

TENTATIVE DRAFT

PROPOSED CHARTER

FOR

BALTIMORE COUNTY, MARYLAND

•

MARCH 31, 1955

FOREWORD

This is the tentative draft of the Baltimore County Charter. As required by the State Constitution, the final draft must be submitted to the President of the Board of County Commissioners on or before May 2, 1955.

Within thirty days after the filing of the final draft, the County Commissioners are required by the Constitution to publish the entire Charter in at least two newspapers of general circulation in the County. This should effect a wide distribution of the final draft.

As soon as possible after the submission of the final draft, Arthur W. Machen, Jr., the Reporter to the Charter Board, will compile detailed "Reporter's Notes" to each section of the Charter. These Notes will set forth the history of each section with appropriate citations to other Charters and judicial decisions. He will also prepare a complete index to the Charter. At the same time, Kenneth C. Proctor, Legal Counsel to the Charter Board, will prepare a legal opinion summarizing the major opinions which he has delivered to the Charter Board during the course of its work.

As soon as the Reporter's Notes, the Index and the Legal Opinion have been prepared, they will be published in pamphlet form, together with the final draft of the Charter. Only a limited number of copies will be published at public expense, and most of them will be delivered to the officials and employees of the County government. Arrangements will be made, however, to enable interested individuals and organizations to purchase additional copies directly from the printer.

CHARTER BOARD OF BALTIMORE COUNTY

March 31, 1955.

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CHARTER BOARD OF BALTIMORE COUNTY

REPORT TO THE VOTERS OF BALTIMORE COUNTY

Under the provisions of Article XIA of the Constitution of the State of Maryland, the voters of the various counties are offered an opportunity to adopt a Home Rule Charter.

In order to avail themselves of this opportunity, the voters of Baltimore County approved the creation of a Charter Board at the general election held on November 2, 1954. It then became the duty of the Charter Board to prepare a Home Rule Charter and to submit it to the people of the County for their consideration at the general election to be held in November, 1956.

Your Charter Board has endeavored to fulfill this trust to the best of its ability. Since our election on November 2, 1954, we have studied the government of Baltimore County and have carefully analyzed the charters of numerous other counties and municipalities throughout the United States. We have held public hearings and many meetings. The views of the citizenry and of civic organizations were actively sought. Many valuable suggestions were made by the people of the County in and out of public service, and these suggestions have had an important part in the democratic process of preparing this Home Rule Charter.

The Charter Board now submits to the voters of Baltimore County this proposed Charter. We believe that it will further modernize the government of the County and will help us to solve many of our governmental problems.

This Report is not a part of the Charter, but is a brief summary prepared by the Charter Board for your conveni-

ence. It represents an outline of some of the essential provisions of the Charter and also contains some of the views formulated by the Charter Board during the course of its studies. It is hoped that this Report will facilitate a better understanding of the Charter, but, in the last analysis, there can be no substitute for reading and studying the entire Charter itself. The Charter Board earnestly recommends such a reading and study by every voter of the County.

SUMMARY OF PROPOSED CHARTER

HOME RULE

At the present time all public local laws for Baltimore County are enacted by the State Legislature composed of Senators and Delegates from the entire State. The Home Rule Charter takes away from the State Legislature the control over all major phases of local government and vests it in people most concerned — the voters and taxpayers of Baltimore County.

To date, only two other political subdivisions of this State have taken advantage of the Home Rule provisions of Article XIA of the State Constitution. They are Baltimore City, which adopted its Home Rule Charter in 1918, and Montgomery County, which adopted a Charter in 1948. Many of the reasons for the adoption of Home Rule in the populous areas of Baltimore City and Montgomery County apply with equal or greater force in Baltimore County. The tremendous growth in population in our County is but one of these reasons.

Baltimore County now has an estimated population in excess of 342,500. By 1960, it is estimated that the population will approach half a million people. At the present time there are only about fifteen cities in the entire United States with a larger population. Since there are no incor-

porated towns or municipalities in our County, it is truly one of the largest undivided political subdivisions of local government in the entire United States. Baltimore County is large enough to control its own affairs.

SEPARATION OF POWERS

The Charter Board believes in the traditional concept of "separation of powers" in the American democratic process. We realize, of course, that the functions of local government are vastly different from those of the governments under the State and Federal Constitutions, but we are unconvinced that these differences justify the vesting of all governmental powers of the County in one council or one board.

At the present time all the executive powers of our local government, and also certain limited legislative and judicial powers, are vested in the Board of County Commissioners. The Baltimore County Charter which we propose will separate these powers. All legislative powers now discharged by the County Commissioners and all those additional ones acquired by Home Rule will be exercised by an elected County Council. The executive powers will be vested in an elected chief executive officer to be known as the "County Executive". And the judicial functions now performed by the County Commissioners will be assigned, together with other quasi-judicial functions, to a County Board of Appeals.

In recommending this form of government, the Charter Board is not unmindful of the progress which has been made in recent years in local municipal reform under the City Manager and County Manager Plans. In any business, large or small, public or private, it is essential that the day-to-day administration be handled by the best trained and best qualified men and women who are available, and,

of course, without regard to their place of residence or their political affiliation. But the self-evident truth of this statement does not, in our view, justify the vesting of all governmental powers in one board or council to be administered by its own appointee, the County Manager.

If our judgment in this respect proves to be at variance with the will of the people, the Charter can easily be amended after its adoption. Meanwhile, we submit that a modern business-like administration can be achieved without doing violence to our traditional concepts of democratic and representative government. This has been accomplished in the Philadelphia Home Rule Charter of 1951, and a similar system appears in the proposed Baltimore County Charter.

COUNTY COUNCIL

To exercise the new Home Rule powers, the Charter establishes a County Council elected by the people. It will be composed of seven members, one from each of seven councilmanic districts described in Article II, Section 206 of the Charter.

Councilmen will be elected by the voters of the entire County, but each Councilman will have to reside in one of the seven separate councilmanic districts. We believe that this will insure representation on the County Council for each section of the County with different problems and different interests, but at the same time the Council will have County-wide responsibility.

The County Council will have power to enact laws for the County on the many subjects set out in Article 25A of the Annotated Code of Maryland. These powers, most of which at the present time are exercised by the General Assembly in Annapolis, cover such matters as County prop-

erty and franchises, health and nuisances, highways, bridges and streets, assessments, levy and collection of taxes, County borrowing, and many other governmental functions. Through the exercise of the referendum privilege and the Charter provisions relating to budgets and borrowing, the people of the County will have the ultimate control over the County purse-strings.

By transferring from the General Assembly to the County Council the power to legislate on local matters, the voters of the County will enable their delegation at Annapolis, with few exceptions, to concentrate on matters of State-wide importance.

Under the proposed Charter, legislative acts of the County Council may, except as otherwise expressly provided, be vetoed by the County Executive. The vote of five members of the Council, however, will pass any law over the executive veto.

The County Council will meet for an annual legislative session in May of each year and at least once each month during the rest of the year. Each Councilman will receive compensation of \$3,000. per year. Councilmen are intended to serve somewhat in the capacity of directors of a business corporation; they are not expected to meet every day.

AUDITS

The County Council will appoint a qualified County Auditor. As the personal appointee of the legislative branch, he will check on all financial transactions of the County to make sure that all officers and employees faithfully discharge their public trusts.

The Charter also provides for a quadrennial audit by an independent firm of certified public accountants. These audits will be made in 1958 and every four years thereafter.

COUNTY EXECUTIVE

The County Executive will be the official head of the County government. As an elected officer, he will be responsible directly to the people for the efficient administration of the County's affairs. Among many other duties, he must prepare and submit to the County Council a legislative program, an annual balanced budget, and periodic reports. He will be responsible for the execution and enforcement of all County laws. He has an executive veto, and the power to issue executive orders and make investigations. He also appoints the members of, and serves *ex officio* on, certain boards and commissions. His salary will be \$17,500 per year, but the County Council may increase this compensation, effective at the beginning of any term.

COUNTY ADMINISTRATIVE OFFICER

Recognizing that the County government is now equivalent to a \$40,000,000. annual business, the Charter Board has provided in the Charter that the administrative affairs of the County shall be run by a man who is highly trained and thoroughly experienced in administrative work. A man with these qualifications will be the County Administrative Officer. He will be appointed by the County Executive, subject to confirmation by the County Council. He, in turn, will appoint the heads of all offices and departments, subject to confirmation by the County Executive. In order to promote continuity in the administration of the County's affairs, his term of four years will begin and end in June following the general elections for County officials. A newly elected County Executive can replace the County Administrative Officer, but he will not be able to do so immediately after the election. The Charter contains strict provisions dealing with the removal of the County Administrative Officer during his term. He will receive \$15,000.

some of these departmental reforms, a fact which will simplify the transition from the existing form of government to the form prescribed in the Charter.

Prior to the 1955 session of the General Assembly, there were at least 32 separate officers or agencies in the County government reporting directly to the County Commissioners or vested by law with independence from executive control. One of these officers is elected and three of these agencies are now inactive. Assuming that all bills now pending before the 1955 session of the General Assembly and affecting the structure of County government are enacted into law, one more semi-autonomous commission would be created and four separate departments or agencies would be consolidated into one. This would reduce the number of County agencies from 32 to 30 — or to 27 if the three inactive agencies are treated as non-existent. Under the Charter, this number will be further reduced to 18, viz., the six offices and eight departments above enumerated, the Appeal Tax Court, the County Board of Appeals, the Board of Liquor License Commissioners, and the Baltimore County Revenue Authority. Moreover, to the extent permitted by State law, all autonomous or semi-autonomous boards and agencies are, under the Charter, placed within the executive span of control. The Charter Board does not believe that a further consolidation of agencies and departments can be made without impairing the flexibility of the Charter and its ability to meet the expanding needs of County government over the years.

With one exception, the Charter prohibits the creation of additional offices or departments except by Charter amendment. This prohibition will prevent the County Council from creating a confused bureaucracy which would destroy the clear lines of executive authority established in the Charter. The one exception has to do with the affairs of the Metropolitan District.

THE METROPOLITAN DISTRICT

The Metropolitan District is, in effect, a public utility corporation created by the General Assembly for the supply of municipal services, such as water and sewage disposal, to the residents of the County within a designated area surrounding the City of Baltimore. The Charter Board believes that the affairs of the Metropolitan District need an exhaustive study, perhaps leading to a comprehensive change in its organization and administration. The work incident to such a study would be highly technical in character, and could not possibly have been undertaken by the Charter Board. Moreover, any changes in the Metropolitan District might affect the City of Baltimore, and it seems to us desirable that the City and County cooperate in any study of these matters.

We have accordingly provided in the Charter that the Metropolitan District shall remain, as at present, as a bureau or division of the Department of Public Works. Envisaging, however, the possibility that further studies might recommend the creation of a separate department to carry on its affairs, the proposed Charter empowers the County Council to so provide, when, as and if duly authorized by an act of the General Assembly.

ZONING AND PLANNING

Planning for the future growth of the County and the formulation and administration of zoning regulations are closely related staff functions. Their reorganization is a much needed reform.

Under existing law, the Zoning Commissioner is charged with the responsibility of preparing and enforcing zoning regulations, and his office is under the Department of Public Works. Ultimate zoning responsibility is, however, vested in the County Commissioners. The planning functions of

the County are now administered by a Planning Commission and its subordinate officers and employees.

At the 1955 session of the General Assembly, a bill was introduced to reorganize the planning functions of the County and to create a Department of Planning. This bill, which presumably will become law after certain amendments are made thereto by the General Assembly, makes no changes in the organization or administration of County zoning. Even if the Charter Board could legally reorganize the administration of all these functions under one office (a legal point as to which there is some doubt), such reforms could not take effect until 1957, after the adoption of the Charter. Meanwhile, the County would have been operating for nearly two years under the new Planning Bill, and the Charter Board cannot at this time predict how this new system will work.

Under these circumstances, the Charter Board proposes in the Charter to create an Office of Planning and Zoning composed of a Director of Planning, a Planning Board and a Zoning Commissioner and Deputy, all of whom will have the same duties and functions as may be provided by law at the effective date of the Charter. The Zoning Commissioner will thus be removed from the Department of Public Works and placed under the Director of Planning, but no substantive or procedural changes will be made in his duties and functions. To the extent hereafter permitted by law, the Charter will permit the reorganization of planning and zoning at a later date and after some experience has been gained under the new Planning Bill.

Among the reforms which might be achieved in this manner would be the separation of the line and staff functions of the Zoning Commissioner. His duties relating to the approval of building permits properly belong in the Department of Permits and Licenses, whereas his duties relating

to the preparation and amendment of zoning regulations, the issuance of orders on reclassifications, etc., belong in the Office of Planning and Zoning. Moreover, the duties and powers of the Deputy Zoning Commissioner, who now has by law "the same duties and powers as the Zoning Commissioner", should be redefined or the office abolished. These are but a few of the much needed reforms which must of necessity come pursuant to rather than by the Charter directly.

PEOPLE'S COURT

Under Article 25A of the Annotated Code of Maryland, a chartered county has the power "to provide for designating justices of the peace who may constitute a County court". The Charter Board has carefully considered whether it would be desirable in the light of this power to provide for a People's Court to take over the jurisdiction of trial magistrates in civil cases.

Since, however, all legislative powers in Article 25A of the Code will be vested in the County Council after the adoption of the Charter, we have concluded that the question of court reform on the magistrate level had best be left to the County Council. In view of the large land area of the County, comprising some 610 square miles, the Charter Board envisaged some serious practical difficulties in the convenient administration of a People's Court.

At this writing, the County delegation to the General Assembly has introduced a bill to create a People's Court of Baltimore County (House Bill 561). This Court would be composed of at least three judges and staffed by at least four clerks and three constables. The bill, as introduced, does not reduce the number of existing trial magistrates, but merely deprives them of their civil jurisdiction. We understand that this bill was prepared under the auspices of the Baltimore County Bar Association, and, undoubtedly,

the resulting cost to the County and the practical problems of the administration of a People's Court in this large land area have been given full consideration. After the adoption of the Charter, it may be necessary that further study be given to this matter in the light of practical experience under the People's Court bill, and especially to the possibility of reducing the number of trial magistrates who will hear only criminal cases.

BUDGETS AND FISCAL MATTERS

This Charter does not change the taxing power or procedures of the County. It does, however, require the submission of an annual balanced budget to the County Council for its approval. This budget consists of three parts integrated into one document: a current expense budget, a capital budget and capital program and a budget message.

During the last two years great strides have been taken in improving the budgetary procedures of the County. During the last year a program budget and encumbrance accounting system were introduced, whereby departmental expenditures can be controlled on a month-to-month basis. The annual program budget for 1955 represents a tremendous improvement over previous budgets, both in organization and in scope. But, in the opinion of the Charter Board, there is room for still greater improvement, particularly in the field of capital budgets and long-range planning for capital projects. We submit that the progress which has already been made to date must be preserved for the future and that subsequent administrations must be prohibited from returning to the lax budgetary procedures which plagued the County in the past. For these reasons, the provisions of the Charter dealing with budgetary and fiscal matters are more detailed and more technical than most of the other Charter provisions. With these provisions in the Charter, the control over the spending of public money is

placed where it belongs — in the people who pay the taxes. If changes are needed in these provisions, they must be made by the taxpayers and voters through amendment to the Charter. They cannot be made simply by amending the public local laws.

The Charter Board earnestly commends these provisions of Article VII of the Charter to the careful scrutiny of all interested taxpayers.

THE BALTIMORE COUNTY REVENUE AUTHORITY

At the 1955 session of the General Assembly, a Baltimore County Revenue Authority was created (House Bill 298). By its express terms this Act creates "an instrumentality of the County Commissioners" which at the same time has "perpetual existence as a Corporation". Its five members will be appointed by the County Commissioners. Under the Charter, therefore, the members would be appointed by the County Executive.

The Revenue Authority has extremely broad powers to construct, operate and maintain public buildings (other than schools), landing fields, bridges, tunnels, parks, swimming pools, stadia, recreation facilities, highways, parking facilities and a host of other projects. The Authority is given power of condemnation by eminent domain. The County Commissioners are empowered to sell to the Authority "any lands, streets, alleys, buildings, facilities, or other public places" upon payment of their "reasonable value". In the event of such sale, the payment is to be made in cash "or in bonds of the Authority at par".

The Charter Board has not had time to study the details of this bill and we are not prepared to express any firm conclusion thereon. We do point out, however, that as a matter of general principle, revenue authorities can be used to accomplish a great deal of good or a great deal of evil.

If they are used to finance expensive but revenue-producing or self-sustaining capital projects, such as toll roads and bridges, airports, tunnels, off-street parking facilities, and the like, revenue authorities can be the means of securing worthwhile public improvements, without involving the credit of the County. But, if they are used to finance the construction of non-revenue-producing projects, such as County office buildings, police stations, fire houses, free public roads, and the like, they may open the door to bad government and political abuses. A moment's reflection will reveal why this is so.

If an Authority receives no income to support a particular project except rent paid by the government, then the Authority's bonds for that project are really supported by taxes, not by "revenue". Among other things, this can constitute a way to escape the legal debt limitation on County borrowing, the Charter provisions dealing with central services (especially in the field of buildings supervision and insurance), and the legal requirement that public borrowing be submitted to referendum. By creating fixed obligations by contract, this use of the Revenue Authority can also curtail the power of the taxpayer to object to the annual County Budget.

To what extent these undesirable results can or will be controlled under the new County Revenue Authority Act, we cannot now predict. Perhaps the Act contains adequate safeguards in its prohibition against the "levy or pledge" of "any form of taxation", whether "directly, indirectly or contingently" to meet payments on the bonds of the Authority. In any event, the Charter Board was powerless to include any provision on the subject in the Charter, because this matter concerns a public corporation created by the General Assembly.

MERIT SYSTEM

In 1953, the County Commissioners adopted a Personnel Ordinance creating a Personnel and Salary Advisory Board and the office of a Personnel Director. By means of this Ordinance some preliminary steps were taken to organize a merit system in the County. It is the view of the Charter Board, however, that this Ordinance, while useful as a preliminary step in the right direction, does not really amount to a merit system. It exempts from the classified service some twenty-three County employees and classes of employees, and the powers of the Personnel and Salary Advisory Board, particularly in the field of investigations and hearings, seem of questionable sufficiency.

At the 1955 session of the General Assembly, the Personnel Ordinance of the County Commissioners above referred to was introduced in the form of a public local law (House Bill 261) and was passed without substantive change.

The Charter Board recognizes that a civil service system is a mixed blessing, and several organizations and private citizens have suggested that it would be ill-advised to incorporate any merit system in the Charter. Those who have had experience with civil service in the Federal Government seem especially firm in this conviction. While we sympathize with these views, we submit that a governmental subdivision such as Baltimore County, with about 2,000 employees, must of necessity have a more comprehensive personnel policy and more job security than that embraced in present law. Accordingly, the proposed Baltimore County Charter establishes in Article VIII a merit system for County employees. It requires the first County Council to implement these provisions by appropriate legislation at its first session. Although the details of the system

will be left to the County Council, the present County Personnel law will have to be amended to conform with the more inclusive Charter provisions.

COUNTY BOARD OF APPEALS

Article VI of the proposed Charter creates a County Board of Appeals composed of three members appointed by the County Council. This Article does not create three new jobs since all the functions of the existing Board of Zoning Appeals will be handled by the new appellate body. In addition to the hearing of appeals on zoning matters, the County Board of Appeals will hear and decide a host of other appeals from administrative and adjudicatory orders which are now heard by the County Commissioners and various other boards and agencies.

The Board has carefully considered the possibility of abolishing the existing Appeal Tax Court and of transferring its duties and functions to the County Board of Appeals. Because of some doubt as to the legality of such a move, and because of some fear of overcrowding the docket of the County Board of Appeals with assessment cases (especially when the system of annual reassessments is inaugurated), the Appeal Tax Court is not abolished by the proposed Charter. However, if later experience should indicate the wisdom of such a move, the County Council is empowered to do so, when, as and if authorized by law.

Under Article 25A of the Code of Maryland, the chartered county has no power to legislate on matters relating to the licensing or sale of spirituous or malt liquors. Accordingly, the proposed Charter makes no mention of the Board of Liquor License Commissioners. It will continue to operate as at the present time under State law, and appeals from its orders will not be heard by the County Board of Appeals.

TRANSITORY PROVISIONS

The Charter Board recognizes that in the last analysis no government is much better or much worse than the people in public service who administer the laws. The Charter cannot legislate efficiency and honesty. It can only set up the machinery to promote the orderly administration of the County's affairs, and in this manner to protect the voters and taxpayers against the results of incompetence, dishonesty and waste.

In view of these facts, the Charter Board does not feel that it would promote the orderly transition of the County's affairs from the Commissioner form of government to the chartered form of government by sweeping out of office the existing officers and employees of the County, especially those who have been elected by the people. Accordingly, the proposed Charter provides that the President of the Board of County Commissioners holding office at its effective date shall serve until the election in 1958 as County Executive. Subject to confirmation by the first County Council; he will appoint the first County Administrative Officer. Although the Charter abolishes the office of County Treasurer and provides that his duties will be performed by the Director of Finance, this change will not be effective until the term of the present elected Treasurer expires in 1958. The Charter also expressly provides that, subject to the provisions of the merit system, all officers and employees of the County in office at the time of the adoption of the Charter, shall continue to hold their offices thereafter.

There will be a special election shortly after the adoption of the Charter to fill the newly created offices of County Councilmen. In this connection, the experience in other chartered counties warns us that it is especially important to secure a good first County Council composed of outstanding public-spirited citizens who are willing to accept the job as a public service.

COST OF COUNTY GOVERNMENT

The Charter Board wishes to make it clear to the taxpayers of the County that, in our view, the cost of the County government is going up, whether or not a Charter is adopted.

Baltimore County is fortunately a wealthy County and its general fund in present times of prosperity seems eminently solvent. But the picture in respect of the capital fund is not so bright. According to figures recently released by the Commission on Governmental Efficiency and Economy, the total general debt of the County has increased 996.5% since 1946. In the same short period, the total debt for schools has increased over Thirty Millions of Dollars (\$30,000,000.00), or One Thousand One Hundred and Fifty per cent. (1,150%). And this does not include the County's \$14,875,000.00 borrowed under the Maryland General Public School Construction Loan, on which the County is obligated to reimburse the State of Maryland for annual interest and retirement charges. Moreover, these figures do not include the Metropolitan District debt which is in excess of \$43,000,000.00.

In view of the tremendous growth in the County population and especially in the school population during the last few years, a considerable increase in County borrowing was inevitable. We point out, however, that the day of reckoning must come and that the ever-accelerating increase in the public debt must of necessity cause an increase in taxes. Debt service on the general debt is paid from the general fund, and the general fund is, for the most part, made up of tax dollars paid by every taxpayer in the County.

The burden of this debt cannot be lifted simply by the adoption of a Charter. But, by introducing modern methods

of fiscal procedures, long-range capital planning, clearer lines of administrative authority and meticulous care over the expenditure of public funds, the way can be paved for giving the taxpayer more for his tax-dollar. And by putting these provisions in a Charter, the ultimate control over this problem is placed in the taxpayers who pay the taxes and the voters who cast their ballots. This Charter is written for them, and it is they who will decide in November of 1956 whether they wish to adopt it as their form of government.

CONCLUSION

This Report would be incomplete were we not to acknowledge, as we now do publicly and gratefully, the financial help extended to us by the County Commissioners, without which we would have been seriously handicapped. Their wholehearted co-operation has been given in many ways, especially in making available to us the opinions of such high ranking men in the County government as Mr. John B. Funk and Mr. Norman Wood, as well as the services of Mr. John A. Donaho, President of John A. Donaho & Associates, the nationally known firm which so recently made a study of our County government, and is now engaged in making a desk-to-desk survey.

We are grateful, too, for the suggestions which we have received from the Senator and Members of the House of Delegates from Baltimore County, with whom we met on two occasions, and for their assistance in the passage of certain legislation, which was prepared by our counsel, and which will help to perfect the Charter form of government submitted by us.

The Board also expresses its thanks to Mr. Preston L. Grimm of the Research and Statistical Section of the Board

of Education, who supplied us with much of the statistical data used in the course of our work.

We commend gratefully and without reservation the outstanding work of our Reporter, Mr. Arthur W. Machen, Jr. Working all day and every day and many nights, Mr. Machen's industrious and painstaking research, his legal training, his high standing at the Bar, which justified the confidence we placed in him, his executive ability and scholarly attainments, have lightened greatly our labors and have contributed to a marked degree not only to the orderly arrangement of the Charter but to its composition and substance as well.

We express our sincere appreciation of the work of our counsel, Mr. Kenneth C. Proctor. His employment was not full time as was Mr. Machen's, yet, notwithstanding the pressing needs of his large private practice, Mr. Proctor has devoted a substantial part of his time and brought to his work the most careful study of the many and complex legal problems which confronted us and which we propounded to him, as his written opinions on these problems will demonstrate fully.

Finally, we publicly thank The Towson National Bank for the free use of its Board Room for our weekly afternoon and evening sessions.

Respectfully submitted,

THE CHARTER BOARD OF BALTIMORE COUNTY

Edward H. Burke, *Chairman*

J. Kemp Bartlett, Jr.

Isabel W. Burkhardt

Samuel P. Cassen

Milton R. Smith

CHARTER OF BALTIMORE COUNTY, MARYLAND

PREAMBLE

We, the People of Baltimore County, in the State of Maryland, in order to obtain the benefits of self-government and home rule, do, in accordance with the Constitution and laws of the State of Maryland, adopt, ordain and establish as our Charter and form of government this

CHARTER OF BALTIMORE COUNTY, MARYLAND

ARTICLE I

NAME AND RIGHTS OF THE COUNTY

Section 101. *Body Corporate and Politic.* Baltimore County as it now exists constitutes a body corporate and politic. Under this Charter it shall have all rights and powers of local self-government and home rule as are now or may hereafter be provided or necessarily implied by this Charter and by the Constitution and laws of the State of Maryland.

Section 102. *Exercise of Powers.* The powers mentioned in the preceding section shall be exercised only by the County Council of Baltimore County, the County Executive and other agents, officers and employees of the County acting under their respective authorities or under such other authority as may be provided by this Charter or the laws of this State.

Section 103. *Name and Boundaries.* The corporate name shall be "Baltimore County, Maryland", and it shall thus be designated in all actions and proceedings touching its rights, powers, properties, liabilities and duties. Its boundaries and county seat shall be and remain as they are at the time this Charter takes effect unless otherwise changed in accordance with law.

ARTICLE II

THE COUNTY COUNCIL

Section 201. *Composition.*

(a) *Residence Requirement.* There shall be a County Council of Baltimore County composed of seven members, each one of whom shall, at the time of his election and for one year prior thereto and during his full term of office, reside in one of the seven separate councilmanic districts described in Section 206 of this Article.

(b) *Mode of Election.* All members of the County Council shall be elected on the general ticket by the qualified voters of the entire County as members of the General Assembly are or may be elected, and they shall likewise be nominated as members of the General Assembly are or may be nominated under provisions of the laws of the State of Maryland; provided, however, that the first County Council to take office after the adoption of this Charter shall be nominated and elected in the manner provided by Section 1103 of Article XI of this Charter.

Section 202. *Qualifications.*

(a) *In General.* In addition to the requirement of residence as provided in Section 201(a) of this Article, the members of the County Council shall possess the same qualifications for their office as are provided in the Constitution of the State of Maryland for the office of State Senator to the General Assembly.

(b) *Other Offices.* 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, and no member of the County Council, during his term of office, shall 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 term of office shall move his residence from the councilmanic district in which he resided at the time of his election, his office shall be forthwith vacated; but no member of the County Council shall be required to vacate his office by reason of any change in the boundary lines of his councilmanic district made during his term.

Section 203: *Term of Office.* Members of the County Council shall hold office for terms of four years commencing at the time of their election and continuing until their successors shall qualify. They shall qualify on the first Monday in December following their election, or as soon thereafter as practicable and shall enter upon the duties of their office immediately upon their qualification; provided, however, that the members of the first County Council elected after the adoption of this Charter shall hold office only until the next quadrennial election and until their successors have qualified for office.

Section 204. *Compensation.* Each member of the County Council shall be paid for the performance of his duties as provided in this Charter the sum of Three Thousand Dollars (\$3,000.00) 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.

Section 205. *Vacancies.* A vacancy occurring in the office of councilman prior to the expiration of his term shall be filled within forty-five days after the vacancy occurs by appointment by the County Executive of the person whose name shall be submitted to him in writing by the State Central Committee of Baltimore County representing the political party to which the previous member belonged. If

the previous incumbent was not a member of a political party, then the County Executive shall appoint the person elected by the remaining members of the County Council. The member so appointed shall reside in the same councilmanic district as his predecessor and shall serve the unexpired term of his predecessor and until his successor shall qualify.

Section 206. *Councilmanic Districts.* Baltimore County is hereby divided into seven councilmanic districts composed of the following election districts and precincts in effect on May 1, 1955:

<i>Councilmanic District</i>	<i>Present Election District(s) or Parts Thereof</i>
I	Election Districts One and Thirteen.
II	Election Districts Two, Three and Four.
III	Election Districts Five, Six, Seven, Eight and Ten.
IV	Election District Nine.
V	Election Districts Eleven and Fourteen.
VI	Election District Fifteen, exclusive of the portion thereof situate West of Back River and composed of Precincts 1, 4, 5, 7, 11, 14, 15, 16 and 17.
VII	Election District Twelve and the portion of Election District Fifteen situate West of Back River, consisting of Precincts 1, 4, 5, 7, 11, 14, 15, 16 and 17.

Section 207. *Revision of Councilmanic Districts.* At the first annual legislative session of the County Council after

the publication of the decennial census figures of the United States Bureau of Census, beginning with the 1960 census and every ten years thereafter, the County Council shall include as an item of legislative business at said session the revision of the councilmanic districts of the County. The County Council is hereby empowered by legislative act adopted by the affirmative vote of not less than five members to revise, amend or reconstitute, but not to increase the number of the councilmanic districts in effect at such time. Any such act shall not be subject to the executive veto provided in Article III, Section 308(g) hereof, but shall be subject to the referendum provision in Article III, Section 309 hereof.

Section 208. Meetings of the County Council; Quorum.

(a) *Annual Legislative Session.* The County Council shall meet in Towson, Maryland, for an annual legislative session in the month of May of each year.

(b) *Other Meetings.* For the purpose of approving the County Budget and performing other duties properly exercisable by the County Council outside of the annual legislative session under the provisions of this Charter, the Constitution and laws of this State, and its own Rules of Procedure, the Council shall meet once each month in Towson, Maryland. The County Council may also meet at such other times and places as and with such notice as may be specified in its Rules of Procedure. For other than its regular meetings, the County Council may be called into session by the County Executive or by any three councilmen.

(c) *Quorum.* At all meetings of the County Council a majority of its members shall constitute a quorum for the transaction of business.

ARTICLE III

THE LEGISLATIVE BRANCH

Section 301. *Composition.* The legislative branch of the County government shall be composed of the County Council and the officers and employees thereof.

Section 302. *Officers.*

(a) *Presiding Officer.* The County Council at its first regular meeting in each calendar year shall elect from its membership a Chairman who shall preside at all meetings. In the event of his absence or inability to act, the members present, by an order entered in the Journal, shall select one of their number to act as Chairman *pro tem*, who, while so acting, shall have all the authority of the Chairman. On all questions before the County Council, the Chairman or Chairman *pro tem* shall have and may exercise the vote to which he is entitled as a Council member.

(b) *Other Officers and Duties.* There shall be a Secretary appointed by the County Council and such other officers of the County Council as may be provided in its Rules of Procedure. All officers of the Council shall have such other duties and functions in addition to those provided herein as may be specified in such Rules.

(c) *Legal Adviser.* The County Solicitor shall serve as the legislative draftsman and legal adviser to the County Council and shall be responsible for the maintenance of the Journal.

Section 303. *Action By Council.* In all of its functions and deliberations, the County Council shall act as a body and shall have no power to create standing committees or to delegate any of its functions and duties to a smaller number of its members than the whole.

Section 304. *Enumerated Powers Not to be Exclusive.* The enumeration of powers in this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, the County Council shall have and may exercise all legislative powers which, under the Constitution and laws of this State, it would be competent for this Charter specifically to enumerate.

Section 305. *Limitation on Exercise of County Council's Powers.* In the exercise of all its powers, the County Council shall be subject to the express limitations imposed by this Charter and by all applicable provisions of the Constitution and laws of this State.

Section 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. 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 (Article 25A of the Annotated Code of Maryland, 1951 Edition) as now in force or hereafter amended. The County Council may also provide for the enforcement of all ordinances, resolutions, by-laws and regulations adopted under the authority of law by fines, penalties and imprisonment, as may from time to time be provided by public general law.

Section 307. *The Metropolitan District.*

(a) *In General.* The Metropolitan District, established by the Acts of the General Assembly of Maryland of 1924, Chapter 539, commonly known and hereinafter referred to as "The Metropolitan District Act", and now operating pursuant to said Act as amended, shall upon the adoption of this Charter be under the jurisdiction of the County Executive and the County Council instead of the County Commissioners as heretofore.

(b) *Division of Executive and Legislative Functions.* The affairs of the Metropolitan District shall continue, as heretofore, to be administered as a division of the Department of Public Works, as more particularly provided in Article V of this Charter. The County Executive, or the Chief Engineer of the Metropolitan District acting under his authority and under the supervision of the County Administrative Officer, shall have in respect of the Metropolitan District all duties and powers relating to the appointment and discharge of staff, professional and clerical employees, subject, however, to the merit system provisions of Article VIII hereof, the preparation of all accounts and reports, the giving of notices, the fixing of special assessments and connection charges, and all other executive functions relating to the day-to-day administration of the affairs of the District as may be provided in the Act aforesaid. The County Council shall have in respect of the Metropolitan District all duties and powers relating to the approval of extensions to the boundaries of the Metropolitan District, the issuance of bonds or other evidence of indebtedness by the District, and all other legislative functions which prior to the adoption of this Charter were vested in the County Commissioners under the Act aforesaid.

(c) *Compensation.* The compensation provided in this Charter for the members of the County Council and the

County Executive having taken into account the nature and extent of their respective duties under this section, the members of the County Council and the County Executive shall receive no additional compensation for the performance of their duties provided herein.

(d) *Purpose of this Section; Rules of Construction.* The purpose of this section is to provide for the orderly transition of the rights, powers, duties and obligations of the County Commissioners under The Metropolitan District Act to the County Council and County Executive under this Charter. Except for the provisions of subsection (c) of this section, nothing contained herein or elsewhere in this Charter shall be held or construed to alter or amend the provisions of The Metropolitan District Act, or to enlarge, diminish or change in any manner whatsoever the rights, duties, powers and obligations of the Mayor and City Council of Baltimore under and by virtue of said Act, or the rights, duties, powers and obligations of any party to any contract made pursuant thereto.

Section 308. *Legislative Procedure.*

(a) *Public Sessions.* All sessions of the County Council shall be open to the public.

(b) *Enacting Clause.* The style of the enacting clause for all laws of the County Council shall be: "Be it enacted by the County Council of Baltimore County, Maryland", and all laws shall be passed by original bill.

(c) *Titles.* Each law enacted by the County Council shall embrace but one subject, and that shall be described in its title; and no law, or section of law, shall be revived or amended by reference to its title or section only.

(d) *Votes Required.* No bill shall become law unless it be passed by the County Council by a majority of the whole number of members, or such greater number as may else-

where be required in this Charter, and on its passage the yeas and nays shall be recorded in the Journal.

(e) *Publication of County Laws.* On the introduction of any bill, a copy thereof shall be placed on an official bulletin board to be set up by the County Council, and additional copies shall be made available to the public and to the press. Each copy of each bill shall bear the name of the councilman introducing it and the date it was introduced for the consideration of the Council; and no bill shall be passed before the tenth calendar day after such date, except by the consent of at least five members. Upon the passage of any bill by the County Council, it shall receive such publication as may from time to time be required by law.

(f) *Effective Date of Laws; Emergency Measures.* All public local laws and ordinances enacted by the County Council shall take effect forty-five days after their enactment, unless by the vote of five members of the County Council any such law or ordinance shall be declared an emergency measure affecting the public health, safety or welfare, in which event the same shall take effect from the date of its passage. 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.

(g) *Executive Veto.* Upon the passage of any legislation by the County Council including any public local law, ordinance or other act having the force of law, 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 two calendar days to the County Executive for his approval or disapproval, and within ten days after such presentation he shall return any such legislation to the County Council with his approval endorsed

thereon or with a statement in writing of his reasons for not approving the same. Upon approval by the County Executive any such legislation shall stand enacted. Any such legislation presented to the County Executive and returned with his veto may be reconsidered by the County Council. His objections shall be entered upon the Journal of the Council, and it shall thereupon consider at its convenience the enactment thereof notwithstanding the executive veto. The vote thereon shall be taken by yeas and nays to be recorded in the Journal, and if five members of the Council vote in the affirmative, the legislation shall stand enacted. Whenever the County Executive shall fail to return any such legislation within ten days after the date of its presentation to him, the Secretary of the County Council shall forthwith record the fact of such failure in the Journal, and such legislation shall thereupon stand enacted.

Section 309. *The Referendum.*

(a) *Scope of the Referendum.* The people of Baltimore County reserve to themselves the power known as "The Referendum", by petition to have submitted to the registered voters of the County, to approve or reject at the polls, any enacted law or ordinance or part of any such law or ordinance of the County Council. The referendum petition against any such law or ordinance shall be sufficient if signed by ten per centum of the qualified voters of the County calculated upon the whole number of votes cast in the County for Governor at the last preceding gubernatorial election. Such petition shall be filed with the Supervisors of Elections of Baltimore County within forty-five days after the enactment of the law to be referred; provided, however, that if more than one-half but less than the full number of signatures required to complete any referendum petition against such law or ordinance be filed within forty-five days from the date of its enactment, the time for the law to take effect and the time for filing the

remainder of signatures to complete the petition shall be extended for an additional thirty days with like effect. An "emergency measure" as defined in Section 308 of this Article shall remain in force from the date of its enactment notwithstanding the filing of such petition, but shall stand repealed thirty days after having been rejected by a majority of the qualified voters voting thereon. No law making any appropriation for maintaining the County government, or for maintaining or aiding any public institution, not exceeding the next previous appropriation for the same purpose, shall be subject to rejection or repeal under this section. The increase in any such appropriation for maintaining the County government or for maintaining or aiding any public institution shall only take effect as in the case of other laws, and such increase, or any part thereof, specified in the petition may be referred to a vote of the people of the County upon petition as above provided.

(b) *Form of Petition.* A petition may consist of several papers, but each paper shall contain the full text of the Act or the part of the Act petitioned upon; and there shall be attached to each such paper an affidavit of the person procuring the signatures thereon that, to the said person's own personal knowledge, each signature thereon is genuine and bona fide, and that to the best of his knowledge, information and belief the signers are registered voters of the State of Maryland and Baltimore County, as set opposite their names; and no other verification shall be required.

(c) *Furthering Legislation.* The provisions of this section shall be self-executing; provided, however, that legislation in furtherance hereof and not in conflict herewith may be enacted by the County Council.

Section 310. *Non-Interference with Executive Branch.* 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. Except by the adoption of legislation, neither the County Council nor any member thereof shall, either directly or indirectly, give orders to any officer, agent or employee of the executive branch of the County government, nor shall they in any manner attempt to influence or coerce any such officer, agent or employee in the performance of his duties.

Section 311. *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 shall be a certified public accountant licensed for the practice of his profession under the laws of this State, and shall be appointed on the basis of his knowledge of governmental accounting and auditing and his experience pertaining to the duties of his office. He shall annually prepare and submit to the County Council and to the County Executive a complete financial audit of all offices, departments, institutions, boards, commissions and other agencies of the County government except only those whose entire records, accounts and affairs are completely audited each year by the State government. Such audit shall include a report thereon, together with such explanatory comments as the Auditor may deem appropriate. The report and explanatory comments shall be published in at least two newspapers of general circulation in the County, and copies of the complete audit shall be open to the inspection of the public and the press in the County Auditor's office. All records and files pertaining to the receipt and expenditure of County funds by all officers, agents and employees of the County and all offices, departments, institutions, boards, commissions and other agencies thereof shall, at all times, be open to the inspection of the

County Auditor. He shall promptly call to the attention of the County Council and the County Executive any irregularity or improper procedure which he may, from time to time, discover. The County Council shall have the power to implement the provisions of this Section and to assign additional duties and functions to the County Auditor not inconsistent with those provided herein. All actions of the County Council pursuant to this Section shall be exempt from the executive veto.

Section 312. *Quadrennial Audit.* A complete financial audit of all offices, departments, institutions, boards, commissions and other agencies of the County government, except only those whose entire records, accounts and affairs are completely audited each year by the State government, and covering their operations for the preceding four fiscal years, shall be made in 1958 and every four years thereafter by an independent firm of certified public accountants whose members are licensed for the practice of their profession under the laws of this State. The selection of such firm and its employment by contract shall be made before the end of the year 1957 and every four years thereafter by the County Executive with the advice and consent of the County Council. The completed quadrennial audit shall be submitted to the County Council and to the County Executive, and copies shall be made available to the public and the press no later than August 1, 1958, and every four years thereafter on the same day. All records of the County Auditor and all records and files pertaining to the receipt and expenditure of County funds by all officers, agents and employees of the County and all offices, departments, institutions, boards, commissions and other agencies thereof shall be open to the inspection of the accountants conducting the quadrennial audit. The County Council shall have the power to implement the provisions of this Section by legislative act not inconsistent herewith.

ARTICLE IV

THE EXECUTIVE BRANCH

Section 401. *Composition.* The executive branch of the County government shall consist of the County Executive, the County Administrative Officer, and all officers, agents and employees under their supervision and authority.

Section 402. *County Executive.*

(a) *Nature and Term of Office; Mode of Election; Qualifications; Salary.* The County Executive shall be the chief executive officer of the County and the official head of the County government. In such capacity, he shall be the elected executive officer mentioned in Section 3 of Article XIA of the Constitution of this State. He shall be nominated in the primary elections in the same manner as other elected County officials and shall be elected on the general ticket by the qualified voters of the County to serve for a term of four years and until his successor shall be elected and qualify; provided, however, that the first County Executive to take office after the adoption of this Charter shall be selected in the manner specified in Article XI, Section 1105 hereof. The County Executive shall be a qualified voter of the County, not less than thirty years of age, and shall have been a resident and taxpayer in the County for at least five years next preceding his election. He shall devote his full time to the duties of his office and, subject to the provisions of Section 405 of this Article, shall be paid an annual salary of Seventeen Thousand Five Hundred Dollars (\$17,500.00).

(b) *Vacancy.* Whenever for any cause the office of the County Executive shall become vacant, the same shall be filled by majority vote of the members of the County Council. The person so appointed by the Council shall possess the same qualifications for the office as hereinbefore provided for an elected incumbent, shall belong to the same

political party as his predecessor (unless his predecessor was not a member of a political party) and shall serve the unexpired term of his predecessor and until his successor shall qualify.

(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 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, the Director of Public Works or the Director of Public Safety to serve as Acting County Executive. If any County Executive fails actively to perform the daily duties and responsibilities of his office for a continuous period of six months, his office may be declared vacant by a majority vote of the County Council, 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.

(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 charge or under his jurisdiction and control under this Charter or by law. In addition to and not by way of limitation of his general duties of supervision and management of the executive branch of the County government, he shall have the following express responsibilities, duties and powers:

1. To supervise, direct and control, subject to law and the provisions of this Charter, the administrative services of the County;

2. To present to the County Council the annual County Budget in the manner and form hereinafter in this Charter provided;

3. To communicate to the County Council at least once a year a general statement of the finances, government and affairs of the County, with a summary statement of the activities of the several departments and offices thereof;

4. To present to the County Council from time to time such other information concerning the business and affairs of the County as he may deem necessary, or as the County Council by resolution may request, and to recommend such measures for legislative action as he may deem expedient;

5. To see that the County officers, boards, agencies, commissions, departments and employees faithfully perform their duties, and to employ, with the approval of the County Council, experts and consultants in connection with any of the functions of the County government;

6. To see that the laws of the State pertaining to the affairs, good order and government of the County, and the acts, resolutions, ordinances and public local laws of the County are duly executed and enforced within the County;

7. To make or cause to be made any study or investigation which in his opinion may be in the best interests of the County, including but not limited to investigations of the affairs, functions, acts, methods, personnel or efficiency of any department, office or officer under his jurisdiction;

8. To veto, in his discretion, legislative acts of the County Council, in the manner, at the times and subject to the limitations provided in Article III, Section 308(g) of this Charter;

9. To appoint, subject to the confirmation by majority vote of the County Council, the County Administrative

Officer, and to approve all appointments made by the County Administrative Officer as hereinafter provided;

16. To

10. To appoint the members of the Appeal Tax Court and of all other boards, commissions and authorities created in or pursuant to this Charter or by law;

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;

12. To sign on the County's behalf all deeds, contracts and other instruments which prior to the adoption of this Charter required the signature of the President or any member of the Board of County Commissioners, and to affix the County seal thereto;

13. Except as otherwise expressly provided herein, to issue or cause to be issued all administrative orders, licenses and permits which prior to the adoption of this Charter were issued or granted by the County Commissioners; subject, however, to the right of any party aggrieved thereby to appeal to the County Board of Appeals as provided in Article VI of this Charter;

14. To prepare and issue, or cause to be prepared and issued, all rules and regulations 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;

15. To appoint a confidential clerk or secretary who shall be known as "Secretary to the County Executive", who shall have and may exercise all powers and functions heretofore conferred on the Secretary of the Board of County Commissioners, including but not limited to the power to attest the signatures of all County officials;

16. To delegate, with the approval of the County Council, any of the duties of his office to the County Administrative Officer;

17. To 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 from the powers and duties herein specified.

Section 403. County Administrative Officer.

(a) *Qualifications; Mode of Selection; Salary.* The County Administrative Officer shall be appointed by the County Executive solely on the basis of his integrity and of his executive and administrative qualifications for the performance of the duties of his office as hereinafter set forth. He shall have had, prior to his appointment, at least five years' experience as an executive either in public service or private industry, or both. He shall also be thoroughly trained in and familiar with modern accounting methods and budget procedures. At the time of his appointment, he may, but need not be, a resident of Baltimore County or of the State of Maryland, but during his tenure of office he shall at all times reside within the County. He shall devote his full time to the duties of his office, and, subject to the provisions of Section 405 of this Article, shall be paid an annual salary of Fifteen Thousand Dollars (\$15,000.00).

(b) *Term of Office.* The term of office of the County Administrative Officer shall be four years beginning on the first day of June in the year following the election of a County Executive provided in this Charter. The County Administrative Officer shall continue to hold office until his successor shall qualify.

(c) *Vacancy.* A vacancy in the office of County Administrative Officer shall be filled by appointment by the

County Executive for the balance of the unexpired term. Such an appointment shall be made in the same manner and subject to the same qualifications as an original appointment.

(d) *Nature of Office and Duties.* The County Administrative Officer shall exercise supervision over all activities of those offices and departments whose heads he appoints, and the boards and commissions connected therewith. He shall be responsible directly to the County Executive. In addition to and not by way of limitation of his general duties of supervision as above provided, the County Administrative Officer shall have the following express powers and duties:

1. To appoint, subject to approval by the County Executive, the heads of all offices and departments of the County government for which provision is made in this Charter, with the exception, however, of those appointed by other authority under the public general laws of this State;

2. To be the Chief Budget Officer of the County and to prepare and submit to the County Executive for his approval and submission to the County Council all County budgets, prepared in the manner and form provided in Article VII of this Charter;

3. To make periodic reports, with such recommendations as he may deem appropriate, to the County Executive concerning the affairs of the County government;

4. To hold periodic staff meetings with his subordinate officers in the administrative services;

5. To make any study or investigation which in his 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 jurisdiction;

6. To perform such other administrative duties as may be delegated to him by the County Executive;

7. 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.

Section 404. Removal of Appointive Officers in Executive Branch.

(a) *County Administrative Officer.* The County Executive may for good cause shown remove the County Administrative Officer during the term for which he shall have been appointed, provided, however, that at least thirty days before such removal becomes effective, the County Executive shall submit in writing to the County Council his reasons for removing the County Administrative Officer, and the County Council, by a majority vote of its members, shall adopt a preliminary resolution stating those reasons which in the judgment of its members justify the proposed action to be taken. The County Administrative Officer may reply in writing and may request a public hearing, which shall be held not earlier than twenty days nor later than thirty days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the County Council by a vote of not less than five of its members may adopt a final resolution authorizing the County Executive to remove the County Administrative Officer from his office. By the preliminary resolution aforesaid, the County Council may authorize the suspension of the County Administrative Officer, but shall in any case cause to be paid to him forthwith any unpaid balance of his salary and his salary for the next three calendar months following the adoption of such preliminary resolution.

(b) *Removal of Other Appointive Officers.* 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 officer or employee in the administrative services of the County.

Section 405. *Change in Compensation of County Executive and County Administrative Officer.* The County Council, by a 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 the County Administrative Officer, 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 current term.

Section 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 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 capacity as Acting County Administrative Officer, the Director of the Budget need not possess, but the successor shall possess, all those qualifications hereinabove in this Article specified for an original appointee.

(b) *Other Officers.* Subject to the approval of the County Executive, the County Administrative Officer may, in the case of a vacancy or temporary absence, designate any person to serve as acting head of any office or department in the administrative services 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 designated as acting head, he

shall possess all the qualifications for the office specified in Article V of this Charter for an original appointee.

(c) *Limitation on Term of Temporary Appointees.* No person shall serve as Acting County Administrative Officer or acting head of any office or department for a period longer than sixty days without the approval of the County Council.

ARTICLE V

THE ADMINISTRATIVE SERVICES

OUTLINE OF ORGANIZATION

Section 501. *General Supervision.* Except as otherwise provided herein or in the public general laws of this State, the administrative services of the County shall be subject to the supervision and control of the County Administrative Officer, who shall be responsible solely to the County Executive for their efficient operation and management.

Section 502. *Composition; Restrictions on Creation of Additional Offices and Departments.* The administrative services shall consist of the offices and departments hereinafter enumerated and described. Except as otherwise herein expressly provided, no additional offices or departments shall be created except by amendment to this Charter. Existing or additional duties and functions may, however, from time to time be assigned to or reassigned among existing offices or departments or newly created bureaus or divisions thereof by directive of the County Administrative Officer or by legislative act of the County Council.

Section 503. *Offices.* There shall be the following offices in the administrative services:

- (1) Office of Law
- (2) Office of Personnel

- (3) Office of Finance
- (4) Office of the Budget
- (5) Office of Central Services
- (6) Office of Planning and Zoning

Section 504. *Departments.* There shall be the following departments in the administrative services:

- (1) Department of Public Works
- (2) Department of Permits and Licenses
- (3) Department of Public Safety
- (4) Department of Recreation
- (5) Department of Education
- (6) Department of Libraries
- (7) Department of Health
- (8) Department of Welfare

Section 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.

Section 506. *Staff and Clerical Personnel.* With the approval of the County Administrative Officer and subject to the merit system provisions of the County Personnel Law and the applicable provisions of public general law, the head of each office and department shall have the power to employ such staff and clerical personnel as may be necessary to carry out the duties and functions of his office or department. No such employment shall be undertaken if the cost thereof exceeds the available appropriation or allotment therefor.

OFFICES OF THE ADMINISTRATIVE SERVICES

A. *The Office of Law.*

Section 507. *The County Solicitor.* The Office of Law shall be administered by the County Solicitor. He shall be a resident of the County and a member in good standing of the Bar of the Court of Appeals of Maryland and of the Circuit Court for Baltimore County. He shall have been actively engaged in the general practice of his profession in this State for at least five years prior to his appointment.

Section 508. *Powers and Duties.* The County Solicitor shall be the legal adviser of the County and of its several offices, departments, boards, commissions and other agencies. No office, department, board, commission or other agency or branch of the County shall have any authority or power to employ or retain any legal counsel other than the County Solicitor. As more particularly provided in Article III of this Charter, the County Solicitor shall also be the legal adviser and legislative draftsman for the County Council; he shall be responsible for the maintenance of the Journal of the County Council. He shall, upon request, give advice and opinions upon any legal questions affecting the interests of the County when the same are submitted to him by resolution of the County Council, the County Executive, the County Administrative Officer, or the head of any office or department in the administrative services, or by any board, commission or other agency connected therewith. 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 Solicitor and shall be approved by him in writing as to their form and legal sufficiency. The County Solicitor shall have such additional duties as may from time to time be provided by law.

Section 509. *Assistants to County Solicitor.* The County Solicitor, with the approval of the County Administrative Officer, may appoint such assistants to serve as members of his legal staff as may be necessary for the proper conduct of the public business of his office, subject, however, to such limitations as to number, term and compensation as may be provided from time to time by this Charter and by law.

Section 510. *Temporary Additional Legal Assistance.* Nothing in this Article contained shall be construed as preventing the County Executive, with the approval of the County Council, from engaging the services for a temporary period of any attorney or attorneys for legal work of an extraordinary nature when the work to be done is of such character or magnitude as to require legal services in addition to those provided by the regular staff of the Office of Law. By resolution which shall not be subject to the executive veto, the County Council may, by vote of not less than five members, from time to time employ attorneys other than the County Solicitor to serve as special legislative draftsmen or codifiers.

Section 511. *Prohibitions.* Neither the County Solicitor nor any assistant in his office may at any time, while holding such office, practice as an attorney before the County Council or any office, department, board, commission or agency of the County in any capacity other than as representing the County's interests.

B. *The Office of Personnel.*

Section 512. *Composition of Office.* The Office of Personnel shall consist of the Director of Personnel, the Personnel and Salary Advisory Board, and their subordinate officers, agents and employees. The Office shall be administered by the Director of Personnel. He shall be respon-

sible directly to the County Administrative Officer and shall possess the qualifications for his office provided in Article VIII of this Charter and such other qualifications as may be provided in the County Personnel Law.

Section 513. *Duties of Director of Personnel.* The Director of Personnel 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.

C. *The Office of Finance.*

Section 514. *The Director of Finance.* The Office of Finance shall be administered by the Director of Finance, who shall be appointed on the basis of his experience in financial administration. He shall be responsible directly to the County Administrative Officer.

Section 515. *General Powers and Duties of the Director of Finance.* Except as otherwise provided in Article XI of this Charter, the Director of Finance shall have and exercise all the powers and all the fiscal duties now or hereafter vested in or imposed upon the County Comptroller and the County Treasurer, and he is hereby designated as the Collector of State taxes in the County. His office shall also be responsible for all functions heretofore discharged by the existing Transfer and Machine Billing Department. He 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 Officer or by legislative act of the County Council not inconsistent herewith.

Section 516. *Specific Powers and Duties.* The Director of 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 once a year to the County Council a complete financial statement showing the assets, liabilities and financial condition of the 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 otherwise by law.

Section 517. *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 or allotment 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.

D. The Office of the Budget.

Section 518. *The 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.

Section 519. *Powers and Duties.* 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.

E. Office of Central Services.

Section 520. *The Director of Central Services.* The Office of Central Services shall be administered by the Director of Central Services. He shall be appointed solely with

regard to his qualifications for the duties of his office and shall be responsible directly to the County Administrative Officer.

Section 521. *Duties and Functions of the Office of Central Services.* 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 as may be assigned thereto from time to time by directive of the County Administrative Officer or by legislative act of the County Council.

F. *Office of Planning and Zoning.*

Section 522. *Organization of Office.* The Office of Planning and Zoning shall be composed of a Director of Planning, a Planning Board, and a Zoning Commissioner. The Director of Planning shall be the head of the Department. Unless and until otherwise provided by legislative act of the County Council in accordance with the provisions hereinafter set forth, the Director of Planning, the Planning Board and the Zoning Commissioner shall be appointed or constituted and shall have and perform such duties as are

provided by law in effect at the time of the adoption of this Charter.

Section 523. *Duties of the Office.* The Office of Planning and Zoning shall be charged with the responsibility and duty of planning for the future development and growth of the County, including the preparation and revision of a Master Plan and the preparation and revision from time to time of rules and regulations governing subdivisions. It shall also be responsible for the preparation and administration of a zoning map and of zoning rules and regulations which shall constitute a zoning code. All plans and maps and all rules and regulations hereafter adopted, amended or repealed by the Office of Planning and Zoning, or any board, commission or officer thereof, shall, prior to taking effect as law, be approved by ordinance of the County Council. All reclassifications and all orders of the Zoning Commissioner may be appealed in the manner provided in Article VI of this Charter and not otherwise.

Section 524. *Reorganization of Office of Planning and Zoning.* To the extent hereafter permitted by law, the County Council shall have the power by legislative act to reorganize the Office of Planning and Zoning, to provide for and define the duties of a Director of Planning and Zoning as head of said office, to provide for his appointment in the same manner as the heads of other offices and departments in the administrative services, to fix and determine the powers, duties and compensation of the Planning Board, to redesignate the Planning Board by some other name so as more clearly to indicate the scope of its duties and functions, to redefine the duties or abolish the office of Deputy Zoning Commissioner, and, in general, to coordinate and centralize the planning and zoning functions of the County in such manner as may be to the best interests of the County and its future development and growth.

DEPARTMENTS IN THE ADMINISTRATIVE SERVICES

A. *Department of Public Works.*

Section 525. *Director of Public Works.* The Department of Public Works shall be administered by the Director of Public Works who shall be a civil engineer registered under the laws of this State, and shall have had at least ten years' experience in the practice of his profession prior to his appointment. He shall have such other qualifications as may be provided by law. He shall be appointed solely with regard to his qualifications for the duties of his office and shall be responsible directly to the County Administrative Officer.

Section 526. *Functions of Department of Public Works.* The Department of Public Works shall have and perform such functions and duties as may be provided from time to time in the public local laws of Baltimore County, with the exception, however, of all functions of the Zoning Commissioner and those relating to building permits and building and zoning laws and regulations. The Department shall have such other functions as may be provided by directive of the County Administrative Officer or by legislative act of the County Council not inconsistent with this Charter or the provisions of applicable law.

Section 527. *The Metropolitan District.* As provided in Article III, Section 307 of this Charter, the Metropolitan District shall continue as heretofore to be administered as a division of the Department of Public Works. Nothing in this Charter contained, however, shall be held or construed as preventing the County Administrative Officer, by directive, or the County Council, by legislative act, from reorganizing the Metropolitan District as a separate department or from transferring its duties and functions, in whole

or in part, to other offices and departments in the administrative services of the County to the extent permitted by law.

B. *Department of Permits and Licenses.*

Section 528. *Director of Permits and Licenses.* The Department of Permits and Licenses shall be administered by a Director of Permits and Licenses who shall be appointed solely with regard to his qualifications for the duties of his office. He shall be responsible directly to the County Administrative Officer.

Section 529. *Functions of the Department.* The Department shall be responsible for the administration and enforcement of all laws relating to weights and measures, electrical installations, building permits, plumbing licenses and inspections, taxicab regulation and licenses, dog license issuance, miscellaneous industrial and commercial regulation, water, sewer and gas permits, and the enforcement of all building regulations. All licenses and permits issued by the Department shall be approved by such other officers or agencies of the County as may from time to time be provided by law. The Department shall do and perform such other related duties and functions as may be assigned thereto by directive of the County Administrative Officer or by legislative act of the County Council.

Section 530. *Effect on Existing Boards.* The functions heretofore discharged by the Electrical Administrative Board, the Plumbing Board, the Bureau of Standards, and all other boards and agencies connected with the functions of the Department of Permits and Licenses shall be administered as units of said Department. Nothing in this Charter contained shall be held or construed as preventing the County Council, by legislative act permitted by general law, from reorganizing, reconstituting or abolishing any of such boards or agencies.

C. *Department of Recreation.*

Section 531. *Director of Recreation.* The Department of Recreation shall be administered by the Director of Recreation. He shall be thoroughly trained and experienced in theory and practice relating to public recreation, and shall possess such other qualifications for the duties of his office as may be provided by law. He shall be responsible directly to the County Administrative Officer.

Section 532. *The Recreation Board.* There shall be a Recreation Board consisting of seven members appointed by the County Executive in the same manner as the members of other boards and commissions, who, prior to the adoption of this Charter, were appointed by the County Commissioners. The qualifications and the term of office of members of the Board shall be as provided from time to time by law, and the County Executive shall serve thereon as an *ex officio* member.

Section 533. *Duties and Functions of Department of Recreation.* The Department of Recreation, acting through the Director of Recreation with the advice of the Recreation Board, shall have and perform such duties and functions as prior to the adoption of this Charter were vested in the Board of Recreation and the Director of Recreation, or such other duties and functions as may from time to time be provided by legislative act of the County Council, subject, however, to all provisions of this Charter dealing with the employment, suspension and discharge of personnel, the expenditure of County funds, the making of purchases and the award of contracts.

D. *Department of Public Safety.*

Section 534. *Director of Public Safety.* The Department of Public Safety shall be administered by a Director of Public Safety, who shall be appointed solely on the basis

of his qualifications for the duties of his office. He shall be responsible directly to the County Administrative Officer.

Section 535. *Functions and Duties of the Department of Public Safety.* The Department of Public Safety shall be responsible for the administration of the affairs of the Police Department, the Fire Department, the County Jail, and the Civil Defense Agency, which shall hereafter be designated and known as the Police Bureau, the Fire Bureau, the Jail Bureau, and the Bureau of Disaster Services, respectively. The Department of Public Safety shall be responsible for traffic safety and engineering, the control of air pollution, 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. Matters relating to the chain of command and discipline of personnel of the various bureaus in the Department of Public Safety shall not be affected by their organization under one department pursuant to this Article.

Section 536. *Duties of the Bureau of Disaster Services.* The Bureau of Disaster Services 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.

E. Department of Education.

Section 537. *Composition; Administration under State Law.* The Department of Education shall consist of the County Board of Education, the Superintendent of Schools, and all other officers, agents and employees in the County

public school system. The Board of Education shall be constituted and shall do and perform such duties and functions as may from time to time be provided by State law. All references in this Charter to the head of an office or department shall be construed as including the Superintendent of Schools as head of the Department of Education, but nothing in this Charter contained shall be held or construed as affecting or in anywise changing the organization, operation and administration of the County school system by the Board of Education as provided in State law.

F. Department of Libraries.

Section 538. *Composition; Administration under State Law.* The Department of Libraries shall consist of the County Board of Library Trustees, the County Librarian and all other officers, agents and employees in the public library system of the County. The Board of Library Trustees shall be constituted and shall do and perform such duties and functions as may from time to time be provided by State law. All references in this Charter to the head of an office or department shall be construed as including the County Librarian as head of the Department of Libraries, but nothing in this Charter contained shall be held or construed as affecting or in anywise changing the organization, operation and administration of the County library system by the Board of Library Trustees as provided by State law.

G. Department of Health.

Section 539. *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 authority and supervision or under the authority and supervision of the County Board of Health. Upon the adoption of this Charter, the County Council shall constitute the County Board of Health in lieu

of the County Commissioners as heretofore. With the advice and consent of the State Board of Health, the County Executive shall submit to the County Council his 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 program in accordance with the requirements of State law.

H. *Department of Welfare.*

Section 540. *Composition; Functions; Administration under State and County Law.* The Department of Welfare shall consist of the Board of Welfare, the Director of Welfare and all officers, agents and employees under their authority and supervision. The members of the County Board of Welfare 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 Welfare Board, it shall be responsible for the operation and development of the County Home and such other related welfare 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 Welfare as head of the Department of Welfare, but nothing in this Charter contained shall be held or construed as

affecting or in anywise changing the administration of the County welfare program in accordance with the requirements of State law.

REORGANIZATION OF DEPARTMENTS UNDER STATE LAW

Section 541. *Furthering Legislation.* If the General Assembly shall at any time transfer to the voters of the County or to the County Council jurisdiction or control over the affairs of any of the departments of the County government in excess of the jurisdiction or control vested in the County government by law or by this Charter, then to the extent of such transfer, the County Council may by legislative act provide for the reorganization of such departments and the administration of their affairs under County law.

ARTICLE VI

COUNTY BOARD OF APPEALS AND APPEAL TAX COURT

Section 601. *County Board of Appeals; Appointment; Term; Compensation.* There is hereby created and established a County Board of Appeals consisting of three members who shall be appointed by the County Council for three year terms, provided, however, that the first County Board of Appeals appointed pursuant hereto shall consist of one member appointed for a term of one year, one for a term of two years, and the third for a term of three years. Thereafter, all appointments or reappointments shall be for three year terms, except that an appointment to fill a vacancy occurring before the expiration of a term shall be for the remainder of the unexpired term. All members of the Board shall be residents of Baltimore County, and appointments shall be made so that not more than two members of the Board shall be members of the same politi-

cal party. As compensation, each member of the Board shall be paid at the rate of Thirty-six Hundred Dollars (\$3600.00) per year, unless such compensation be changed as provided in Section 606 of this Article.

Section 602. *Powers and Functions of County Board of Appeals.* The County Board of Appeals shall have and may exercise the following functions and powers, which are hereby severally transferred from the Board of Zoning Appeals, the Board of License Appeals and the County Commissioners;

(a) *Functions of the Board of Zoning Appeals.* The County Board of Appeals shall have and exercise all the functions and powers of the Board of Zoning Appeals of Baltimore County as such functions and powers are prescribed by law. All references in law to the Board of Zoning Appeals shall be construed to refer to the County Board of Appeals created by this Article. As soon as the County Board of Appeals has been duly constituted by the appointment and qualification of its members as herein provided, the Board of Zoning Appeals of Baltimore County shall cease to exist. All cases pending before the Board of Zoning Appeals at such time and all cases subsequently arising which otherwise would have been subject to its jurisdiction shall be heard by the County Board of Appeals. In all cases, the order of the County Board of Appeals shall be final unless an appeal be taken therefrom in the manner provided in Section 604 of this Article, and no legislative act of the County Council shall be required with regard thereto.

(b) *Functions of Board of License Appeals.* The County Board of Appeals shall have and exercise all the functions and powers of the Board of License Appeals as such functions and powers are prescribed in the public local laws of the County in effect at the time of the adoption of this

Charter. All references in said laws to the Board of License Appeals shall be construed to refer to the County Board of Appeals created by this Article. As soon as the County Board of Appeals has been duly constituted by the appointment and qualification of its members as herein provided, the Board of License Appeals shall cease to exist.

(c) *Appeals from Orders of Building Engineer.* The County Board of Appeals shall, in lieu of the County Commissioners as heretofore, hear and decide all appeals from orders of the Building Engineer.

(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 Article 25A of the Annotated Code of Maryland (1951 Edition), as amended, or by legislative act of the County Council not inconsistent therewith.

Section 603. *Rules of Practice and Procedure.* Subject to the approval of the County Council, the County Board of Appeals shall have authority to adopt and amend from time to time rules of practice and procedure to cover the conduct of its proceedings. Such rules may include matters relating to filing fees, meetings and hearings conducted by the Board, the manner in which the Chairman of the Board shall be selected and the term for which he shall serve as Chairman, and all other matters deemed appropriate or necessary for the Board to conduct its proceedings. Said rules and regulations when approved by the County Council shall have the force and effect of law. All decisions by the County Board of Appeals shall be made after notice and opportunity for 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.

Section 604. *Appeals from Decisions of the Board.* Within thirty days after any decision by the County Board of Appeals is rendered, any party to the proceeding who is aggrieved thereby may appeal such decision to the Circuit Court for Baltimore County, which shall have power to affirm the decision of the Board, or, if such decision is not in accordance with law, to modify or reverse such decision, with or without remanding the case for rehearing, as justice may require. Whenever such appeal is taken, a copy of the notice of appeal shall be served on the Board by the Clerk of said Court, and the Board shall promptly give notice of the appeal to all parties to the proceeding before it. The Board shall, within fifteen days after the filing of the appeal, file with the Court the originals or certified copies of all papers and evidence presented to the Board in the proceeding before it, together with a copy of its opinion which shall include a statement of the facts found and the grounds for its decision. Within thirty days after the decision of the Circuit Court is rendered, any party to the proceeding who is aggrieved thereby may appeal such decision to the Court of Appeals of this State. The review proceedings provided by this section shall be exclusive.

Section 605. *Employees of the Board.* The Board may appoint such employees, and the County Executive shall make available to the Board such services and facilities of the County as are necessary or appropriate for the proper performance of its duties. The County Solicitor or some member of his legal staff designated by him shall serve as counsel to the Board.

Section 606. *Furthering Legislation.* The County Council shall have the power to enact furthering legislation not inconsistent with the provisions of this Article to imple-

ment and define the powers and functions of the County Board of Appeals as herein specified. The County Council may by legislative act 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 current term, and in no event shall the Council have the power to decrease the compensation of members of the Board below the figure provided in this Charter. To the extent permitted by public general laws of this State, the County Council shall also have the power, by legislative act, to prescribe other appeals to be heard by the County Board of Appeals in addition to those specified in this Article.

Section 607. *Composition and Functions of Appeal Tax Court.* The County Executive shall appoint the members of the Appeal Tax Court. The members shall serve such terms and shall have and perform such duties and functions as may from time to time be provided in Article 81 of the Annotated Code of Maryland (1951 Edition), title: "Revenue and Taxes", subtitle: "Appeal Tax Courts". The Appeal Tax Court shall operate as heretofore as a separate agency of the County government; provided, however, that if and when the General Assembly shall authorize the transfer of the duties and functions of the Appeal Tax Court to the County Board of Appeals, then, and to the extent of such authority, the County Council shall so provide by legislative act.

ARTICLE VII

BUDGETARY AND FISCAL PROCEDURES

Section 701. *Fiscal Year.* Unless and until changed in accordance with the provisions of State law, the fiscal year of the County shall be the calendar year. Its budget year shall correspond with the fiscal year.

Section 702. *Definition of Terms Used in This Article.*

(a) The term "*County government*" shall include all offices, departments, institutions, boards, commissions, agencies and their officers, agents and employees who receive or disburse County funds.

(b) The term "*capital project*" shall mean any physical public betterment or improvement and the acquisition of property of a permanent nature for public use.

(c) The term "*capital budget*" shall mean the plan of the County to receive and expend funds for capital projects during the first fiscal year included in the capital program.

(d) The term "*capital program*" shall mean the plan of the County to receive and expend funds for capital projects during the fiscal year covered by the capital budget and the next succeeding five fiscal years thereafter.

Section 703. *Comprehensive Scope of Budget.* The County Budget shall consist of the current expense budget, the capital budget and capital program and the budget message, which shall be combined as one document. It shall represent a complete financial plan for the County reflecting all receipts and disbursements from all sources, including all revenues, all expenditures, and the surplus or deficit in all general and all special funds of the County government.

Section 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 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 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 approval.

Section 705. *Formulation of Capital Budget and Capital Program.*

(a) *Submission of Data for Referendum.* In each year of a general election in the County for State or Federal offices, the County Executive shall cause to be placed on the ballot for referendum all questions relating to the issuance of bonds or other 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 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 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.

(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 for transmission to the Office of Planning and Zoning an itemized list of the capital projects which it 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 shall transmit to the Director of the Budget the list of projects recommended by said Board to be undertaken in the periods aforesaid and its plan for financing the same. The County Administrative Officer, with the assistance of the Director of the Budget, shall integrate 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 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.

Section 706. *Submission and Contents of the County Budget.* Not later than sixty days prior to the end of the fiscal year the County Executive shall submit to the County Council the proposed County Budget for the ensuing fiscal year.

(a) *Contents of the Current Expense Budget.* The proposed current expense budget shall contain not less than the following information: (1) a statement of all revenue estimated to be received by the County during the ensuing fiscal year, classified so as to show the receipts by funds and sources of income; (2) a statement of debt service requirements for the ensuing fiscal year; (3) a statement of the cash surplus, if any, available for expenditure during the ensuing fiscal year, and any estimated deficit in any fund required to be made up in the ensuing fiscal year; (4) an estimate of the several amounts which the County Executive deems necessary for conducting the business of the County to be financed from and not to exceed estimated revenues for the ensuing fiscal year; (5) a statement of the bonded and other indebtedness of the County government and its agencies, including The Metropolitan District; (6) a statement of the proposed contingency reserves which shall not exceed three per centum of the general fund and of any other fund; (7) a comparative statement of the receipts and expenditures for the last completed fiscal year, the estimated receipts and expenditures of the

currently ending fiscal year, and the expenditures recommended by the County Executive for the ensuing fiscal year for each program or project which shall be classified by agency, character and object; and (8) any other material which the County Executive may deem advisable or the County Council may require.

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

(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 of Planning and Zoning. The message shall also include such other material as the County Executive may deem desirable.

Section 707. *Filing of Proposed Budget; Copies.* The proposed County Budget shall be filed with the Secretary of the County Council and a copy shall be delivered to each

member of the Council. At least three complete copies shall be open to inspection by the public and the press during regular business hours and under such conditions as may be prescribed by the County Council. The budget message and supporting summary tables shall be reproduced in multiple copies, and a copy shall be made available to any interested person on request.

Section 708. *Public Hearing.* Upon receipt of the proposed County Budget, the Secretary of the County Council shall cause to be published in at least two newspapers published in the County a notice of the place and time of a public hearing on the budget by the County Council. Such hearing shall be held not less than fifteen nor more than twenty days after the date of the filing of the proposed budget by the County Executive.

Section 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. The adoption of the budget shall be by a majority vote of the members of the County Council on an ordinance to be known as "The Annual Budget and Appropriation Ordinance of Baltimore County". At the same time the County Council may adopt a "Bond Issue Authorization Ordinance" providing the means of financing such capital projects as are to be financed from borrowing in the ensuing fiscal year. Both 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 first 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.

Section 710. *Reproduction of Budget; Effective Date; Tax Levy; Appropriations.*

(a) *Reproduction of Budget.* The budget as adopted shall be reproduced in sufficient copies for distribution, free of charge, to the press and the head of each office, department or agency of the County government. Copies of the budget shall likewise be given to any interested person on request, provided, however, that in order to discourage waste the County Council may prescribe a charge for each copy of the adopted budget not to exceed the actual cost of its reproduction.

(b) *Effective Date.* The adopted budget shall take effect on the first day of the fiscal year to which it applies.

(c) *Tax Levy.* When the County Budget shall have been finally adopted in the Annual Budget and Appropriation Ordinance, the County Council shall thereupon levy and cause to be raised the amount of taxes required by the Budget in the manner provided by law.

Section 711. *Transfer of Appropriations.* Transfers of appropriations between general classifications of expenditures within the same office or department may be authorized by the County Administrative Officer. Transfers between offices, departments, institutions, boards, commis-

sions or other agencies of the County government may be made during the last quarter of the fiscal year and then only on the recommendation of the County Executive and with the approval of the County Council.

Section 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 any fund, provided that the Director of Finance shall first certify in writing that there are available for such appropriation unexpended or unappropriated surpluses set aside for contingencies in the County Budget. No supplemental appropriation shall exceed the amount of the funds so certified.

(b) *Emergency.* To meet a public emergency affecting life, health or property, the County Council may, by ordinance, make emergency appropriations from contingent funds, from revenues received from anticipated sources but in excess of the budget estimates therefor, or from revenues received from sources not anticipated in the Budget for the current fiscal year. To the extent that there may be no available unappropriated revenues to meet such emergency appropriations, the County Council may, by ordinance, authorize the issuance of emergency notes which may be renewed from time to time, provided, however, that such notes and renewals shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made. The total of emergency appropriations in any fiscal year shall not exceed five per centum of all appropriations (including those for debt service) made in the Budget for such year.

Section 713. *Lapsed Appropriations.* Unless otherwise provided by public general laws, all unexpended and unencumbered appropriations in the current expense budget remaining at the end of the fiscal year shall lapse into the County treasury. No appropriation for a capital project in the capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; provided, however, that any capital project shall stand abandoned if three fiscal years elapse without any expenditure from or encumbrance of the appropriation therefor.

Section 714. *Work Programs and Allotments.* Before the beginning of each fiscal year the head of each office, department, institution, board, commission or other agency of the County government shall submit to the County Administrative Officer, when required by him, a work program for such year. Such program shall include all appropriations for the operation and maintenance and purchasing of equipment and shall show the requested allotments of appropriations for such office, department, institution, board, commission or agency by fiscal periods within the fiscal year. The County Administrative Officer shall review the requested allotments in the light of the work program of the office or agency concerned, and may, with the approval of the County Executive, revise, alter or change such allotments before approving the same. The aggregate of such allotments shall not exceed the total appropriation available to such office or agency for the fiscal year. A copy of the allotment as finally adopted by the County Administrative Officer shall be filed with the Director of Finance, who shall approve all expenditures for the various offices, departments, institutions, boards, commissions and other agencies of the County to be made from the appropriations on the basis of the allotments and not otherwise. The allotments may be revised during the fiscal year in the same

manner as the original allotment was made. If at any time during the fiscal year the County Administrative Officer shall ascertain that the available income, plus unexpended balances, for the year may be less than the total appropriations, he shall reconsider the work programs and allotments of the several offices and agencies as aforesaid, and shall recommend a revision thereof to the County Executive so as to forestall the making of expenditures in excess of the income and fund balances.

Section 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; and no such payment shall be made nor any obligation or liability incurred, except for small purchases in an amount less than Fifty Dollars, unless the Director of Finance shall first certify that the funds for the designated purpose are available. Any contract, verbal or written, made in violation of this section shall be null and void, and if any officer, agent or employee of the County shall knowingly or wilfully violate this provision, such action shall be cause for his removal from office by majority vote of the County Council. Nothing in this section or elsewhere in this Charter contained shall prevent the making of contracts of lease or for services providing for the payment of funds at a time beyond the fiscal year in which such contracts are made, provided the nature of such transactions reasonably requires the making of such contracts.

Section 716. *Restrictions on Capital Projects; Amendment to Capital Budget After Adoption of Budget.* No obligations of the County shall be authorized in any fiscal year for or on account of any capital project not included in the County Budget as finally adopted for such year; provided, however, that upon receipt of a recommendation in writing from the County Executive and the Planning Board, the County Council may, by the affirmative vote of five members, amend the County Budget in accordance with such recommendation.

Section 717. *Borrowing Limitations.* Unless and until otherwise provided by legislative act of the County Council within the limitations provided by public general law, the aggregate amount of bonds and other evidences of indebtedness outstanding at any one time shall not exceed eight per centum upon the assessable basis of the County; provided, however, that (a) tax anticipation notes or other evidences of indebtedness having a maturity not in excess of twelve months, (b) bonds or other evidences of indebtedness issued or guaranteed by the County payable primarily or exclusively from taxes levied in or on, or other revenues of, special taxing areas or districts heretofore or hereafter established by law, and (c) bonds or other evidences of indebtedness issued for self-liquidating and other projects payable primarily or exclusively from the proceeds of assessments or charges for special benefits or services, shall not be subject to, or be included as bonds or evidences of indebtedness in computing or applying the per centum limitation above provided. All bonds or other evidences of indebtedness issued under the authority of The Metropolitan District Act (The Acts of the General Assembly of Maryland of 1924, Chapter 539, as amended) shall be construed as exempt, under clauses (b) and (c) above, from the per centum limitation in this section provided, but shall continue as heretofore to be subject to the

per centum limitation as from time to time provided in said Act.

Section 718. *Referendum on Borrowing.* Before any bond or other evidence of indebtedness of the County shall be issued, except (a) emergency or tax anticipation notes or other evidences of indebtedness having a maturity not in excess of twelve months, and (b) self-liquidating obligations including all bonds or other obligations issued under the authority of The Metropolitan District Act, as amended, the full amount of any such borrowing shall be submitted to a referendum of the registered voters of the County for their approval or rejection. The determination of questions so to be submitted for referendum shall be made in the manner provided in Section 705(a) of this Article. No bonds or other evidences of indebtedness, with the exceptions above provided, shall be issued unless a majority of the voters voting at such election shall indicate their approval thereof.

Section 719. *Form and Term of Bonds.* All bonds shall be in serial form and payable, as consecutively numbered, in annual installments, the first of which shall be payable not more than one year from the date of issue. Bonds shall be authenticated by the manual signature of the Director of Finance or his authorized Deputy, and shall bear the facsimile signature of the County Executive and a facsimile of the seal of the County attested by the facsimile signature of the Secretary to the County Executive. Bonds may be registerable or non-registerable as to principal or interest. If the bonds are to be non-registerable as to interest, then all interest coupons transferable by delivery shall be attached to the bonds and shall be authenticated by the facsimile signatures of the County Executive and Director of Finance. All bonds shall be made payable within the probable useful life of the improvement or undertaking

with respect to which they are to be issued, or, if the bonds are to be issued for several improvements or undertakings, then within the average probable life of all such improvements or undertakings. In the case of a bond issue for several improvements or undertakings having different probable lives, the County Council shall determine the average of said lives, taking into consideration the amount of bonds to be issued on account of each such improvement or undertaking, and the period so determined shall be the average period of useful life. The determination of the County Council as to the probable life of any such improvement or undertaking shall be conclusive. No bonds shall be payable more than forty years after their date of issuance except bonds issued under the authority of The Metropolitan District Act, as amended.

Section 720. *Contents of Bond Issue Authorization Ordinance.* The Bond Issue Authorization Ordinance referred to in Section 709 of this Article shall include a statement of the purpose or purposes of the issue, and if the purpose is to finance one or more capital projects, it shall describe each of them sufficiently for purposes of identification. The Ordinance shall estimate the cost of the project or projects and the portion thereof to be defrayed from sources, specifically named, other than the proposed bond issue. The Ordinance shall also include the amount of the proposed issue, a statement showing that the proposed issue is within the legal limitation on the indebtedness of the County or the Metropolitan District, as the case may be, the probable life of the project or average probable life of the projects to be financed, the date of the issue, the dates of the first and last serial maturities, the dates on which the interest shall be paid, a declaration that the principal of and the interest on the proposed issue are to be paid by *ad valorem* taxes on real estate and tangible personal property (except for self-liquidating bonds, including those issued under the

authority of The Metropolitan District Act), and that the full faith and credit of the County are pledged to such payments. The Ordinance shall also recite the procedure for the public sale of the proposed issue and shall contain such other matters relating to the authorization, issuance or sale of the issue as the County Council shall deem desirable.

Section 721. *Supplemental Legislation by County Council.* The County Council may adopt budget and fiscal laws not inconsistent herewith or with the applicable provisions of the Constitution and public general laws of this State to implement the objects and purposes of this Article. Any such laws may include, but shall not be limited to, the definition of the various funds included in the County Budget, their reorganization and consolidation to the extent permitted by law, a requirement of down payments on capital projects from current funds, the establishment of a reserve for permanent public improvements, the procedure for the sale of bonds, notes and other evidences of indebtedness of the County, and all such other matters as may in the judgment of the County Council promote the orderly administration of the fiscal affairs of the County and protect its credit.

ARTICLE VIII

MERIT SYSTEM

Section 801. *County Council to Establish and Maintain Merit System.* 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 heads of all offices and departments, (3) all employees of the Department of Education and all employees covered by the State merit system, (4) the members of all boards and commissions (except otherwise classified employees serving thereon *ex officio*), (5) all professional consultants and counsel performing temporary or part time services, (6) not more than one confidential clerk or private secretary for the County Executive, nor more than one for the County Administrative Officer, (7) the County Auditor, and (8) such seasonal or occasional employees and such non-supervisory 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 adopted pursuant thereto. If a merit system shall have been established in the County by or pursuant to public local law enacted prior to the adoption of this Charter, then the County Council shall not be required to adopt an entirely new system, but shall only be required to make such amendments thereto as will bring the same into conformity with the provisions of this Article.

Section 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 Per-

sonnel" by a Director of Personnel 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 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 to approve and certify all payrolls of employees in the classified service.

(d) Authority in the Personnel and Salary Advisory Board to set up and revise a job classification plan, a compensation plan, and to establish rules and regulations for examinations, certifications and other necessary details of personnel administration.

(e) A provision that, upon the adoption of such plans, rules and regulations, the Director of Personnel 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 the County Council in the manner provided in Article III of this Charter.

(f) The disciplining of employees, including dismissal for cause by appointing officers.

(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 in cases involving examinations and examination ratings; provided, however, that if the Director of Personnel shall be a member *ex officio* of the Personnel and Salary Advisory Board, he shall be disqualified from participating in any appeals from his own decisions.

(h) The conditions under which employees at the time of the adoption of the County Personnel Law may acquire merit system status.

(i) Prohibition against any kind of assessment for political purposes upon employees in the classified service, and against their participation in any political activities or electioneering on County property during business hours.

(j) Prohibition against any kind of discrimination in the employment, suspension or dismissal of County employees on account of race, color, creed or sex.

(k) Penalties for the violation of this Article and the laws, plans, rules and regulations adopted pursuant thereto.

(l) Special rules and regulations, to be approved by the Director of Public Safety, and relating to the employment, promotion, suspension and dismissal of employees of the Fire Bureau and the Police Bureau.

(m) Such other matters as may be necessary to fulfill the purpose of the merit system as hereby established, including adequate staffing and financial support for the needs of the Office of Personnel.

Section 803. *Appeals to the Personnel and Salary Advisory Board to be Exclusive.* In case of any appeal to the Personnel and Salary Advisory Board, its decision shall be final on all parties concerned, and there shall be no further appeal therefrom to the County Board of Appeals or to any Court. Any question involving the jurisdiction of the Personnel and Salary Advisory Board may, nevertheless, be heard by the Circuit Court for Baltimore County or any other Court with jurisdiction over the parties and the subject matter.

Section 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 and the Personnel and Salary Advisory Board as may be provided in the County Personnel Law.

ARTICLE IX

CENTRALIZED PURCHASING

Section 901. *Responsibility for Purchasing.* The Director of Central Services shall be responsible to the County Administrative Officer for the enforcement of the County purchasing policies established in this Article.

Section 902. *County Purchasing Policies and Practices.* The Director of Central Services shall be the County Purchasing Agent and shall have the following purchasing functions which he may delegate to a Deputy Purchasing Agent in his office and under his supervision:

(a) The making of all purchases and contracting for all public works and for all supplies, material and equipment for all offices, departments, institutions, boards, commissions and other agencies of the County government for which payment is to be made out of County funds.

(b) If recommended by the County Administrative Officer and approved by legislative act of the County Council, the establishment and operation of a County warehouse for County supplies, material and equipment and the maintenance of a sufficient stock of stable commodities to meet the requirements of the County government.

(c) The development and operation of a uniform and modern system of property accounting and stores control based upon perpetual inventory.

(d) The establishment, after consultation with the appropriate County officials, of suitable specifications and standards for all supplies, materials and equipment to be purchased, and the inspection of all deliveries to determine compliance with such specifications and standards.

(e) The establishment and maintenance of a system of requisitions and receipts covering the furnishing of supplies, materials and equipment to the various offices, departments, institutions, boards, commissions and other agencies of the County.

(f) The establishment, with the approval of the County Administrative Officer and by legislative act of the County Council, of reasonable rules and regulations governing emergency purchases and contracts and those involving material and equipment of an unusual or non-competitive nature which shall not be subject to competitive bidding.

(g) The sale of surplus, old and waste supplies, materials and equipment of the County, or the transfer of the same between offices, departments or other agencies of the County government.

Section 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 shall always be available to such departments and agencies, and their use shall be encouraged.

Section 904. *Competitive Bidding.* Any single purchase or contract under the jurisdiction of the County Purchasing Agent and involving an expenditure of more than One Thousand Dollars (\$1,000.00), except only emergency purchases and those involving material and equipment of a non-competitive nature as may be defined and governed by the regulations mentioned in Section 902(f) hereof, shall

be made from or let by sealed bids or proposals publicly opened after public notice for such period and in such manner as the Purchasing Agent or his authorized deputy shall determine. Such 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 contract as determined by the Purchasing Agent or his deputy; provided, however, that no such purchase or contract shall be made or awarded within a period of one week from the date of the public opening of bids. In all cases, the County shall reserve the right to reject any and all bids. All construction, maintenance and repair work shall be subject to the requirements of competitive bidding provided in this section, unless such work is to be done directly by the County through the use of its own laboring force. All materials and supplies used by the County laboring force shall be purchased in accordance with the provisions of this Article.

Section 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 Fifty Dollars (\$50.00), no payment shall be made out of County funds for the purchase of supplies, materials or equipment, unless the Director of Finance shall first certify that the funds for the designated purpose are available.

Section 906. *Furthering Legislation.* At its first annual legislative session, the County Council shall enact furthering legislation, not inconsistent with the provisions of this Charter or with the public general laws of this State, to implement the purchasing policies herein established. Such legislation may regulate the practices of the County Pur-

chasing Agent and other officers, agents and employees of the County in regard to the issuance of inquiries, the receipt of bids, the placement of orders and other matters relating to the making of purchases and the award of contracts. Such legislation may prescribe special procedures governing the letting of bids and the award of contracts for the construction of roads, bridges, streets, buildings and those relating to water, sewer and storm water facilities, and may increase the minimum dollar requirement for competitive bidding with respect to such contracts from One Thousand Dollars (\$1,000.00) as provided in Section 904 hereof to a figure not greater than Three Thousand Dollars (\$3,000.00). All such legislation shall be subject to amendment from time to time by the County Council.

Section 907. *Effective Date of this Article.* Inasmuch as the provisions of this Article may be more restrictive and the duties of the Purchasing Agent more inclusive than those in effect at the time of the adoption of this Charter, and in order to provide for the orderly administration of the County's affairs in the transition period following the adoption of this Charter, the provisions of this Article shall take effect coincident with the effective date of the furthering legislation by the first County Council referred to in Section 906 hereof. In any event this Article shall be operative not later than forty-five days following the close of the first annual legislative session of the first County Council.

ARTICLE X

MISCELLANEOUS

Section 1001. *Personal Interest of County Officers and Employees in County Business.*

(a) *Prohibitions.* No officer or employee of the County, whether elected or appointed, shall in any manner whatsoever be interested in or receive any benefit from the profits or emoluments of any contract, job, work or service for the County. No such officer or employee shall accept any service or thing of value, directly or indirectly, from any person, firm or corporation having dealings with the County, upon more favorable terms than those granted to the public generally; nor shall he receive, directly or indirectly, any part of any fee, commission or other compensation paid or payable by the County, or by any person in connection with any dealings with the County, or by any person in connection with any dealings with or proceedings before any branch, office, department, board, commission or other agency of the County.

(b) *Rules of Construction; Exceptions by Resolution of County Council.* The provisions of this section shall be broadly construed and strictly enforced for the purpose of preventing those persons in public service from securing any pecuniary advantages, however indirect, from their public associations, other than their compensation provided by law. In order, however, to guard against injustice, the County Council may, by resolution, specifically authorize any County officer or employee to own stock in any corporation or to maintain a business connection with any person, firm or corporation dealing with the County if, on full public disclosure of all pertinent facts to the County Council by such officer or employee, the Council shall determine

that such stock ownership or connection does not violate the public interest.

(c) *Penalties.* Any officer or employee of the County who violates any of the provisions of this section shall forfeit his office. If any person shall offer, pay, refund or rebate any part of any fee, commission or other form of compensation to any officer or employee of the County in connection with any County business or proceeding, he shall, on conviction, be punishable by imprisonment for not less than one nor more than six months. Any contract made in violation of this section may be declared void by the County Executive or by resolution of the County Council. The penalties in this section shall be in addition to all other penalties provided by law.

Section 1002. *Additional Compensation Prohibited.* No County officer or employee who is compensated for his services by salary shall receive any additional remuneration for serving as an *ex officio* member of a County board, commission or agency.

Section 1003. *Copies of Books and Papers on Demand.* The County Executive shall, with reasonable promptness, furnish to any resident of the County, on demand, a certified copy of any book, account or paper kept by any office or department of the County government, or such part thereof as may be demanded, except police books and papers, and individual personnel records, upon payment in advance by the person demanding the same of a reasonable fee to be prescribed by the County Council. This section shall not apply to any papers prepared by or for use of counsel in any action or proceeding to which the County is a party or for use in any investigation authorized by or under this Charter.

Section 1004. *Inspection of Books, Accounts and Papers.* All books, accounts and papers of any office or department, except police books and papers, and individual personnel records, shall at all times be open to the inspection of any resident of the County or representative of the press, subject to such reasonable rules and regulations in regard to the time and manner of such inspection as the County Executive, with the approval of the County Council, may make. Public inspection of police records may be permitted to the extent authorized by the County Council or otherwise in accordance with law. This section shall not apply to any papers prepared by or for use of counsel in actions or proceedings to which the County is a party or for use in any investigation authorized by or under this Charter.

Section 1005. *Compilation of Laws.*

(a) *Code of Laws.* At its first annual legislative session and at intervals not greater than every ten years thereafter, the County Council shall provide for a compilation and codification of all public local laws of the County, all rules, regulations, resolutions and ordinances having the force and effect of law theretofore issued or approved by the County Commissioners and all rules, regulations and ordinances of the County Council in effect at such times. Each such codification shall be submitted to the County Council, and, if legalized by law, shall be known as "The Baltimore County Code". It shall be published in book form, together with this Charter, Article 25A of the Annotated Code of Maryland (1951 Edition) as amended, an index, such appropriate notes, citations, annotations and appendices as may be determined by the County Council. The first such codification shall be completed in time for submission to the second annual legislative session of the first County Council for legalization.

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

Section 1006. *Bonding of Officers.* The Director of 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.

Section 1007. *County Seal.* In accordance with the powers granted to chartered counties of this State by public general law, the County Council shall, by ordinance enacted at its first legislative session, adopt a County Seal, and thereafter it may use and alter the same at pleasure. The Seal shall contain the corporate name of the County and such other information or insignia as the County Council may determine. The County Executive, the Secretary to the County Executive, the Secretary of the County Council and such other officers as may be specified by ordinance of the County Council shall have power to attest to the County seal.

Section 1008. *Subpoena Power.* The County Council, the County Executive, the County Administrative Officer, the Personnel and Salary Advisory Board, the County Board of Appeals, the County Auditor and such other officers or agencies of the County as may be so empowered by legislative act of the County Council or otherwise by law shall have the power to administer oaths, to compel the attendance of witnesses and to require the production of records and other materials in connection with any investigation, inquiry or hearing authorized by this Charter or by law.

Section 1009. *Definitions and Rules of Construction.*

As used in this Charter:

(a) The word “*bill*” shall mean any measure introduced in the County Council for legislative action.

(b) The words “*act*”, “*ordinance*”, “*public local law*” and “*legislative act*”, when used in connection with any action by the County Council, shall be synonymous, and shall mean any bill enacted in the manner and form provided in this Charter.

(c) The word “*resolution*” shall mean a measure adopted by the County Council having the force and effect of law but of a temporary or administrative character.

(d) The word “*law*” shall be construed as including all acts, ordinances, public local laws, resolutions and other legislative acts of the County Council, all ordinances and resolutions of the County Commissioners not hereby or hereafter amended or repealed, and all public general laws and public local laws of the General Assembly in effect from time to time after the adoption of this Charter, whenever such construction would be reasonable.

(e) The words “*passage*” and “*adoption*”, when used in connection with the legislative acts of the County Council, shall mean the action by the Council in approving any item of legislative business prior to its submission to the County Executive for his approval or veto.

(f) The word “*enactment*” shall mean the action or means whereby any bill after its passage attains the status of law.

(g) The word “*shall*” shall be construed as mandatory and the word “*may*” shall be construed as permissive.

(h) Whenever in this Charter the masculine gender is used, such words shall be construed to include the feminine

gender, except where such construction would be absurd or unreasonable.

(i) The word “*person*” shall include the words “*corporation*”, “*partnership*” and “*association*”, unless such a construction would be unreasonable.

(j) The word “*officer*” shall include the word “*councilman*”.

(k) The words “*hereafter*” and “*heretofore*” shall refer to the effective date of this Charter, unless such a construction would be unreasonable.

(l) The word “*State*” shall mean the State of Maryland.

Section 1010. *Separability*. If any Article, section or provision of this Charter shall be held unconstitutional, invalid or inapplicable to any person or circumstance, then it is intended and declared by the people of the County that all other Articles, sections or provisions of this Charter and their application to all other persons and circumstances shall be separable and shall not be affected by any such decision.

Section 1011. *Citation*. This Charter shall be known and may be cited as “The Baltimore County Charter”.

ARTICLE XI

TRANSITORY PROVISIONS

Section 1101. *Nature of this Article.* The provisions of this Article relate to the transition from the existing Commissioner form of government to the form of government provided in this Charter. Where inconsistent with the foregoing Articles of this Charter, the provisions of this Article shall constitute exceptions thereto.

Section 1102. *Effective Date of this Charter.* As provided in Article XIA of the Constitution of this State, this Charter shall take effect on the thirtieth day following its adoption.

Section 1103. *Special Election for First County Council.* In order that this Charter may become operative promptly after it becomes law, a special election for members of the first County Council shall be held on the forty-sixth day after the effective date of this Charter. The councilmen so to be elected shall be subject to the residence requirement provided in Article II, Section 201(a), of this Charter. Petitions for the nomination of candidates for the office of members of the first County Council to be filled at such election shall be filed with the Board of Election Supervisors not later than the tenth day after the effective date of this Charter. Such petitions shall certify the councilmanic district in which the candidate shall have resided for the past year, and shall otherwise conform with the requirements for petitions provided in Article 33, Section 44 of the Annotated Code of Maryland (1951 Edition).

Section 1104. *Terms of Office of Members of First County Council.* In order to place the election of the members of the County Council on the quadrennial basis provided in Article XVII of the Constitution of this State, the terms of the members of the first County Council shall commence on the Monday following their election and shall expire

at such time as their successors, elected at the next quadrennial election, shall qualify for office.

Section 1105. *The Method of Selection of First County Executive.* The President of the Board of County Commissioners holding office at the effective date of this Charter shall be the first County Executive. His term of office shall commence on the same day as the terms of the members of the first County Council as above provided, and shall expire at such time as his successor, elected at the next quadrennial election, shall qualify for office.

Section 1106. *The Existing County Commissioners.* The County Commissioners in office at the effective date of this Charter shall continue to hold office and exercise and perform their present powers and duties and shall constitute the County Council until the members of the first elected County Council take office. At such time, the office of County Commissioners shall cease to exist in Baltimore County.

Section 1107. *Reference in State Constitution and Laws to County Commissioners.* In accordance with the provisions of Article XIA of the Maryland Constitution, all references in the Constitution and the laws of this State to the County Commissioners shall, at such time as the elected members of the first County Council take office, be construed to refer to the County Council and to the County Executive whenever such construction would be reasonable. The County Council and County Executive shall succeed to all powers heretofore vested in the County Commissioners by the Constitution and laws of this State.

Section 1108. *Selection and Term of First County Administrative Officer.* The first County Administrative Officer to take office pursuant to this Charter shall be appointed by the first County Executive. He shall possess

the same qualifications for the office as are provided in Article IV hereof, and his term shall begin immediately upon the confirmation of his appointment by the first County Council and shall end when his successor shall qualify.

Section 1109. *The County Treasurer; Additional Bond of Director of Finance.* All powers and duties imposed by law upon the County Treasurer shall continue to be exercised and performed by the County Treasurer until the next general election for officers in the County government; thereafter, the office of County Treasurer shall stand abolished, and all his powers and duties shall be performed by the Director of Finance as provided in Article V of this Charter. Unless otherwise hereafter provided by law, the Director of 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 said 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 Finance, whenever such construction would be reasonable.

Section 1110. *Time Certain Articles Become Operative.* Except as otherwise expressly provided in this Charter, all the provisions of Articles I to X, inclusive, shall become operative at such time as the members of the first County Council take office.

Section 1111. *Existing Laws.* The public local laws of Baltimore County and all rules, regulations, resolutions and ordinances of the County Commissioners in force at the time of the effective date of this Charter are hereby repealed to the extent that they are inconsistent with the provisions of this Charter, but no further; and to the extent that they are not hereby repealed because of such incon-

sistency, all such public local laws, rules, regulations, resolutions and ordinances shall continue in full force and effect until repealed or amended.

Section 1112. *Existing Officers and Employees.* All appointed officers and employees of the County holding office at the time the members of the first County Council qualify for office, except those holding offices specifically abolished hereby, shall have the right to continue to be employed at their existing compensation, subject, however, to the provisions of the County Personnel Law.

Section 1113. *Existing Members of Boards and Commissions.* The members of the Board of Recreation and the Personnel and Salary Advisory Board holding office at the effective date of this Charter shall constitute, respectively, the members of the Recreation Board and the Personnel and Salary Advisory Board created by this Charter. The members of all other boards and commissions not expressly abolished by this Charter shall continue to hold the same or corresponding office after the effective date of this Charter; provided, however, that in all cases where a County Commissioner was required to serve *ex officio* as a member of any board or commission in the County government, the County Executive shall serve thereon in such capacity.

Section 1114. *Abolition of Certain Inactive Boards and Commissions.* The Youth Commission of Baltimore County, the Baltimore County Trade Commission, and the Trustees of the Poor are hereby abolished.

Section 1115. *Existing County Seal.* Until a new County Seal shall have been adopted by the County Council pursuant to the requirements of Article X, Section 1007 of this Charter, the Seal of the Board of County Commissioners shall be and remain the official Seal of the County.

ARTICLE XII

MANNER OF TERMINATING THIS CHARTER
AND MAKING AMENDMENTS THERETO

Section 1201. *Termination.* The County Council may, by legislative act approved by the affirmative vote of at least six members, propose the termination of this Charter and the return of the County to the County Commissioner form of government in effect prior to the adoption of this Charter. The same proposal may be made by petition signed by twenty per centum or more of the registered voters of the County, or 10,000 or more of such registered voters in case twenty per centum is greater than 10,000. Such petition shall conform with the requirements of Article XIA of the Constitution of the State of Maryland and shall be filed with the County Executive. The question so proposed by act of the County Council or by petition shall be published by the County Executive in at least two newspapers of general circulation in the County once each month for five successive months prior to the next general election or Congressional election occurring after the passage of such act or the filing of such petition. At such election, the question shall be submitted to the voters of the County, and if the majority of votes cast on the question shall be in favor of repealing this Charter, then, at the next quadrennial election, County Commissioners shall be elected under the public general laws of the State of Maryland. When the County Commissioners so elected have qualified for office, this Charter shall terminate. All laws, regulations and ordinances in effect at the termination of this Charter shall remain in force until changed by action of the General Assembly of Maryland, or the Board of County Commissioners, as provided by the Constitution and public general laws of this State.

Section 1202. *Amendment.* Amendments to this Charter may be proposed by act of the County Council approved by not less than five of its members, and such act shall be exempt from the executive veto. Amendments may also be proposed by petition filed with the County Executive 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 act of the County Council or by petition, the question 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 and become a part of this Charter from and after the thirtieth day following said election. Any amendments to this Charter, proposed in the manner aforesaid, shall be published by the County Executive in at least two newspapers of general circulation in the County for five successive weeks prior to the election at which the question shall be considered by the voters of the County.