



Gregory J. Swain, County Attorney

MEMORANDUM

To: Members, Anne Arundel County Council

From: Lori L. Blair Klasmeier, Deputy County Attorney

Date: July 11, 2022

Subject: Resolution No. 30-22: Charter Amendment – Gender Neutrality

Legislative Summary

This summary was prepared by the Anne Arundel County Office of Law for use by members of the Anne Arundel County Council during consideration of Resolution No. 30-22.

Background. Section 1203 of the Anne Arundel County Charter requires the Anne Arundel County Council to appoint a Charter Revision Commission (“CRC”) at or before its first annual legislative session following the publication of each decennial census of the population of the United States “for the purpose of making a comprehensive study of County government and the updating of its Charter where necessary”. The Commission is also required to “report to the Council their findings and recommendations, together with drafts of any recommended revisions of the Charter, within twelve months after their appointment.”

Resolution No. 50-21 of the Anne Arundel County Council, passed on October 4, 2021, appointed the members of the Commission. The Council passed Resolution 54-21 on October 18, 2021, which requested that the Commission include 16 issues on its agenda “for in-depth study and to make recommendations”. During 8 meetings, including meetings on January 24, 2022, and May 10, 2022, at which public testimony was received, the Commission reviewed the entire County Charter, with particular attention to the 16 issues identified by the Council Resolution. One of the issues that it reviewed was modifying the Charter to be gender neutral. In its report issued on May 31, 2022, the Commission recommended that the Charter be modified as necessary to make the language of the Charter gender neutral.

Purpose. The purpose of this Resolution is to present a Charter Amendment to provide for gender neutral language in the Charter.

Summary. The Charter has many references to masculine terms such as “he”, “him”,

Note: This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.

“himself”, and “Chairman”. Because a Resolution to specify every correction would be very extensive, the Office of Law drafted the Charter Amendment to provide that the language of the Charter would be modified to reflect gender neutrality consistent with recommendations based on a review by the County Attorney. Attached to this Legislative Summary is a draft of changes that may be recommended, pending a final review by the County Attorney if and when the Charter Resolution is adopted.

If there are any questions, please let me know.

**ATTACHMENT TO LEGISLATIVE SUMMARY
RESOLUTION NO. 30-22
CHARTER AMENDMENT – GENDER NEUTRALITY**

Article II. The County Council

Sec. 201. Composition.

(a) **Residence Requirement.** There shall be a County Council of Anne Arundel County composed of seven members, each one of whom, at the time of **[[his]]** THEIR election and for six months immediately prior thereto and during **[[his]]** THEIR full term of office, shall reside in a different one of the seven councilmanic districts described in Section 206 of this Article.

Sec. 202. Qualifications.

(a) **In General.** In addition to the requirement of residence as provided in Section 201(a) of this Article, each member of the County Council shall be a qualified voter of the County and not less than twenty-five years of age at the time of **[[his]]** THEIR election and shall have resided within the County for a period of one year immediately preceding this election.

(b) **Other Offices.** No person shall qualify or serve as a member of the County Council while holding any other office, position, or employment for compensation or profit of or under the County government, or any State or Federal government office, except for service with a reserve component of the United States Armed Forces. After qualifying as such, no member of the County Council, notwithstanding the fact that **[[he]]** THEY may thereafter resign, shall during the whole period of time for which **[[he was]]** THEY WERE elected be eligible for appointment to any County office, position or employment carrying compensation.

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

Sec. 203. Term of office.

Each member of the County Council shall hold office for a term of four years commencing on the first Monday in December following election, or as soon thereafter as practicable, and shall enter upon the duties of the office immediately upon qualification and serve until a successor shall qualify. No person elected or appointed to the office of County Councilmember shall be eligible to succeed **[[himself or herself]]** THEMSELF in the office if **[[he or she has]]** THEY HAVE served in the office for two full consecutive four-year terms at or after January 1, 1994.

Sec. 204. Compensation.

Each member of the County Council shall be paid for the performance of [[his]] THEIR duties as provided in this Charter the sum of Twenty-one Hundred Dollars (\$2,100.00) per annum. Such salary shall be in full compensation for all services required by law or by this Charter to be performed by the members of the County Council. No member of the County Council shall be entitled to any other allowance of any kind, except that, subject to approval of the Council, [[he]] THEY may be allowed [[his]] THEIR actual necessary expenses incurred in representing the County beyond the geographical boundaries thereof.

Sec. 208. Legislative sessions; meetings of the County Council; quorum; rules of procedure.

(c) **Monthly Legislative Session – Day.** The County Council shall also convene on the first and third Mondays of each month except August, and in a councilmanic election year, November, for the purpose of enacting legislation, but if said session days shall be holidays, the said session days shall be held on the next succeeding day which is not a holiday. The Council may schedule a legislative session in August by a resolution approved by a majority of the Council. In the event of inclement weather or other natural disaster, the [[Chairman]] CHAIR of the County Council at the request of any three members may cancel any scheduled meeting, and may reschedule same as soon as practicable. If in advance of a scheduled meeting the [[Chairman]] CHAIR determines that a quorum will not be present, the [[Chairman]] CHAIR may cancel and reschedule the meeting as soon as practicable.

(d) **Emergency Legislative Session.** The County Council may be called into emergency session in any month either by the County Executive or by the [[Chairman]] CHAIR at the request of any three members of the Council for the purpose of enacting emergency ordinances. As used in this subsection (d) the term “emergency ordinance” shall mean one which deals with an actual acute emergency necessary for the immediate preservation of the public peace, health, safety and welfare; provided, however, that before any bill shall be passed at such emergency session, it shall require the affirmative vote of five members of the County Council.

Sec. 209. Removal from office.

(a) The office of a member of the County Council may be declared vacant by ordinance of the County Council with an affirmative vote of not less than five members if, during [[his]] THEIR elected term, the Councilmember:

(3) fails to perform or is incapable of performing the duties of [[his]] THEIR office for 180 consecutive days.

(c) To the fullest extent allowed by law, a County Council member removed from office under subsection (a)(2) may be ineligible to receive post-employment County benefits earned as a result of [[his]] THEIR tenure as a County Council member, subject to an ordinance enacted by the County Council providing for the conditions of removal and reinstatement of benefits.

Article III. The Legislative Branch

Sec. 302. Officers.

(a) **Presiding Officer.** The County Council at its regular meeting or session in December of each year shall elect from its membership a **[[Chairman]] CHAIR** and a Vice **[[Chairman]] CHAIR**. The **[[Chairmen]] CHAIR**, or in **[[his]] THEIR** absence the Vice **[[Chairman]] CHAIR**, shall preside at all meetings and legislative sessions. In the event of the death, resignation, or disqualification of the **[[Chairman]] CHAIR**, the Vice **[[Chairman]] CHAIR** shall serve as **[[Chairman]] CHAIR** until a new **[[Chairman]] CHAIR** is elected as provided in this section. On all questions before the County Council the **[[Chairman]] CHAIR** and Vice **[[Chairman]] CHAIR** shall have and may exercise the vote to which each is entitled as a Councilmember. In the event of the absence of both the **[[Chairman]] CHAIR** and Vice **[[Chairman]] CHAIR**, the members present, shall select one of their member to act as **[[Chairman]] CHAIR** pro tem, who, while so acting shall have all the authority and voting rights of the **[[Chairman]] CHAIR**.

Sec. 307. Legislative procedure.

(e) Procedure for Passing Ordinances.

(1) A proposed ordinance may be introduced by bill by any member of the Council on any legislative session-day of the Council. Not later than the next calendar day following the introduction of a bill the **[[Chairman]] CHAIR** of the Council shall schedule a public hearing thereon which shall not be less than seven days after its introduction; providing that the Council may reject any ordinance on its introduction without a hearing by a vote of five members. The hearing may, but need not be, held on a legislative session-day and may be adjourned from time to time. After the public hearing as herein provided, a bill may be finally passed on a legislative session-day with or without amendment, except, that if any bill, other than one that levies a tax or assessment to fund the annual budget and appropriation ordinance, is amended before final passage and the amendment constitutes a change of substance, the bill shall not be passed until it is reprinted or reproduced as amended and a hearing shall be set thereon. A change of zoning by amendment to a comprehensive zoning ordinance, that is not requested by application to or proposed by the Office of Planning and Zoning prior to introduction of the comprehensive zoning ordinance, may not be added by amendment to the bill until one or more signs are posted on the subject property in the manner provided in the County Code.

(f) **Procedure for Passing Emergency Ordinances.** Upon introduction by bill of an emergency ordinance the **[[Chairman]] CHAIR** shall schedule a public hearing thereon which shall not be less than three days after its introduction. The public hearing may but need not be held on a legislative session-day and may be adjourned from time to time. After public hearing the bill may be passed with or without amendment on a legislative session-day by an affirmative vote of five members of the County Council.

(j) **Executive Veto and Failure of Bills.** Upon the passage of any ordinance by the County Council, with the exception only of such measures as may in this Charter be made expressly exempt from the executive veto, the same shall be presented within five (5) days (exclusive of Saturdays, Sundays and legal holidays of the State or Nation) to the County Executive for **[[his]]** approval or disapproval, and within ten (10) days after such presentation **[[he]]** THE

COUNTY EXECUTIVE shall return any such ordinance to the County Council with [[his]] THE COUNTY EXECUTIVE'S approval endorsed thereon or with a statement in writing of [[his]] THE COUNTY EXECUTIVE'S reasons for not approving the same. Upon approval by the County Executive any such ordinance shall become law. Any such ordinance presented to the County Executive and returned with [[his]] THE COUNTY EXECUTIVE'S veto may be reconsidered by the County Council. [[His]] THE COUNTY EXECUTIVE'S objections shall be entered upon the Journal of the Council, and not later than at its next legislative session- day, the County Council may reconsider the enactment thereof notwithstanding the executive veto, and if five (5) members of the Council vote in the affirmative, the ordinance shall become law. Whenever the County Executive shall fail to return any such ordinance within ten (10) days after the date of its presentation to [[him]] THE COUNTY EXECUTIVE, or returns the ordinance unsigned without a written statement of approval or disapproval, the ordinance shall become law as of the tenth day after presentation and the Administrative Officer to the County Council shall forthwith record the fact of such failure in the Journal. The County Executive may disapprove of one or more parts of a comprehensive zoning ordinance while approving others and the part or parts approved shall become law and the parts disapproved shall be returned to the Council as prescribed and shall not take effect unless passed over [[his]] THE COUNTY EXECUTIVE'S veto as set forth herein. Any bill not passed within ninety-five days after its introduction, or prior to November in a councilmanic election year, shall fail.

Sec. 308. The Referendum.

(b) **Form of Petition.** A petition may consist of several papers, but each paper shall contain the full text of the ordinance or the part of the ordinance petitioned upon; and there shall be attached to each such paper an affidavit of the person procuring the signatures thereon that, to the said person's own personal knowledge, each signature thereon is genuine and bona fide, and that to the best of [[his]] THEIR knowledge, information and belief the signers are registered voters of the State of Maryland and Anne Arundel County, as set opposite their names.

Sec. 309. Noninterference with executive branch.

Neither the Council nor any of its members shall direct or request the appointment of any person to or [[his]] removal from any office or employment by the County Executive or by any of [[his]] THE COUNTY EXECUTIVE'S subordinates or in any way take part in the appointment of or removal of officers and employees of the County except as specifically provided in this Charter. Except for the purpose of inquiry, the Council and its members shall deal with the executive branch solely through the County Executive, and neither the Council nor any member thereof shall give orders either publicly or privately to any subordinate of the County Executive. Any member of the Council violating the provisions of this section or voting for a motion, resolution or ordinance in violation of this section shall upon conviction be punishable by imprisonment for not more than six months or a fine of One Thousand Dollars (\$1,000.00). The violator shall thereafter cease to be a member of the Council.

Sec. 310. County Auditor.

The County Council shall, by resolution, appoint a County Auditor who shall hold office, for an indefinite term at the pleasure of the Council and shall receive such compensation as the Council may determine. [[He]] THE COUNTY AUDITOR shall be a certified public accountant licensed for the practice of [[his]] THEIR profession under the laws of this State, and shall be appointed on the basis of [[his]] THEIR knowledge of governmental accounting and auditing and shall have at least five years experience pertaining to the duties of [[his]] THE office.

Sec. 311. Duties of County Auditor.

(b) **Other specific duties.** All records and files pertaining to the receipt and expenditure of County funds and all records and files pertaining to County business shall at all times be open to the inspection of the County Auditor. The County Auditor shall devote full time to the duties of the office. [[He or she]] THE COUNTY AUDITOR shall make a current post audit of all County agencies as previously specified and, with the approval by resolution of the Council, may examine and audit all accounts, books and records reflecting transactions involving the financial activities and affairs of the County including those for which the County has a responsibility as an agent, custodian or trustee. The County Auditor shall have the authority to conduct other financial or performance audits or reviews of any office, department, or agency funded in whole or in part by County funds and to conduct a separate investigation of an act or allegation of fraud, waste, or abuse in the obligation, expenditure, receipt, or use of County resources. The County Auditor shall promptly call to the attention of the County Council and the County Executive any irregularity or improper procedure which [[he or she]] THE COUNTY AUDITOR, from time to time, may discover and to take exception to such practices, and it shall be the duty of the County Executive to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds. Any special examination or audit shall be available for public inspection and shall be reported promptly to the County Executive, the County Council and the department or office covered thereby. The County Auditor shall receive a copy of any report related to employee theft or fraud in the County government and may inspect the records relating to the report and shall forward any exception to the findings of the fraud investigation to the County Council and the County Executive.

Article IV. The County Executive

Sec. 401. Nature and term of office; mode of election; qualification; salary.

There shall be a County Executive who shall be the chief executive and administrative officer of the County and the official head of the County government. In such capacity the County Executive shall be the elected officer mentioned in Section 3 of Article XI-A of the Constitution of this State. Pursuant to public general law, the County Executive shall be nominated in the primary elections in the same manner as other elected County officials and shall be elected in the general ticket by the qualified voters of the County to serve for a term of four years and until a successor shall be elected and qualified. The County Executive shall qualify on the first Monday in December following election, or as soon thereafter as practicable and shall enter upon the duties of the office immediately upon qualification. The County Executive shall be a qualified voter of the County, not less than twenty-five years of age, and shall have been a resident of the County for at least four years next preceding election. The County Executive shall devote full time to the

duties of the office and, subject to any increase authorized by the County Council under the provisions of Section 406 of this Article, shall be paid an annual salary of Thirty Thousand Dollars (\$30,000.00). No person elected or appointed to the office of County Executive shall be eligible to succeed [[himself or herself]] THEMSELF if [[he or she has]] THEY HAVE served in such office for two consecutive four-year terms.

Sec. 402. Vacancy.

(e) If the former County Executive whose position is being filled was a member of a political party, the new County Executive, either temporarily or permanently, shall be registered in the same political party as the former County Executive for the 12-month period immediately prior to [[his]] THEIR election by the County Council.

Sec. 403. Temporary absence or disability of County Executive.

The County Executive may, during [[his]] THEIR temporary disability or absence from the County, designate in writing the head of one of the County departments or offices as Acting County Executive to perform the duties of the office. In the event that the County Executive is temporarily disabled or absent from the County and fails to designate as above provided, the Chief Administrative Officer shall serve as Acting County Executive. If both the County Executive and Chief Administrative Officer are temporarily disabled or absent and the County Executive has failed to designate an Acting County Executive, the Budget Officer shall serve as Acting County Executive unless the County Council designates the head of another department or office of the County government. An acting County Executive shall have the same rights, duties, powers and obligations as an elected incumbent in said office except the power to veto.

Sec. 404. Conviction or failure to perform duties.

(a) The office of the County Executive may be declared vacant by ordinance of the County Council with an affirmative vote of not less than five (5) members if, during [[his]] THEIR elected term, the County Executive:

(3) fails to perform or is incapable of performing the duties of [[his]] THE office for 180 consecutive days.

(c) To the fullest extent allowed by law, a County Executive removed from office under subsection (a)(2) may be ineligible to receive post-employment County benefits earned as a result of [[his]] THEIR tenure as County Executive, subject to an ordinance enacted by the County Council providing for the conditions of removal and reinstatement of benefits.

Sec. 405. Powers and duties of the office.

The County Executive shall be responsible for the proper and efficient administration of such affairs of the County as are placed in the charge or under the jurisdiction and control of the County Executive under this Charter or by law. In addition to and not by way of limitation of the County Executive's general duties of supervision and management of the executive branch of the County

government, the County Executive shall have the following express responsibilities, duties and powers:

(e) To present to the County Council from time to time such other information concerning the business and affairs of the County as [[he]] THE COUNTY EXECUTIVE may deem necessary, or as the County Council by resolution may request, and to recommend such measures for legislative action as [[he]] THE COUNTY EXECUTIVE may deem to be in the best interests of the County;

(h) To make or cause to be made any study or investigation concerning the operation of the executive branch, the development of a legislative program, the means of financing County requirements, the social and economic development of the County, including but not limited to investigations of the affairs, functions, acts, methods, personnel or efficiency of any department, office or officer under [[his]] THE COUNTY EXECUTIVE'S jurisdiction;

(i) To veto, in [[his]] THE COUNTY EXECUTIVE'S discretion, ordinances of the County Council, in the manner, at the times and subject to the limitations of this Charter and to return the same to the Council with [[his]] THE COUNTY EXECUTIVE'S reasons therefor;

Sec. 406. Change in compensation of County Executive.

The County Council, by the affirmative vote of not less than five of its members, shall have power to increase the compensation provided in this Charter for the County Executive, and thereafter, upon a similar vote to reduce such compensation; provided, however, that in no event shall such compensation be reduced to a figure lower than that provided in this Charter, except by amendment thereto, nor shall the compensation of the County Executive be increased or reduced during [[his]] THE COUNTY EXECUTIVE current term.

Article V. The Executive Branch

Sec. 501. Composition.

The executive branch of the County government shall consist of the County Executive and all officers, agents and employees under [[his]] THE COUNTY EXECUTIVE'S supervision and authority.

Sec. 509. Temporary appointments.

(a) **Chief Administrative Officer.** During the temporary absence of the Chief Administrative Officer, or if the office of Chief Administrative Officer shall become vacant, the Budget Officer shall serve as acting Chief Administrative Officer pending, in the case of a vacancy, the appointment of a successor. In [[his]] THE capacity as Acting Chief Administrative Officer, the Budget Officer need not possess, but the successor shall possess, all those qualifications hereinabove in this Article specified for an original appointee.

(b) **Other Officers.** The County Executive, in the case of a vacancy or temporary absence, may designate any person to serve as acting head of any office or department in the executive branch until the appointment of a successor. Unless at the time of such appointment the temporary

appointee is a subordinate officer in-the office or department to which [[he is]] THEY ARE designated as acting head, [[he]] THEY shall possess all the qualifications for the office specified in Article V of this Charter for an original appointee.

Sec. 511. The Controller.

The Office of Finance shall be administered by the Controller, who shall be appointed on the basis of [[his]] THEIR knowledge and experience in governmental accounting and financial administration, of which at least five years shall be in an executive or supervisory capacity, and [[his]] THEY demonstrated capacity to discharge the duties set forth in Sections 512 and 513 of this Charter. [[He]] THE CONTROLLER shall be responsible directly to the Chief Administrative Officer.

Sec. 512. General powers and duties of the Controller.

The Controller shall have and exercise all the fiscal powers and duties now vested in or imposed upon other County officers not otherwise fixed by this Charter and upon the County Treasurer, and [[he]] THE CONTROLLER is hereby designated as the Collector of State and County taxes in the County. [[He]] THE CONTROLLER shall have charge of the administration of the financial affairs of the County, including the collection of State and County taxes, special assessments, utility assessments and 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 Chief Administrative Officer or by ordinance of the County Council not inconsistent herewith.

Sec. 513. Specific powers and duties.

The Controller shall have the following specific powers and duties:

(e) To examine, audit and approve all payrolls, contracts, purchase orders, bills, demands or charges against the County and to determine the regularity, legality and correctness of the same before disbursement upon proper voucher and no money shall be drawn from any bank accounts except by warrant or check signed by [[him]] THE CONTROLLER;

(l) To designate, with the approval of the Chief Administrative Officer, an employee to act as Controller with authority to perform [[his]] THE CONTROLLER'S duties and to affix [[his]] THEIR own signature to checks and other documents in the absence of the Controller;

Sec. 514. Appropriation to control expenditures.

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

accounted for and paid into the County treasury. Any officer or employee failing to comply with these provisions shall be considered to have vacated [[his]] THEIR office or employment.

Sec. 515. The Budget Officer.

The Office of the Budget shall be administered by the Budget Officer. [[He]] THE BUDGET OFFICER shall be appointed solely on the basis of [[his]] THEIR administrative experience, skill in public administration and governmental budgeting and technical training for the duties of [[his]] THE office. [[He]] THE BUDGET OFFICER shall be responsible directly to the Chief Administrative Officer who shall be the Chief Budget Officer of the County

Sec. 516. Powers and duties.

The Budget Officer shall be responsible for the formulation of the budget under the supervision of the Chief Administrative Officer in accordance with the procedures set out in Article VII of this Charter, including the control of positions; research on economic trends and long-term fiscal plans; 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 Chief Administrative Officer of periodic reports on their efficiency and economy, and such other duties and functions as may be assigned to [[him]] THE BUDGET OFFICER by the Chief Administrative Officer or by ordinance of the County Council. [[He]] THE BUDGET OFFICER shall be responsible, upon [[his]] THEIR own initiative or upon request, for assisting agencies in the preparation of their budgets and in improving budget execution and reducing costs.

Sec. 517. Composition of office.

The Office of Personnel shall consist of the Personnel Officer, [[his]] THEIR subordinate officers, agents and employees and the Personnel Board. The Office shall be administered by the Personnel Officer. [[He]] THE PERSONNEL OFFICER shall be responsible directly to, and appointed by the Chief Administrative Officer.

Sec. 519. Powers and duties of the Personnel Officer.

The Personnel Officer shall have general management and control of the Personnel Office. In addition, the Personnel Officer shall have the following powers and duties:

(a) To conduct or direct such investigations into the character and fitness of applicants for appointment to the classified service as [[he]] THE PERSONNEL OFFICER may deem proper.

(g) To authorize, at [[his]] THEIR discretion, in writing, temporary, provisional or emergency appointments to vacancies in the classified service for classes for which there is no eligible list, provided that no such provisional or emergency temporary appointment shall be for a period longer than four months, and that no such appointment shall be renewed.

(l) To perform such other duties as may be assigned to [[him]] THE PERSONNEL OFFICER by law or the Chief Administrative Officer.

(m) Upon the request of the appointing authority, extend, at [[his]] THEIR discretion, the six-month probationary period for classified employees by an additional six months.

Sec. 520. Appointment of the Personnel Board.

There shall be a Personnel Board consisting of five qualified voters appointed by the County Executive for terms coterminous with [[his]] THE COUNTY EXECUTIVE'S and confirmed by resolution of the Council. Vacancies shall be filled for the unexpired term in the manner of original appointment. Each member shall serve until [[his]] THEIR successor is appointed and qualified. One member shall always be a member of the classified service as defined in Section 803 of this Charter, and [[he]] THEY shall be selected from a list of three names nominated by secret ballot by the members of the classified service. A member of the Board may be removed for cause by the County Executive with the affirmative vote of four members of the County Council. Members of the Board shall receive no compensation for their services except reasonable and necessary expenses as may be provided in the budget. The County Executive shall designate a member as [[Chairman]] CHAIR.

Sec. 523. Central Services Officer.

The Office of Central Services shall be administered by a Central Services Officer. [[He]] THEY shall be appointed solely with regard to [[his]] THEIR qualifications for the duties of [[his]] THE office by the Chief Administrative Officer and shall be responsible directly to the Chief Administrative Officer.

Sec. 525. The County Attorney.

The Office of Law shall be administered by the County Attorney, who shall be appointed by the County Executive and confirmed by resolution of the County Council. The County Attorney shall be a resident of the County and a member in good standing of the Bar of the Court of Appeals and of the Circuit Court for Anne Arundel County, and shall have been actively engaged in the general practice of [[his]] THEIR profession in the State of Maryland for at least five years prior to appointment. The County Attorney shall serve on a full-time basis and shall not engage in the private practice of law while County Attorney. The County Attorney shall serve at the pleasure of the County Executive and may be removed by the County Executive, unless the County Council, by resolution on the affirmative vote of not less than five members, votes to prevent removal of a County Attorney appointed by the County Executive.

Sec. 530. Organization of office.

The Office of Planning and Zoning shall be administered by a Planning and Zoning Officer appointed by the County Executive, [[and he]] WHO shall be a trained planner of wide and varied experience in the fields of planning and zoning, at least five years of which shall have involved a position of administrative leadership and responsibility.

Sec. 532. The Planning Advisory Board.

There shall be a Planning Advisory Board consisting of seven qualified voters appointed by the County Executive for terms coterminous with the County Executive's term or until their successors shall qualify. Members of the Board shall receive no compensation for their services except reasonable and necessary expenses as may be provided in the budget. Vacancies shall be filled in the manner of original appointment. The County Executive shall designate a member as **[[Chairman]]** CHAIR.

Sec. 533. Duties and functions of the Planning Advisory Board.

(b) **Advisory Recommendations and Budget Functions.** The Planning Advisory Board shall make advisory recommendations to the Planning and Zoning Officer and the County Council relating to the Master Plan, the zoning maps and rules and regulations relating to zoning. At such times as the Chief Administrative Officer shall fix, the Planning Advisory Board shall consider an itemized list of capital projects, or capital improvement program, which the various agencies of the County government propose to undertake in the ensuing fiscal year and the next succeeding five fiscal years thereafter. After consideration by the Planning Advisory Board, the Planning and Zoning Officer shall transmit to the Budget Officer with **[[his]]** THE PLANNING AND ZONING OFFICER'S recommendations a list of projects recommended by said board to be undertaken in the periods aforesaid and its estimates of the cost thereof. The County Executive, at **[[his]]** THE COUNTY EXECUTIVE'S discretion, or the County Council, by resolution, may provide for reference to the Board, for review and recommendations, of any matter related to the board's functions and duties.

Sec. 534. Organization of office.

(a) The Office of Administrative Hearings shall be administered by the Administrative Hearing Officer, who shall hold the delegated power conferred on **[[him]]** THEM by this Charter. The Administrative Hearing Officer shall be appointed by the County Executive solely with regard to the individual's qualifications for the duties of the office and shall have such training or experience as will qualify the individual to conduct quasi-judicial hearings on zoning and other matters. The Administrative Hearing Officer shall be responsible to the County Executive.

Sec. 543. Chief of Police.

The Police Department shall be commanded and administered by a Chief of Police, who shall be experienced in the command of uniformed patrol and the detection and investigation of crime. The Chief of Police shall be appointed by the County Executive and confirmed by resolution of the County Council, solely on the basis of the individual's qualifications for the duties of the office. The Chief of Police shall be responsible directly to the Chief Administrative Officer and all orders to the Police Department from the Chief Administrative Officer shall be directed through the Chief of Police or an officer acting in **[[his]]** THE CHIEF OF POLICE'S absence. The Chief of Police shall be responsible for the efficiency, good conduct and discipline of the Department. Disobedience to the lawful commands or the rules and regulations of the Chief of Police shall be ground for removal or other disciplinary action.

Sec. 550. Recreation Advisory Board.

There shall be a Recreation Advisory Board consisting of seven members appointed by the County Executive for terms coterminous with [[his]] THE COUNTY EXECUTIVE'S. Members of the Board shall receive no compensation for these services except reasonable and necessary expenses as may be provided in the budget. The County Executive shall select its [[Chairman]] CHAIR. The Recreation Advisory Board shall make advisory recommendations to the Director of Recreation and Parks relating to recreation programs and services and facilities for any age group, cooperative programs with private organizations and schools and rules for the preservation of order and decency in connection therewith.

Sec. 553. Composition; functions; administration under State and County law.

The Department of Health shall consist of the County Health Officer and all officers, agents and employees under [[his]] THE COUNTY HEALTH OFFICER'S authority and supervision or under the authority and supervision of the County Board of Health. The County Council shall constitute the County Board of Health. With the advice and consent of the State Secretary of Health and Mental Hygiene the County Executive shall submit to the County Council [[his]] THE COUNTY EXECUTIVE'S recommendation for the appointment of a County Health Officer, and when approved by the Council, the same shall constitute the appointment required by State law. All references in this Charter to the head of an office or department shall be construed as including the County Health Officer as head of the Department of Health, but nothing in this Charter contained shall be held or construed as affecting or in anywise changing the administration of the County Health programs in accordance with the requirements of State law.

Article VI. Special Boards, Commissions, and Committees

Sec. 603. Rules of practice and procedure.

The County Board of Appeals shall have authority to adopt and amend rules of practice and procedure governing its proceedings which shall have the force and effect of law when approved by ordinance. The rules may relate to filing fees, meetings and hearings of the Board, the manner in which its [[Chairman]] CHAIR shall be selected and the term which [[he]] THEY shall serve as [[Chairman]] CHAIR and other pertinent matters deemed appropriate and necessary for the Board. All decisions by the County Board of Appeals shall be made after notice and hearing de novo upon the issues before said Board. All hearings held by the Board shall be open to the public, and the Board shall cause to be maintained complete public records of its proceedings, with a suitable index. All parties to the proceedings or their attorneys of record shall receive a copy of the decision of the Board.

Sec. 605. Furthering legislation.

The County Council shall have the power to enact by ordinance furthering legislation not inconsistent with the provisions of this Article to implement and define the powers and functions of the County Board of Appeals as herein specified. The County Council may by Ordinance increase the compensation of the members of the County Board of Appeals provided in

Section 601 of this Article and thereafter decrease such compensation, provided, however, that no such reduction shall affect the compensation of a member of the County Board of Appeals during [[his]] THEIR current term, and in no event shall the Council have the power to decrease the compensation of members of the Board below the figure provided in this Charter. The County Council may also by ordinance provide for the designation of panels of the Board of Appeals consisting of not less than three of its members to hear such categories of appeals as the Council may from time to time determine, provided that any decision rendered by such a designated panel of less than the full Board shall nevertheless constitute a decision of the Board of Appeals within the meaning of this Article. To the extent permitted by public general laws of this State, the County Council shall also have the power, by ordinance, to extend, limit, or modify the subject matter jurisdiction of the County Board of Appeals.

Sec. 610. Composition of Committee; terms; compensation.

(a) (4) The County Executive, at [[his]] THEIR discretion, or the County Council, by resolution, may refer to the Committee any matter related to the Committee's functions and duties for its review and recommendations.

(c) The Committee shall consist of one resident from each councilmanic district who is knowledgeable in the field of economics, finance, fiscal planning, or a related field. It shall elect its own [[chairman]] CHAIR.

Article VII. 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 Budget Officer an annual budget setting forth nature, volume, cost and other factors concerning the work to be performed and the 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 in such form and with such other supporting data as the Chief Administrative Officer may request. The data so submitted shall thereupon be reviewed by the Chief Administrative Officer with the assistance of the Budget Officer and [[he]] THE CHIEF ADMINISTRATIVE OFFICER may hold such hearings as [[he]] THE CHIEF ADMINISTRATIVE OFFICER shall deem appropriate. The current expense budget shall be compiled therefrom for transmission to the County Executive. The County Executive may amend the budget proposals, except for the budget request of the legislative branch and shall cause to be prepared the County budget as set forth in Section 706 of this Article along with [[his]] THE COUNTY EXECUTIVE'S budget message.

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

[[a)] At such time or times as the Chief Administrative Officer may direct, each office, court, department, institution, board, commission, corporation or other agency of the County government shall submit to the Budget Officer for transmission to the Office of Planning and Zoning an

itemized list of the capital projects which each agency proposes to undertake in the ensuing fiscal year and the next succeeding five fiscal years thereafter. The list may include capital projects that are proposed to be completely funded for two fiscal years as provided in Sections 706 and 709 of this Charter. After consideration by the Planning Advisory Board, the Planning and Zoning Officer shall transmit to the Budget Officer the list of projects recommended by said Board together with the Planning and Zoning Officer's recommendations on the projects to be undertaken, in the periods aforesaid and its estimates of the cost thereof. The Chief Administrative Officer with the assistance of the Budget Officer shall consider such recommendations with the other budget proposals and shall recommend to the County Executive, together with the current expense budget, a complete capital budget and capital program, including those projects that are proposed to be completely funded for two fiscal years. The County Executive may amend the capital budget and capital program proposals and shall cause to be prepared the County budget as set forth in Section 706 along with [[his]] THE COUNTY EXECUTIVE'S budget message.

Sec. 709. Action on the budget by the County Council.

After the public hearing specified in the preceding section, the County Council may decrease or delete any items in the budget except those required by the public general laws of this State and except any provision for debt service on obligations then outstanding or for estimated cash deficits. The County Council shall have no power to change the form of the budget as submitted by the County Executive, to alter the revenue estimates except to correct mathematical errors, or to increase any expenditure recommended by the County Executive for current or capital purposes. In any year except a year during which members of the County Council will be elected, the County Council may completely fund for the next two ensuing fiscal years those capital projects designated in the capital budget proposed by the County Executive which are designated to be completely funded for two fiscal years pursuant to Section 705 of this Charter. If the County Executive proposes amendments to the budget so as to increase items in the budget or add items to the budget, the [[Chairman]] CHAIR of the County Council shall give reasonable public notice of the proposed amendments and hold a public hearing on the amendments, provided that the County Council may waive the public hearing by a vote of five members. The adoption of the budget shall be by the affirmative vote of not less than four members of the County Council on an ordinance to be known as the Annual Budget and Appropriation Ordinance of Anne Arundel County. The County Council may, at the same time or thereafter from time to time during the ensuing fiscal year, adopt bond issue authorization ordinances providing the means of financing such capital projects as are to be financed from borrowing in the ensuing fiscal year. All of said ordinances shall be exempt from the executive veto. The Annual Budget and Appropriation Ordinance shall be adopted by the County Council on or before the fifteenth day of the last month of the fiscal year currently ending; and if the County Council fails to do so, the proposed budget submitted by the County Executive shall stand adopted, and funds for the expenditures proposed in the current expense budget shall stand appropriated as fully and to the same extent as if favorable action thereon had been taken by the County Council.

Article VIII. Merit System

Sec. 804. Appointing authority.

The head of each department or office shall be the appointing authority for all employees in [[his]] THEIR department or office. Appointments to positions in the classified service shall be from among the names certified as eligible by the Personnel Officer for the position(s) to be filled.

Sec. 807. Permanent status.

A permanent status employee shall have tenure and may not be dismissed from the County's service except as authorized in this Charter. An employee may be permanently separated from the classified service through resignation, rejection or probation, or removal for cause, and may be temporarily separated through suspension, leave of absence granted at the request of the employee, or because [[his]] THEIR position has been abolished.

Sec. 810. Abolition of position in budget.

No employee in the County service shall be compensated unless there is sufficient money appropriated or allocated to cover the cost of [[his]] THEIR position. A permanent employee in a classified position for which there are insufficient funds or whose position has been abolished shall be suspended but placed upon an eligibility list for a position for which [[he is]] THEY ARE qualified under such procedures and conditions as the Personnel Board shall specify.

Article IX. Centralized Purchasing

Sec. 902. County purchasing policies and practices.

The Central Services Officer shall appoint a County Purchasing Agent in accordance with the provisions of Article VIII who shall have the following purchasing functions which [[he]] THE PURCHASING AGENT may delegate to Deputy Purchasing Agents in [[his]] THE PURCHASING AGENT'S office and under [[his]] THE PURCHASING AGENT'S supervision:

(f) The establishment, with the approval of [[his]] THE PURCHASING AGENT'S superiors and by ordinance of the County Council, of reasonable rules and regulations governing emergency purchases and contracts and those involving material, equipment or services of an unusual or noncompetitive nature which shall not be subject to competitive bidding.

Sec. 904. Competitive bidding.

(a) Any single purchase or contract under the jurisdiction of the County Purchasing Agent and involving an expenditure of more than Three Thousand Dollars (\$3,000), except for purchases for which the County Council has set a higher minimum requirement under Section 911 of this Article, emergency purchases, and those involving material and equipment of a non-competitive nature, as may be defined and governed by the regulations adopted under Section 902(f) of this Article, shall be made from or let by sealed bids or proposals. The sealed bids and proposals shall be publicly opened after public notice for the period and in the manner that the Purchasing Agent or [[his]] THE PURCHASING AGENT'S authorized deputy determines, however, a purchase or contract may not be made under this section for at least one week after the public opening of bids. The purchases and contracts shall be made from or awarded to the lowest responsible bidder who shall give security

or bond for the performance of [[his]] THEIR contract as determined by the Purchasing Agent or [[his]] THEIR deputy. In all cases, the County shall reserve the right to reject any and all bids.

Sec. 907. Uniform bidding.

It shall be the duty of the Purchasing Agent to discourage uniform bidding by every possible means and to endeavor to obtain as full and open competition as possible on all purchases and sales. For competitive sealed bids and proposals, the Purchasing Agent shall require each bidder to accompany [[his]] THEIR bid with a statement made under oath that [[he has]] THEY HAVE not been a party with other bidders to an agreement to bid a fixed or uniform price or to share price bid information. Violation of such statement shall render void the bid of such bidders. Any disclosure to or acquisition by a competitive bidder, in advance of the opening of the bids, of the terms or conditions of the bid submitted by a competitor shall render the entire proceedings void and shall require readvertising for bids.

Sec. 908. Contract execution.

All contract bid forms and all contracts shall be approved by the County Attorney as to form and legal sufficiency. Following such approval, all contracts shall be signed in behalf of the County by the County Executive or [[his]] THE COUNTY EXECUTIVE'S designee. A copy of each signed contract shall be forwarded promptly to the Controller.

Article X. Miscellaneous

Sec. 1001. County Ethics Commission.

(e) (4) The Commission shall elect annually a [[chairman]] CHAIR from among its members. The [[chairman]] CHAIR may serve consecutive terms as [[chairman]] CHAIR.

(h) The Commission shall meet at the call of its [[chairman]] CHAIR or a majority of its members. A quorum consists of four or more members. An affirmative vote of at least four members is necessary for any action of the Commission.

Sec. 1003. Additional compensation prohibited.

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

Sec. 1006. Surety bonds.

The penalty of the bond required by public general law to be furnished by the Controller as Collector of County taxes, shall be prescribed by the County Council by ordinance, but shall not be less than Three Hundred Thousand Dollars (\$300,000). The County Executive shall be bonded for the faithful performance of [[his]] THEIR duties for Three Hundred Thousand Dollars

(\$300,000). All officers and employees subordinate to the County Council and all other officers and employees of the executive branch shall be bonded for the faithful performance of their duties in such penalties as may be fixed by ordinance but in no case shall such bond or bonds be less than Three Hundred Thousand Dollars (\$300,000). Such ordinance shall provide for a blanket form of bonds or other similar forms of bonds with corporate surety. Surety bond premiums shall be paid by the County.

Sec. 1007. Compilation of laws.

(b) **Cumulative Supplement.** As soon as practicable after August 15th of each year, the County Attorney shall cause to be prepared and published a cumulative supplement to the Anne Arundel County Code, with an index and such appropriate notes, citations, annotations and appendices as [[he]] THEY may deem desirable or as may be required by the County Council.

Article XII. Termination of Charter; Amendments to Charter

Sec. 1202. Amendment.

(a) Amendments to this Charter may be proposed by a resolution of the County Council approved by not less than five of its members, and such action shall be exempt from executive veto. Amendments may also be proposed by petition filed with the [[Chairman]] CHAIR of the County Council and signed by not less than twenty per centum of the registered voters of the County, or 10,000 or more of such registered voters in case twenty per centum of the number of registered voters is greater than 10,000. When so proposed, whether by resolution of the County Council or by petition, the County Council shall make available to the press and public a reasonable number of copies of the question which shall be submitted to the voters of the County at the next general or Congressional election occurring after the passage of said act or the filing of said petition; and if at said election the majority of votes cast on the question shall be in favor of the proposed amendment, such amendment shall stand adopted from and after the thirtieth day following said election. Any amendments to this Charter, proposed in the manner aforesaid, shall be published by the [[Chairman]] CHAIR of the County Council in at least one newspaper of general circulation published in the County for five successive weeks prior to the election at which the question shall be considered by the voters of the County.