122-10 (the same bill abolished what was then named the office of community conservation and moved its functions into the department of planning), the bureau of correction was established in Code Bill 26-93 and was renamed the department of corrections in Code Bill 40-04, and the department of economic development and the office of employment and training (which had existed for a while but were firmly established in the County Code in Code Bills 27-99 and 28-99) were merged into the department of economic and workforce development in Code Bill 71-13.

Despite the relative ease and frequency of these changes, the Commission recommends that the Charter be amended to comport with the modern names of these departments.

ARTICLE V. – THE ADMINISTRATIVE SERVICES

Division 2. Offices of the Administrative Services

Subdivision 2. The Office of [Personnel] HUMAN RESOURCES

Sec. 512. Composition.

The office of [personnel] HUMAN RESOURCES shall consist of the director of [personnel] HUMAN RESOURCES, the personnel and salary advisory board, and their subordinate officers, agents and employees. The office shall be administered by the director of [personnel] HUMAN RESOURCES. [He] THE DIRECTOR shall be responsible directly to the county administrative officer and shall possess the qualifications for [his] THE office provided in Article VIII of this Charter and such other qualifications as may be provided in the county personnel law.

Comment: See the comment for § 503 of the Charter.

ARTICLE V. – THE ADMINISTRATIVE SERVICES

Division 2. Offices of the Administrative Services

Subdivision 2. The Office of [Personnel] HUMAN RESOURCES

Sec. 513. Duties of director of [personnel] HUMAN RESOURCES.

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

Comment: See the comment for § 503 of the Charter.

ARTICLE V – THE ADMINISTRATIVE SERVICES

Division 2. Offices of the Administrative Services

Subdivision 3. The Office of BUDGET and Finance

Sec. 514. The director of BUDGET AND finance generally.

The office of BUDGET AND finance shall be administered by the director of BUDGET AND finance, who shall be appointed on the basis of [his] THE DIRECTOR'S experience in financial [administration] ADMINISTRATION, AND TECHNICAL TRAINING FOR THE DUTIES OF THE OFFICE. [He] THE DIRECTOR shall be responsible directly to the county administrative officer.

Comment: See Comment to § 503. The Commission proposes to combine the language of this section with the language of § 518, which will be proposed for repeal. Section 518 also states that the county administrative officer "shall be the chief budget officer of the county," but that phrase can be left out of this section since the same provision appears in § 403(d)(1).

ARTICLE V – THE ADMINISTRATIVE SERVICES

Division 2. Offices of the Administrative Services

Subdivision 3. The Office of BUDGET and Finance

Sec. 515. General powers and duties of the director of BUDGET AND finance.

- (A) Except as otherwise provided in Article XI of this Charter, the director of BUDGET AND finance shall have and exercise all the powers and all the fiscal duties [now or hereafter] FORMERLY vested in or imposed upon the county comptroller and the county treasurer, and [he] THE DIRECTOR is hereby designated as the collector of state taxes in the county. [He] THE DIRECTOR shall have charge of the administration of the financial affairs of the county, including the collection of state and county taxes, special assessments, the metropolitan district charges, fees and other revenues and funds of every kind due to the county; the enforcement of the collection of taxes in the manner provided by law; the custody and safekeeping of all funds and securities belonging to or by law deposited with, distributed to or handled by the county; the disbursement of county funds; the keeping and supervision of all accounts; and such other functions as may be prescribed by the county administrative office or by legislative act of the county council not inconsistent herewith.
- (B) THE DIRECTOR OF BUDGET AND FINANCE SHALL BE RESPONSIBLE FOR THE FORMULATION OF THE BUDGET UNDER THE SUPERVISION OF THE COUNTY ADMINISTRATIVE OFFICER IN ACCORDANCE WITH THE PROCEDURES SET OUT IN ARTICLE VII OF THIS CHARTER; THE STUDY OF THE ORGANIZATION, METHODS AND PROCEDURES OF EACH OFFICE, DEPARTMENT, BOARD, COMMISSION, INSTITUTION AND AGENCY OF THE COUNTY GOVERNMENT; THE SUBMISSION TO THE COUNTY ADMINISTRATIVE OFFICER OF PERIODIC REPORTS ON THEIR EFFICIENCY AND ECONOMY AND SUCH OTHER DUTIES AND FUNCTIONS AS MAY BE ASSIGNED TO THE DIRECTOR BY THE COUNTY ADMINISTRATIVE OFFICER OR BY LEGISLATIVE ACT OF THE COUNTY COUNCIL.

Comment: See Comment to § 503. The Commission proposes to combine the language of this section with the language of § 519, which will be proposed for repeal.

ARTICLE V – THE ADMINISTRATIVE SERVICES

Division 2. Offices of the Administrative Services

Subdivision 3. The Office of BUDGET and Finance

Sec. 516. Specific powers and duties of director of BUDGET AND finance.

The director of BUDGET AND finance shall have the following specific powers and duties:

- (a) To keep accounts for each item of appropriation made by the county council so that each account shall show in detail the appropriations made thereto, the amounts drawn thereon and the unencumbered balance;
- (b) To submit monthly to the county administrative officer, the county executive and the county council a summary of revenues and expenditures detailed as to appropriations and funds in such manner as to show the current financial condition of each office and department of the county government;
- (c) To submit at least annually to the county council a set of comprehensive financial statements on the county government prepared in accordance with the latest generally accepted accounting principles for local governments showing the assets, liabilities, financial condition, and operating results of the county along with appropriate notes, comments, and opinions by the external and county auditors. Copies of the annual financial report shall be made available to the public and the press no later than one hundred eighty days following the close of each fiscal year. Copies of the annual financial report shall be placed in each branch of the Baltimore County Public Library and a notice stating that the report is available for inspection in the office of BUDGET AND finance, the county auditor's office, and each branch of the Baltimore County Public Library shall be published annually in a newspaper of general circulation in Baltimore County.
- (d) To control all county expenditures on the basis of authorized budgetary allotments and to report thereon to the several offices, departments, boards, commissions and other agencies of the county government;
- (e) To examine, audit and approve all bills, demands or charges against the county and to determine the regularity, legality and correctness of the same;
- (f) To deposit funds of the county in such banks or trust companies as the county executive may designate, subject to such adequate requirements as to security and interest as may be provided by law;

- (g) To perform such other duties not inconsistent with those herein enumerated as may be required by the county administrative officer or by law.

Comment: See Comment to § 503.

ARTICLE V – THE ADMINISTRATIVE SERVICES

Division 2. Offices of the Administrative Services

[Subdivision 4. The Office of the Budget]

[Sec. 518. Administration; appointment, qualifications, etc., of director of the budget.

The office of the budget shall be administered by the director of the budget. He shall be appointed solely on the basis of his administrative experience and technical training for the duties of his office. He shall be responsible directly to the county administrative officer who shall be the chief budget officer of the county.]

Comment: See Comment to § 503. The Commission proposes the repeal of § 518 and transfer of its provisions to § 514.

ARTICLE V – THE ADMINISTRATIVE SERVICES

Division 2. Offices of the Administrative Services

[Subdivision 4. The Office of the Budget]

[Sec. 519. Powers and duties of director of the budget.

The director of the budget shall be responsible for the formulation of the budget under the supervision of the county administrative officer in accordance with the procedures set out in Article VII of this Charter; the study of the organization, methods and procedures of each office, department, board, commission, institution and agency of the county government; the submission to the county administrative officer of periodic reports on their efficiency and economy and such other duties and functions as may be assigned to him by the county administrative officer or by legislative act of the county council.]

Comment: See Comment to § 503. The Commission proposes the repeal of § 519 and transfer its provisions to § 515.

ARTICLE V. – THE ADMINISTRATIVE SERVICES

Division 2. Offices of the Administrative Services

Subdivision 5. Office of [Central Services] INFORMATION TECHNOLOGY

Sec. 520. The director of [central services] INFORMATION TECHNOLOGY.

The office of [central services] INFORMATION TECHNOLOGY shall be administered by the director of [central services] INFORMATION TECHNOLOGY. [He] THE DIRECTOR shall be appointed solely with regard to [his] THE DIRECTOR'S qualifications for the duties of [his] THE office and shall be responsible directly to the county administrative officer.

Comment: See the comment for § 503 of the Charter. The office of central services was "abolished" in Code Bill 69-95 and the office of information technology was established in the same bill. The various functions of the office of central services were assigned to other agencies, including the office of information technology and (what is now) the office of budget and finance.

ARTICLE V. – THE ADMINISTRATIVE SERVICES

Division 2. Offices of the Administrative Services

Subdivision 5. Office of [Central Services] INFORMATION TECHNOLOGY

Sec. 521. Duties and functions.

The office of [central services shall be responsible for the administration of the central purchasing policies of the county set forth in Article IX of this Charter, and the director of central services shall act as county purchasing agent. Unless otherwise provided by public general law, the office of central services shall also be responsible for the making, renewal and cancellation of all contracts of insurance in which the county, or any office, department, institution, board, commission, or other agency of the county government is named as insured; for the maintenance, operation and management of all land and buildings owned or operated by the county and all other functions heretofore performed by the superintendent of buildings; and for making available to the other offices, departments, boards, institutions and agencies of the county such duplicating, stenographic, mail, messenger, stores, transportation, central garage, automotive maintenance or other central services] INFORMATION TECHNOLOGY SHALL HAVE SUCH DUTIES as may be assigned thereto from time to time by directive of the county administrative officer or by legislative act of the county council.

Comment: See the comment for § 503 of the Charter. The office of central services was "abolished" in Code Bill 69-95 and the office of information technology was established in the same bill. The various functions of the office of central services were assigned to other agencies, including the office of information technology and (what is now) the office of budget and finance.

ARTICLE V – THE ADMINISTRATIVE SERVICES

Division [2.] 3. [Offices of the Administrative Services] DEPARTMENTS IN THE ADMINISTRATIVE SERVICES

Subdivision [6]1. [Office] DEPARTMENT of Planning [and Zoning]

Sec. 522.1. Duties of the [office] DEPARTMENT of planning [and zoning]; limitation of powers.

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

Comment: See comments for §§ 503 and 504.

ARTICLE V – THE ADMINISTRATIVE SERVICES

Division [2.] 3. [Offices of the Administrative Services] DEPARTMENTS IN THE ADMINISTRATIVE SERVICES

Subdivision [6]1. [Office] DEPARTMENT of Planning [and Zoning]

Sec. 522. Organization of [office] DEPARTMENT and selection of its components.

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

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

Comment: See comments for §§ 503 and 504.

ARTICLE V – THE ADMINISTRATIVE SERVICES

Division [2.] 3. [Offices of the Administrative Services] DEPARTMENTS IN THE ADMINISTRATIVE SERVICES

Subdivision [6]1. [Office] DEPARTMENT of Planning [and Zoning]

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

- (a) *Definition and implementation of the master plan.* The master plan shall be a composite of mapped and written proposals setting forth comprehensive objectives, policies and standards to serve as a guide for the development of the county. Upon receipt of the master plan from the [office] DEPARTMENT of planning [and zoning], the county council shall accept or modify and then adopt it by resolution.

- (b) *Definition and implementation of the zoning maps.* The zoning maps shall show the boundaries of the proposed districts, divisions and zones into which the county is to be divided consistent with the master plan. Upon receipt of the zoning map from the [office] DEPARTMENT of planning [and zoning], the county council shall accept or modify and then adopt it by legislative act.

Comment: See comments for §§ 503 and 504.

ARTICLE V – THE ADMINISTRATIVE SERVICES

Division [2.] 3. [Offices of the Administrative Services] DEPARTMENTS IN THE ADMINISTRATIVE SERVICES

Subdivision [6]1. [Office] DEPARTMENT of Planning [and Zoning]

Sec. 524. Reorganization of [office] THE DEPARTMENT of planning [and zoning].

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

Comment: See comments for §§ 503 and 504.

ARTICLE V – THE ADMINISTRATIVE SERVICES

Division 3. Departments in the Administrative Services

Subdivision [2.] 3. Department of [Permits and Licenses] PERMITS, APPROVALS AND INSPECTIONS

Sec. 528. Director of [permits and licenses] PERMITS, APPROVALS AND INSPECTIONS.

The department of [permits and licenses] PERMITS, APPROVALS AND INSPECTIONS shall be administered by a director of [permits and licenses] PERMITS, APPROVALS AND INSPECTIONS who shall be appointed solely with regard to [his] THE qualifications for the duties of [his] THE office. [He] THE DIRECTOR shall be responsible directly to the county administrative officer.

Comment: See comment for § 504.

ARTICLE V – THE ADMINISTRATIVE SERVICES

Division 3. Departments in the Administrative Services

[Subdivision 4. Bureau of Civil Defense]

[Sec. 536. Duties of the bureau of civil defense.

The bureau of civil defense shall constitute the local organization for civil defense required to be established by state law. The director and alternate of said bureau shall be appointed by the Governor of this State upon the recommendation of the county executive. The bureau shall have such duties and functions as may from time to time be provided by federal or state law or by legislative act of the county council not inconsistent therewith.]

Comment: When the charter was enacted, this bureau was part of a department of public safety, which had responsibility for, inter alia, police, fire, and the jail. Charter Bill 72-68 made the department of public safety responsible only for traffic engineering and placed this bureau under the Police Department in § 541 but it did not repeal § 536. In Charter Bill 84-78, the reference to the bureau of civil defense was amended out of § 541 but, again, § 536 was never touched. We are unaware of the existence of any such bureau and are not sure why this section remains in the charter. The Commission recommends repealing this section.

ARTICLE V – THE ADMINISTRATIVE SERVICES

Division 3. Departments in the Administrative Services

Subdivision 6. Department of Libraries

Sec. 538. Composition; administration under state law.

The department of libraries shall consist of the county board of library trustees, the director of the library and all other officers, agents and employees in the public library system of the county. The board of library trustees shall consist of seven members who shall be appointed by the county executive for overlapping terms of five years. The board of library trustees shall appoint the director of the library, who will serve at its pleasure. It will have the same powers and duties as are provided in §§ 23-405(A), (C), (D), (E), and (F) AND § 23-406(A), (B), AND (E) OF THE EDUCATION Article [77, Section 173(a)] of the Annotated Code of Maryland for boards of library trustees in counties which have adopted a Charter form of government. All references in this Charter to the head of an office or department shall be construed as including the director of the library as head of the department of libraries.

Comment: Chapter 22 of the Laws of Maryland of 1978 was a Code Revision bill that created what is now the Education Article of the Annotated Code of Maryland. What was originally § 173(a) of Article 77 was revised as ED §§ 23-405(a), (c), (d), (e), and (f) and 23-406(a), (b), and (e).

ARTICLE V – THE ADMINISTRATIVE SERVICES

Division 3. Departments in the Administrative Services

Subdivision 7. Department of Health

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

- (d) A county board of health is hereby created with the powers and duties of the local board of health as provided in THE HEALTH-GENERAL Article [43] of the Annotated Code of Maryland[, title "Health."]. The board of health shall have and perform such other duties and functions as may from time to time be assigned thereto by directive of the county administrative officer or by legislative act of the county council not inconsistent with the general law. In addition to, and not in limitation of, the foregoing powers and duties, the board of health shall have and perform the following special powers and duties not inconsistent with general law:
- (i) To establish policies pertaining to the environmental, physical and mental health services within the county.
 - (ii) To establish policies related to land, air and water pollution control, not inconsistent with any state law, and to assist and cooperate with the secretary of health and mental hygiene of the State of Maryland with respect thereto.
 - (iii) To establish and determine policy for system of public health clinics for the treatment and prevention of physical and mental illnesses and for the education of the public with respect to environmental, physical and mental health.
 - (iv) To have general care and responsibility for the health and sanitary interests of the people of the county including the investigation and study of the causes of disease, epidemics, nuisances affecting public health, prevention of contagious diseases and the preservation of health.
 - (v) To hold such public meetings and hearings and to cause such studies and investigations to be made as it may deem necessary or appropriate in connection with the above stated powers and duties.
- (j) The county board of health shall meet at least nine times annually. Emergency meetings of the board may be called by the chairman either on his own authority or at the request of the county health officer. All meetings of the county board of health shall be open to the public; provided, however, that upon the affirmative vote of not less than five members of the board, AND SUBJECT TO THE PROVISIONS OF THE STATE OPEN MEETINGS ACT, it may meet in [executive] CLOSED session.

Comment: Subsection (d): Former Article 43 of the Annotated Code of Maryland was, generally, revised as the Health-General Article in Chapter 21 of the Laws of Maryland of 1982.

Subsection (j): The board of health is a public body that is subject to the state Open Meetings Act. See Title 3 of the General Provisions Article of the Annotated Code of Maryland. Under the Act, a public body is not subject to the Act when it is engaged in an administrative function. A public body may also "close" a session under enumerated circumstances. There is no provision for meeting in "executive session" under the Act but the Commission assumes that the intention here is to allow the board to close a session. Generally, a majority of a quorum of the public body is enough to close a meeting but in the spirit of honoring the intent of the original charter, the current draft still requires five members to vote to close a session. The county council may wish to consider allowing the board to close a session without requiring the votes of five of seven members.

ARTICLE V – THE ADMINISTRATIVE SERVICES

Division 3. Departments in the Administrative Services

SUBDIVISION 12. DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY

SEC. 542.3. DIRECTOR OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY AND PERSONNEL.

- (A) THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY SHALL BE ADMINISTERED BY A DIRECTOR WHO SHALL BE RESPONSIBLE DIRECTLY TO THE COUNTY ADMINISTRATIVE OFFICER.

- (B) THE DEPARTMENT SHALL HAVE SUCH PERSONNEL AS DEEMED NECESSARY TO CARRY OUT THE FUNCTIONS AND DUTIES ASSIGNED TO THE DEPARTMENT.

Comment: See the comment for § 504.

SEC. 542.4. FUNCTIONS AND DUTIES OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY.

THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY SHALL PERFORM SUCH DUTIES AND FUNCTIONS AS MAY BE ASSIGNED FROM TIME TO TIME BY DIRECTIVE OF THE COUNTY ADMINISTRATIVE OFFICER OR BY LEGISLATIVE ACT OF THE COUNTY COUNCIL.

Comment: See the comment for § 504.

ARTICLE V – THE ADMINISTRATIVE SERVICES

Division 3. Departments in the Administrative Services

SUBDIVISION 13. DEPARTMENT OF CORRECTIONS

SEC. 542.5. DIRECTOR OF CORRECTIONS AND PERSONNEL.

- (A) THE DEPARTMENT OF CORRECTIONS SHALL BE ADMINISTERED BY A DIRECTOR WHO SHALL BE RESPONSIBLE DIRECTLY TO THE COUNTY ADMINISTRATIVE OFFICER.
- (B) THE DEPARTMENT SHALL HAVE SUCH PERSONNEL AS DEEMED NECESSARY TO CARRY OUT THE FUNCTIONS AND DUTIES ASSIGNED TO THE DEPARTMENT.

Comment: See the comment for § 504.

SEC. 542.6. FUNCTIONS AND DUTIES OF THE DEPARTMENT OF CORRECTIONS.

THE DEPARTMENT OF CORRECTIONS SHALL PERFORM SUCH DUTIES AND FUNCTIONS AS MAY BE ASSIGNED FROM TIME TO TIME BY DIRECTIVE OF THE COUNTY ADMINISTRATIVE OFFICER OR BY LEGISLATIVE ACT OF THE COUNTY COUNCIL.

Comment: See the comment for § 504.

ARTICLE V – THE ADMINISTRATIVE SERVICES

Division 3. Departments in the Administrative Services

SUBDIVISION 14. DEPARTMENT OF ECONOMIC AND WORKFORCE DEVELOPMENT

SEC. 542.7. DIRECTOR OF ECONOMIC AND WORKFORCE DEVELOPMENT AND PERSONNEL.

- (A) THE DEPARTMENT OF ECONOMIC AND WORKFORCE DEVELOPMENT SHALL BE ADMINISTERED BY A DIRECTOR WHO SHALL BE RESPONSIBLE DIRECTLY TO THE COUNTY ADMINISTRATIVE OFFICER.
- (B) THE DEPARTMENT SHALL HAVE SUCH PERSONNEL AS DEEMED NECESSARY TO CARRY OUT THE FUNCTIONS AND DUTIES ASSIGNED TO THE DEPARTMENT.

Comment: See the comment for § 504.

SEC. 542.8. FUNCTIONS AND DUTIES OF THE DEPARTMENT OF ECONOMIC AND WORKFORCE DEVELOPMENT.

THE DEPARTMENT OF ECONOMIC AND WORKFORCE DEVELOPMENT SHALL PERFORM SUCH DUTIES AND FUNCTIONS AS MAY BE ASSIGNED FROM TIME TO TIME BY DIRECTIVE OF THE COUNTY ADMINISTRATIVE OFFICER OR BY LEGISLATIVE ACT OF THE COUNTY COUNCIL.

Comment: See the comment for § 504.

ARTICLE VI. COUNTY BOARD OF APPEALS.

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

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

- (a) *Appeals from orders relating to zoning.* The county board of appeals shall have and exercise all the functions and duties relating to zoning described in TITLE 10 OF THE LOCAL GOVERNMENT Article [25A] of the Annotated Code of Maryland as such functions and powers may be prescribed by legislative act of the County Council. All references in law to the board of zoning appeals shall be construed to refer to the county board of appeals. In all cases, except those excluded by this Charter or by legislative act of the county council, the order of the county board of appeals shall be final unless an appeal is taken therefrom in the manner provided in section 604 of this article.

- (d) *Appeals from executive, administrative and adjudicatory orders.* The county board of appeals shall hear and decide appeals from all other administrative and adjudicatory orders as may from time to time be provided by TITLE 10 OF THE LOCAL GOVERNMENT Article [25A] of the Annotated Code of Maryland [(1957 Edition)], as amended, or by legislative act of the county council not inconsistent therewith.

Comment: In Chapter 119 of the Laws of Maryland of 2013, Article 25A of the Annotated Code of Maryland, 1957 Edition, was revised generally as Title 10 of the Local Government Article of the Annotated Code of Maryland.

ARTICLE IV. – BUDGETARY AND FISCAL PROCEDURES.

Sec. 704. Formulation of current expense budget.

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

Comment: See Comment for § 503.

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

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

borrowing and which by law may require the authorization of the voters shall be placed on the ballot without first receiving such approval by the county council. The ordinance shall specify the purposes or classes of projects for which the funds are to be borrowed, and each question to be submitted to the voters shall include only one such purpose or class of projects. The ordinance need not include a reference to the period during which capital projects to be financed by the borrowing are to be undertaken. If it determines that a project is improperly classified, the county council may, by a vote of a majority plus one of the total number of county council members established by this Charter, place the project in the existing or a new appropriate classification.

- (4) The county executive may include in the plan submitted to the county council proposals to modify borrowing ordinances previously approved by the council and by the voters at referendum in order to eliminate any reference therein to time periods during which capital projects are to be undertaken. Any proposed modification shall be by ordinance which shall be enacted in the same manner as described in section 705(a)(3) above. The county council may approve a single modification ordinance to make modifications to more than one previously approved borrowing ordinance. Any modification ordinance shall be subject to referendum approval as required by section 718 of this article.
- (b) *Preparation of capital budget and capital program.* At such time or times as the county administrative officer may direct, each office, department, institution, board, commission, or other agency of the county government shall submit to the director of [the] budget AND FINANCE for transmission to the [office] DEPARTMENT of planning [and zoning] an itemized list of the capital projects which such agency proposes to undertake in the ensuing fiscal year and the next succeeding five fiscal years thereafter. After consideration by the planning board, the director of planning [and zoning] shall transmit to the director of [the] budget AND FINANCE the list of projects recommended by said board to be undertaken in the period aforesaid and its estimates of the cost thereof. The county administrative officer, with the assistance of the director of [the] budget AND FINANCE, shall consider such recommendations with the other budget proposals and shall submit to the county executive, together with the current expense budget, a complete capital budget and capital program.
- (c) *Inclusion in capital budget of items not yet approved by referendum.* In election years, when questions relating to county borrowing are to be placed on the ballot, the capital budget as approved by the county executive and proposed by [him] THE COUNTY EXECUTIVE to the county council may contain items to be financed by borrowing to be approved at the forthcoming election in the same year; but no such item which by law may require the approval of the voters shall

be included in the county budget as finally adopted by the county council unless a favorable vote by referendum shall first have been recorded thereon as provided in Section 718 of this Article.

Comment: See Comments for §§ 503 and 504.

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

- (c) *Contents of the budget message.* The budget message shall contain supporting summary tables and shall explain the proposed current expense budget and capital program both in fiscal terms and in terms of work to be done. It shall outline the proposed financial policies of the county for the ensuing fiscal year and describe the important features of the current expense budget. It shall indicate any major changes in financial policies and in expenditures, appropriations and revenues as compared with the fiscal year currently ending, and shall set forth the reasons for such changes. As to the capital program, the message shall include an explanation of changes made by the county executive in the program presented by the [office] DEPARTMENT of planning [and zoning]. The message shall also include such other material as the county executive may deem desirable.

Comment: See Comments for §§ 503 and 504.

Sec. 712. Supplementary and emergency appropriations.

- (a) *Supplementary.* During any fiscal year, the county council, upon the recommendation of the county executive on the advice of the county administrative officer, may make additional or supplementary appropriations from unexpended and unencumbered funds set aside for contingencies in the county budget, or from gifts or grants received from sources not anticipated in the budget for the current fiscal year, provided that the director of BUDGET AND finance shall certify in writing

that such funds are available for such appropriation. No supplemental appropriation shall exceed the amount of the funds so certified.

Comment: See Comment for § 503.

Sec. 715. Appropriation control and certification of funds.

No office, department, institution, board, commission, or other agency of the county government shall, during any fiscal year, expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money, for any purpose, in excess of the amounts appropriated or allotted for the same general classification of expenditure in the budget for such fiscal year or in any supplemental appropriation as hereinabove provided. No such payment shall be made nor any obligation or liability incurred, except for small purchases in an amount less than one hundred dollars, or such amount as may be set by legislative act of the county council, unless the director of BUDGET AND finance shall first certify that the funds for the designated purpose are available. Any contract, verbal or written, made in violation of this section shall be null and void, and if any officer, agent or employee of the county shall knowingly or willfully violate this provision, such action shall be cause for his removal from office by a majority of the total number of county council members established by this Charter.

Comment: See Comment for § 503.

ARTICLE VIII. – MERIT SYSTEM.

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

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

- (1) All elected officials,
- (2) The county administrative officer, the zoning commissioner and deputies, AND the heads of all offices and departments [and civil defense bureau],
- (3) All employees of the department of education and all employees covered by the state merit system,
- (4) The members of the appeal tax court and all boards and commissions (except otherwise classified employees serving thereon ex officio),
- (5) All professional consultants performing temporary or part-time services,
- (6) All attorneys at law,
- (7) Not more than one confidential clerk or private secretary for the county executive, nor more than one for the county administrative officer,
- (8) All employees of the county council and the office of the county auditor, and
- (9) Such seasonal or occasional employees and such nonsupervisory employees paid on an hourly basis as may be specifically exempted from the effect of the county personnel law or from the plans, rules and regulations thereto.

Comment: See Comment for § 536.

ARTICLE VIII. – MERIT SYSTEM.

Sec. 802. Contents of county personnel law.

The county personnel law shall provide for the following:

- (a) The administration of the affairs of the office established by this Charter and known as "The Office of [Personnel] HUMAN RESOURCES" by a director of [personnel] HUMAN RESOURCES who shall be qualified by special training and at least five years' experience in personnel administration in public service or private industry, or both, and who shall be appointed in the same manner as the heads of other offices and departments in the administrative services.
- (b) A personnel and salary advisory board composed of registered voters of the county who favor the application of merit principles to public employment, and who shall receive no compensation for their services except reasonable and necessary expenses. The number and term of office of the members of the personnel and salary advisory board shall be as provided in the county personnel law. Said law may provide for the election of not more than one member of the board by the employees in the classified service and may also provide that the director of [personnel] HUMAN RESOURCES shall serve ex officio as a member thereof, but no other members of the board shall hold any other public office.
- (c) Authority in the director of [personnel] HUMAN RESOURCES to approve and certify all payrolls of employees in the classified service.
- (e) A provision that, upon the adoption of such plans, rules and regulations, the director of [personnel] HUMAN RESOURCES shall transmit them to the county executive for submission to the county council for legislative action thereon. No such plan, rules or regulations shall have the force and effect of law unless and until the same be included in a public local law to be adopted by this county council in the manner provided in Article III of this Charter.
- (g) Appeals to the personnel and salary advisory board in case of disciplinary actions by appointing authorities and from decisions of the director of [personnel] HUMAN RESOURCES in cases involving examinations and

examination ratings; provided, however, that if the director of [personnel] HUMAN RESOURCES shall be a member ex officio of the personnel and salary advisory board, [he] THE DIRECTOR shall be disqualified from participating in any appeals from [his] THE DIRECTOR'S own decisions.

Comment: See Comment for § 503.

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

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

Comment: See Comment for § 503.

ARTICLE IX. – CENTRALIZED PURCHASING.

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

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

Comment: See Comment for § 536.

Sec. 905. Conformity with budget limitations and allotments.

No deliveries of supplies, materials or equipment shall be made to any office, department, board, institution, commission or agency of the county government in excess of the available appropriation or allotment therefor, and except for small purchases in an amount less than one hundred dollars or such amount as may be set by the legislative act of the county council, no payment shall be made out of county funds for the purchase of supplies, materials or equipment, unless the director of BUDGET AND finance shall first certify that the funds for the designated purpose are available.

Comment: See Comment for § 503.

ARTICLE X. – MISCELLANEOUS.

Sec. 1005. Compilation of laws.

- (a) Code of laws. At intervals not greater than every ten years, the county council shall provide for a compilation and codification of this Charter and all public local laws, acts, rules, regulations, resolutions and ordinances, having the force and effect of law other than those of a temporary or special character of the county in effect at such times. It shall be published together with an index, and such appropriate notes, citations, annotations and appendices as may be determined by the county council and the office of law. The county council shall cause such codes to be published by and distributed through the office of [central services] BUDGET AND FINANCE.

Comment: See Comment for § 503.

Sec. 1006. Bonding of officers.

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

Comment: See Comment for § 503.

ARTICLE XI. TRANSITORY PROVISIONS

Sec. 1109. Bond of director of BUDGET AND finance; references in laws to county treasurer.

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

Comment: See Comment for § 503. The Commission should consider whether this provision should be abolished as it is a transitory provision and the matter is covered in § 1006.