

Proposed Charter
for
Anne Arundel County, Maryland

May 2, 1963

FOREWORD

The Charter Board of Anne Arundel County gratefully acknowledges, publicly, the contributions and efforts of the individuals and organizations named below, without whose assistance our task could not have been accomplished.

The management consulting firm of John A. Donaho and Associates has contributed immeasurably to the preparation of the Charter, by conducting background studies of County governmental functions, by providing recommendations to the Board as to specific Charter provisions, and by acting as a research and advisory staff to the Board throughout its lengthy deliberations. We are especially grateful to Mr. John A. Donaho, President of the firm, who gave exceedingly of his personal time, attention and considerable capabilities. The Board also wholeheartedly and without reservation commends Mr. Bennett Crain, Jr. for his unflagging energy and devotion to painstaking legal research and analytical efforts, as well as his staff coordination activities as Reporter and Counsel to the Board. While the Board must necessarily assume complete responsibility for its own decisions and proposals, much credit for the substantive content of the Charter should be accorded to these gentlemen. Their contribution can be measured only in terms far beyond those which might be considered standard for remunerated services.

We are additionally thankful to Mrs. Janet S. Rubelmann, our loyal and capable secretary, and to Mrs. Marjorie P. Crain and to Messrs. Wesley J. Smith and Robert McQuaid all of whom provided administrative assistance at important times during the Board's tenure.

We appreciate the efforts of the Board of County Commissioners and the County employees for their cooperation with us during our research and deliberations.

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Finally, we thank the Annapolis Banking and Trust Company for the free use of its Board Room for many of our lengthy meetings.

THE CHARTER BOARD OF ANNE ARUNDEL COUNTY

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REPORT TO THE VOTERS OF
ANNE ARUNDEL COUNTY

I. INTRODUCTION

Under the provisions of Article XI-A of the Constitution of the State of Maryland, the voters of each county are offered an opportunity to adopt a Home Rule Charter, or "Constitution."

In order to avail themselves of this opportunity, the voters of Anne Arundel County approved the creation of a Charter Board at the general election held on November 6, 1962. It then became the duty of the Charter Board to prepare and submit by May 5, 1963, a Home Rule Charter, to be examined and considered for adoption by the electorate at the general election to be held in November, 1964.

At the beginning of our task, we envisioned four major objectives:

1. To provide for effective Home Rule through an elected local law-making body which would be truly representative.
2. To study the present organization and mode of operation of the County government, with a view toward proposing changes where warranted in terms of greater efficiency or economy or both.
3. To provide for clearly-delineated authority, responsibility and accountability in both the political and professional structure of the County government.
4. To protect the public interest against arbitrary or hasty governmental actions by providing for procedural and structural checks and balances as well as penalties for non-performance or negligence in office.

At its initial meetings the Board realized, as had the Charter Boards of Montgomery and Baltimore Counties, that its own capabilities had to be supplemented by assistance from professional management and legal consultants if its objectives were to be fully achieved. After having considered others available, the firm of John A. Donaho and Associates was retained because of its considerable experience and background in consulting work for municipal and state governmental bodies. Similarly, Mr. Bennett Crain, Jr. was retained as Reporter and Legal Counsel. Their findings and recommendations, the knowledge gained from the experience of Baltimore and Montgomery Counties, the many hearings held with the citizenry and elected and professional personnel in our County and State government and our own personal study and experience, have, collectively, contributed to the deliberations of the Board and the decisions as to our proposals outlined herein.

This report is not a part of the Charter, but is a brief summary prepared by the Charter Board. It is an outline of some

of the major 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 reading this report will contribute to a better understanding of the Charter, but, in the final analysis, there can be no substitute for reading and studying the entire Charter, itself. This the Charter Board earnestly recommends.

II. SUMMARY OF PROPOSED CHARTER

✓ A. HOME RULE - At the present time all public local laws for Anne Arundel County are enacted by the State Legislature and approved by the Governor. In practice, a system of "legislative courtesy" enables the local delegation to the House of Delegates and the State Senator to control the passage of these laws. The Home Rule Charter removes these functions from the State level, for the most part, and vests them in the people most concerned - the voters and taxpayers of Anne Arundel County. In addition to this "home rule" aspect of the Charter, it also frees our elected representatives at the State level to focus their attention upon important State matters.

To date, only three other political subdivisions of this State have taken advantage of the Home Rule provisions of Article XI-A. They are Baltimore City which adopted a Charter in 1918; Montgomery County, which adopted a Charter in 1948; and Baltimore County, which adopted a Charter in 1956. However, concurrently with Anne Arundel, Wicomico County will, in November of 1964, consider the adoption of a proposed Charter, and Charter movements are at various stages of development in Prince Georges, Howard and Harford Counties. That all of those mentioned are, like Anne Arundel County, present or future centers of burgeoning population and economic growth as well as of increasing complexity in governmental service requirements, is further indication of Anne Arundel's need for a Home Rule Charter. Our population currently stands at about 230,000, and will probably double in 1980, and triple by the year 2,000. There are few cities, or for that matter, metropolitan counties, in the United States, which can equal the size and growth rate of our population. Surely, Anne Arundel County is large enough to control its own governmental affairs.

✓ B. POLITICAL STRUCTURE - The political structure of the County government envisioned by the proposed Charter is outlined briefly as follows:

✓ 1. Separation of Powers - In light of the development of American political history, as well as the political character of Anne Arundel County, the Charter Board believes that the traditional concept of "separation of powers" has more applicability to our County in any proposed new form of government than does a system wherein one body exercises all governmental powers.

At the present time, most of the executive powers of our local government, and also certain limited legislative and

judicial powers are vested in the Board of County Commissioners. This Board establishes programs, levies taxes, appoints employees and selects contractors, and, in some instances, hears and decides appeals from aggrieved persons affected by these programs.

The proposed Charter separates these powers. All legislative powers currently vested in the County Commissioners and all those acquired by Home Rule will be exercised by an elected County Council. All executive powers will be vested in an elected chief executive officer, designated as the "County Executive"; and the quasi-judicial functions now performed by the County Commissioners will be assigned together with other similar functions, to a County Board of Appeals, Zoning Hearing Officer, and Personnel Board.

In recommending this form of government, the Charter Board is mindful of the progress which has been made in recent decades in local municipal reform under the so-called "County Manager" form of government, with its many variations and adaptations, such as that adopted by Montgomery County. In any business, whether public or private, it is essential that day-to-day administration be performed by the best-trained and qualified persons available, without regard to residence or political affiliation. This, however, does not alone justify the vesting of all government powers in one body, to be administered by its own appointee. The political experience of Anne Arundel County and the need to overcome the defects of the dual role now assigned to the Board of County Commissioners points to a structure in keeping with our traditions - the separation of powers. It is proposed to have at the head of each branch, the elected representative or representatives of the people, designated by them, responsible to them, and removable by them. Each branch, legislative and executive, has a clearly-defined scope of activity, and each balances and constrains the other, in the best traditions of American government. The success of this form at the county level has been demonstrated in recent years by many jurisdictions similar to Anne Arundel, such as Nassau, Westchester, Onondaga, Erie, Suffolk and Oswego Counties, New York; Milwaukee County, Wisconsin, St. Louis County, Missouri, and closer to home, Baltimore County, Maryland.

2. The County Council - The proposed Charter establishes a seven member legislative body, each of whom must reside in a separate councilmanic district of the County, and each of whom is elected by all the voters of the County. The Council will have no executive or administrative duties, but will confine its activities to deliberative lawmaking and policy promulgating functions, pursuant to the powers set forth in Article 25A of the Annotated Code of Maryland. It will also perform the legislative acts which are now vested in the County Commissioners, such as the adoption of the budget and the fixing of the tax levy. As a logical extension of its inherent right of inquiry, the Council will appoint a full-time internal auditor, the "County Auditor." It will also appoint the County Board of Appeals and the Appeals Tax Court. Each are discussed more fully in subse-

quent sections of this report.

In order to provide for more equitable representation than now exists on the Board of County Commissioners, the Charter proposes the division of the County into seven more-or-less equal councilmanic districts, both population and land area considered. It also provides a procedure whereby such changes may be made in the composition of these districts as future population growth and shifts may indicate.

Some suggestions were received at the public hearings held by the Charter Board that Councilmen be nominated and elected by districts rather than on a County-wide basis. For reasons to be more fully stated in the Reporter's Notes to the Charter, such district elections are clearly not permissible under Maryland law. The election of Councilmen by the voters of the entire County, but subject to a district residence requirement, will give the voters of the County the maximum degree of district representation possible under present law. It will insure representation on the Council for each section of the County, with its unique problems and interests, but at the same time the Council will have County-wide responsibility and accountability for its deliberations and actions. The guarantee of district representation does not exist under the present form of government.

The Charter provides for public hearings on all bills under consideration and on the budget, before any ordinance may be adopted; and if an ordinance is amended "as to substance," an additional public hearing is required. As a check on the power of the Council, the electorate of the County reserves to itself the right of referendum. Additionally, legislative acts of the 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 Council will meet for an annual legislative session from the third Monday in April until approximately the first of June, and for a legislative session of one day each month except November of a councilmanic election year. Emergency sessions may also be scheduled. Each Councilman will receive \$2,100 per year as remuneration for all work performed and all normal expenses incurred in the course of his duties, except for approved expenses for travel outside the geographical limits of the County. Councilmen are intended to serve somewhat in the capacity of directors of a business corporation; they are not expected to meet every day.

3. County Executive - The County Executive will be the official head of the County government, and is vested with all executive powers. As an officer elected by all of the voters, he will be responsible and accountable directly to them for the efficient administration of County affairs. While the Council is the basic policy-making body of the County government, the Executive's responsibility is not entirely devoid of policy-making.

functions. These functions, however, as well as all executive powers, are necessarily limited by the provisions of the Charter, such as those dealing with organization, the merit system, budgeting and fiscal procedures, audit procedures, the purchasing system, and prohibitions and restrictions clauses. The Executive must operate within the framework of all such Charter provisions and the provisions of existing and future laws, especially those laws which will promulgate policy decisions of the Council.

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 laws applicable to the County. He will have executive veto power, and the power to issue executive orders and make investigations. He will appoint and supervise, and may remove, the Director of Administration and all department and office heads who report directly to the Executive, as well as members of the Planning Advisory Board, Recreation Advisory Board, and, subject to confirmation by the County Council, the members of the Personnel Board. His salary will be \$18,000 per year, but the County Council may increase this compensation effective at the beginning of any term. Finally, he may serve only two consecutive four year terms.

4. Board of Appeals - The proposed Charter provides for a bi-partisan County Board of Appeals, composed of five members appointed by the Council. This quasi-judicial body will hear appeals from a broad range of administrative decisions relating to zoning, licenses and permits, building, utility extensions, and other administrative and adjudicatory orders. The Charter also provides for appointment by the Council of an Appeals Tax Court to hear appeals on assessments, but further enables the Council to transfer the functions of this Court to the Board of Appeals at such time as public general law may allow it to do so.

5. 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. Because, however, the system of trial magistrates is established by State law, and because legislative powers under Article 25A will be vested in the County Council, the Board concluded that the resolution of this question had best be left to the County Solicitor and the County Council if the Charter is adopted. Additionally, during the 1962 session of the State Legislature a People's Court bill for Anne Arundel County was enacted, although at the date of this report, it had not been signed by the Governor.

C. ORGANIZATION STRUCTURE AND PROCEDURES

1. Committees vs. Individual Responsibility - "Management" by part-time, politically-oriented committees, supported

by inadequate professional staff work, which characterizes nearly every aspect and function of our County government, is ineffectual in the face of our exploding population, expanding economy and commensurate demands for government services. There are at least 18 distinctly-identifiable boards and commissions, large and small, from the County Commissioners themselves and the Sanitary Commission, on down to Recreation Commission and Board of Trustees of the County Home. Most of these boards have executive responsibilities.

While not all committees are an administrative evil, their excessive use, especially in an administrative, rather than an advisory capacity, thwarts professional departmental management, the development of a competent career service, and diffuses authority and responsibility. None of this is in the best public interest. Too many interests to placate, and domination of these committees by vested political interests may result in a pattern of stalemates which is fatal to the vigor of a rapidly expanding community.

The proposed Charter, therefore, abolishes ineffective committees and boards, and restricts those which survive or are newly created to those areas in which they can best perform, namely quasi-judicial, regulatory, and advisory functions. It further defines authority and responsibility for the various facets of governmental operations and vests these in individuals who are held accountable to their superiors and, ultimately, to the people, for their stewardship. Where it appears to be in the public interest, representative committees of citizens who, it is contemplated, will convey adequately the public point-of-view, are placed in an advisory relationship with these individuals.

2. The County Auditor - In addition to the County Council, the Board of Appeals and the Appeals Tax Court, the legislative branch includes the County Auditor, who is appointed by the Council. As the full-time internal auditor of the County the County Auditor will conduct a current post-audit of the procedures and transactions of the executive branch and other agencies receiving County funds, and will make such investigation as the Council may direct to make sure that officers, employees and contractors of the County faithfully discharge their public trusts. The County Executive is required to take appropriate action when the Auditor brings irregularities to his attention. The Auditor will also publish an annual audit report after the end of each fiscal year. Further provision is made for a quadrennial audit by independent auditors and for such special audits as the Council may deem advisable.

3. The Executive Branch - The proposed Charter for Anne Arundel County establishes eight offices and eight departments in the executive branch. The term "office" refers to "staff" agencies, i.e., those agencies performing services for other County functions. The term "department" refers to

"line" agencies, i.e. those agencies performing services directly for the people.

The Offices are: Law, Planning and Zoning, Zoning Hearings, Finance, Budget, Personnel, Civil Defense, and Central Services.

The Departments are: Fire, Police, Recreation and Parks, Public Works, Education, Libraries, Health, and Welfare.

The Departments of Education, Libraries, Health and Welfare are, in whole or in part, controlled by State law. The Charter cannot and does not, in any manner, attempt to change the organization or operation of these departments, except to set forth fiscal procedures which are applicable to these and all other County-supported agencies.

In consolidating and simplifying the existing structure of the County government, the Charter will reduce the number of functions reporting directly to the chief executive authority, thereby providing an effective span of control. Reporting to the County Executive are the Director of Administration, the Offices of Law, Planning and Zoning, and Zoning Hearings, and the Departments of Fire, Police, Recreation and Parks, and Public Works (8). Reporting to the Director of Administration are the Offices of Finance, Budget, Personnel, Civil Defense, and Central Services (5). This is compared to (15) district functions reporting to the Board of County Commissioners, (5) reporting to the County Business Manager (when there is one) and (9) which "float", i.e., report to no one, under the current form of "organization".

In addition, the Charter prohibits the creation of additional offices or departments except by Charter amendment, although existing and new functions may be reassigned within the framework of the specified organization. This prohibition should prevent the County government from becoming a confused bureaucracy which would destroy the clear lines of authority and responsibility established in the Charter.

4. The Director of Administration - Recognizing that the County government is now a \$40 million-plus annual business, the Charter provides for a well-qualified administrative officer who, appointed by the County Executive, is directly responsible to him for the important functions of finance, budgeting, personnel and central services. Through the operation of these functions, he will influence all other aspects of County government indirectly, but none-the-less surely. The Director of Administration is a staff counterpart of the modern-day City Manager. He must have obtained a Master's Degree in Business or Public Administration and must have at least five years experience in governmental or private business administration, in an executive capacity. He is the Chief Budget Officer of the County. The Charter fixes a salary range for this position of \$14,000 to \$16,500 per annum, unless the Council, in the adoption of the executive pay plan, shall fix a higher range.

The Charter Board believes that the creation of the job of Director of Administration is one of the most important features of the Charter. In any organization of the size and complexity of Anne Arundel County, the Chief Executive needs a capable and qualified "right hand man" to aid him in the discharge of his administrative responsibilities. The Director of Administration should satisfy this need. By placing him in the position of "Chief of Staff" rather than over all agencies, the Charter seeks to gain for the County all of the advantages of the "Manager" form while avoiding the pitfalls of our unfortunate experience under the system the County Business Manager Law envisioned but which was never allowed to function properly.

5. Personnel: The Merit System - In 1959, the State Legislature enacted a merit system law for Anne Arundel County. It was a sound base upon which a personnel system dedicated to the recognition of merit and the provision of a capable career service could have been built. Though the law directed the County Commissioners to enact implementing resolutions, they tarried three years until 1962 before enacting a resolution to this effect. While the resolution was generally sound, the Commissioners have yet to establish either a pay plan or minimum class qualifications, despite a requirement to that effect in the merit system law.

Since there is no pay plan, individual salaries are arbitrarily determined annually, and since there is no current classification allocation plan, equal work does not always result in equal pay. Appointments, promotions and removals are made by the Commissioners, largely on a patronage basis, and department heads have little or no influence on the selection, assignment or discipline of their subordinates. Definitely, the public interest is suffering in consequence of an almost total absence of modern personnel procedures in the County.

For these reasons, the Charter has set forth in some detail the basic framework of a merit system, which must further be supplemented by appropriate legislation of the first County Council. The system contemplates the usage of modern personnel practices, and lays the groundwork for the establishment of a career service for capable and qualified employees, as well as the protection of the interests and rights of these employees and the public in general.

Administration of the personnel function is placed in the hands of a Personnel Officer who is appointed by the Director of Administration, who must be trained and skilled in public personnel administration, and who must have five years experience in personnel administration in an executive capacity. There is also provided a five-man Personnel Board, one member of which is to be an employee of the classified service. The principal functions of this Board are to prescribe rules and regulations governing examination, appointment, promotion and

transfer of employees of the classified service, to hear and decide appeals from certain decisions and actions affecting employees of the classified service, and to advise the Personnel Officer on administration of the personnel functions.

6. Budgeting and Fiscal Matters - As trustees of the public purse, the County government has had a most erratic record. The budget is a baffling document, a maze of figures in which even the professional analyst has difficulty in finding his way, let alone the average taxpayer. There is practically no long-range capital facility planning, or financial planning of any kind, for that matter. The budget has doubled in the last five years, and will double again soon, yet in the face of spiraling taxes and mounting debt, little or no effort has been made to place the County on a sound budget plan, to control appropriations according to plan. State-shared revenues and County surpluses are estimated, carved up like pies, and dedicated to a myriad of special district and area funds, even before they are received. Current law does not require a balanced budget; prescribe the contents of a bond issue authorization ordinance, or adequately prescribe the methods of budget preparation and submission.

For these reasons, the Article in the Charter dealing with budgetary and fiscal matters is more detailed and more technical than most of the rest of the Charter. Under its provisions, the ultimate control over the spending of money is placed where it belongs: in the people who pay the taxes, and a return to lax budgetary and control procedures of the past will be inhibited by a need to change the Charter itself in order to do so.

The Charter does not change the taxing power of the County. It does, however, require the submission of an annual balanced budget to the County Council for its approval. The budget consists of three integral parts: the current expense budget; the capital budget for the current year and a capital program for five ensuing years; and the budget message, which is a summary explanation of the content of the various budget documents, and an outline of proposed work programs and financial policies, procedures and plans for the ensuing fiscal year.

Copies of the proposed budget must be made available for public inspection, and a public hearing must be held. Subsequent to adoption and levy of the tax rate, copies of the fiscal budget must also be made available.

Besides outlining an organized procedure for formulation, publication, and adoption of the budget, the Charter also outlines procedures for control of appropriations and allotments, prohibits the dedication or use of general revenues for "special funds" programs, fixes limits on borrowing, prescribes the form

and term of bonds, and the contents of bond issue authorization ordinances, provides that utilities such as water and sewer shall be separately budgeted and operated under an "enterprise" accounting system, and provides penalties for non-conformity with these provisions.

Finally, to implement its fiscal and budgetary provisions, the Charter provides for a Controller and a Budget Officer, each of whom is appointed by and responsible to the Director of Administration for various facets of financial planning and control. In modern governments, a Budget Officer is the most important fiscal management and planning officer. The Charter provides for a Budget Officer who shall be responsible for the development of annual work programs, the study of organization, methods and procedures of each agency of the County. And, as a check on the operation of the entire executive branch, the previously mentioned County Auditor rounds out the team of fiscal experts.

7. The Central Services - The Charter collects, under one staff officer, the Central Services Officer, all of the many "housekeeping" or service functions used by one or more other agencies of the County. The major function among these is purchasing, but also included are such activities as data processing, buildings and grounds, maintenance, vehicle maintenance, printing, supplies, warehousing, stenographic, mail, messenger and transportation services.

Centralization of these services is directed toward the objectives of strengthening their capability, eliminating duplication and waste, and exercising stringent control over the purchasing practices of the County, in accordance with provisions of the Charter and supplementary legislation by the Council.

8. Utilities and Public Works Engineering - In the opinion of the Charter Board, the two agencies of the County which are most in need of integrated procedural and organizational reform are the Sanitary Commission and the Department of Public Works. Oddly enough, these are the agencies which, aside from the School Board, employ the most people, spend the most money, and provide the services which are closest to the people.

The Sanitary Commission is a good example of the problem generated by "management by committee" referred to elsewhere in this report. The similarities in operational requirements and problems between the Sanitary Commission and Public Works activities is clear and demonstrable. Both are concerned with engineering, design, draftmanship and construction. In addition, the administrative office activities of the Commission overlap generally with services already provided by the County. For example, billing for services, accounting and recordskeeping, personnel administration, public relations, and "housekeeping" functions.

Additionally, rapid development in the northern section of the County, within the area covered by the Sanitary District, has brought with it a commensurate need for close coordination and cooperation between the Commission and Public Works, Health and Planning and Zoning functions in the analysis, appraisal and approval of proposed development plans.

Yet, the Commission for the most part operates independently of the remainder of the County government. Though it is supposed to be self-sufficient, its rates are too low to support its procedures and programs. To be considered self-supporting, it would need to meet the tests posed by accepted principles of utility enterprise accounting, including payment for depreciation of its facilities, and payment of a sum into the County treasury in lieu of taxes it would have to pay if privately owned and operated.

The principal problems in public works operations in the County revolve around the splintering of contracts, manpower, and equipment into the County Commissioner-dominated district kingdoms. There is no recognizable County road system; rather, there are district road systems. Each Commissioner retains a proprietary interest in the selection of road work personnel, equipment, facilities and financing. Not only does this fragmentation completely diffuse the responsibility and authority of the Director of Public Works but effectively prevents County-wide road programming and precludes efficient equipment, materials and manpower resource utilization.

In light of the foregoing, and more, the proposed Charter takes drastic action in these areas. It provides for abolition of the Sanitary Commission and the district-by-district financing, construction and maintenance of roads as of the beginning of the first fiscal year after the Charter is adopted, and directs the consolidation of all works and utilities functions into one integrated Department of Public Works, to be headed by a graduate engineer/administrator with at least five years' experience in charge of utility and works functions. It further requires the Executive to present, and the Council to adopt, legislation implementing the complete reorganization of this Department, and the proper assignment of Commission functions, personnel and funds to appropriate departments and offices in the County government, as well as to provide for procedures for hearing, approval and appeal on petitions for extension of the Sanitary District or services within it.

While it does not form a part of the Charter, the Charter Board will also present to the County the studies of its consultants, John A. Donaho and Associates, which will include a detailed analysis of the works and utilities functions, and a pattern of organization for the new consolidated Public Works Department which, it hopes, will be useful to the first Executive and Council in providing for reor-

ganization of this functions.

9. Planning and Zoning - The chief reforms proposed by the Charter in this area are the substitution of a professional Planning and Zoning Officer for the Commission which currently heads this function, the formulation of new procedures for processing petitions by individual landowners for changes in land use, and the designation of a representative citizens board to act in an advisory capacity to the County government in the areas of planning, zoning and capital improvement programming.

The most important provisions are those which regulate the zoning process. These eliminate the practices inherent in the present system, and place the responsibility for hearing and deciding, in the first instance, upon individual applications for reclassification, variances and special exceptions in a Zoning Hearing Officer, who reports to and is appointed by the County Executive. Appeals from his decisions may be taken to the County Board of Appeals, which is appointed by the Council. Thus, the Council is freed from the onus of handling individual zoning petitions to concentrate on more important policy matters.

Only the broad aspects of zoning are the concern of the Council under the Charter. Based upon recommendations of the executive branch, the Council will classify land for various permitted and restricted uses through the adoption of "master plans" or zoning maps, as well as related regulating legislation constituting the zoning code. These ordinances will then be implemented and enforced by the executive branch.

10. Public Safety - Maintenance of the public safety is one of the basic objectives and functions of municipal government. If we are not safe in our lives and our property, community living becomes unattractive. Yet, the provisions for public safety in Anne Arundel County are comparatively weak.

Most of the problems of the Police Department are beyond the scope of a constitutional document, but the Charter does strengthen the chain of authority and responsibility by abolishing the Police Board of Examiners, who control the Police Department, and by vesting its responsibility in a Chief of Police, who must be experienced in the command of uniformed patrol, and the detection and investigation of crime. The Chief of Police is appointed by and responsible directly to the County Executive.

The Charter also groups the several fire suppression and prevention activities under a single administrator who would be appointed by the County Executive from a list of three names submitted by a Fire Advisory Board. The Fire Advisory Board is additionally responsible for advising the County government on all aspects of fire prevention, suppression, training and communications activities. The members of this Board will be selected by the Volunteer Fire-

men's Association.

Upon publication of the preliminary draft of the Charter, some concern was expressed by members of the Volunteer Firemen's Association that the Fire Administrator would be a "Super Chief," coming on to a fire scene and taking command of fire suppression activities away from the local volunteer Chief or his subordinates. Such activity was not envisioned by the Charter Board in the majority of instances, although in the case of suppression of a multi-alarm conflagration in a highly populated area, such relief by supposedly the best trained and most qualified man the fire service has to offer might be welcomed by both the local Chief and the public in general. At any rate, the inclusion of the over-all responsibility for fire suppression within the Fire Administrator's duties was designed to lay the groundwork for provision of a clear chain of command within the fire service, the full-time professional portion of which must inevitably grow with the complexity and population density of the County. Since the Fire Administrator will be originally selected by the Volunteer Firemen's Association, and since his effectiveness in his position, (and therefore his tenure) will depend upon maintaining constructive and cooperative relationships with its fire companies, the Board felt that their interests, and the interests of the general public were best served by the proposals advanced.

D. PROTECTION OF THE PUBLIC INTEREST; PROHIBITIVE PROVISIONS - Protection of the public interest is the underlying theme of essentially all of the provisions of the Charter, such as the separation of powers, the requirement for public meetings by the Council, hearings on all legislative and budgeting matters, the referendum, the executive veto, fiscal and audit procedures, purchasing and personnel procedures, the merit system, and the structure of governmental organization. There are, however, several provisions of the Charter which are noteworthy in this respect. These are provisions which essentially are designed to protect the public interest by constraining and prohibiting certain activities on the part of the Council, the Executive and other officers and employees, as well as the general public. Among these are:

Section 309, which provides for removal from office for Councilmen who interfere with the operation of the executive branch.

Section 202, which prohibits a Councilman from holding any other County office during his entire elective term, notwithstanding his resignation as a Councilman during the term.

Section 404, providing for removal of the Executive at the Council's discretion if he is convicted of a crime other than traffic violations or if he fails actively to perform the duties of his office for six months.

- Section 405, providing for removal of officers reporting to the Executive and removal for cause of members of boards and commissions.
- Section 808, providing for grounds for removal of employees of the classified service.
- Section 529, placing prohibitions on legal officers.
- Section 715, providing penalties and personal responsibility for misuse of funds.
- Section 813, 1001 and 1002, relating to penalties for prohibited practices by employees, officers and the general public in such areas as appointments, improper influence, political activities, conflict of interests, bribes and "kickbacks".
- Section 1006, providing that all officers and employees of the County shall be bonded for the faithful performance of their duties for not less than \$100,000.00 (blanket bond)

A close reading of these provisions as well as the procedure and other data outlined earlier in this section should convince the average citizen that the Executive is not unchecked, but is, rather, constrained to exercise his considerable authority, (commensurate, the Charter Board feels, with his responsibility) within a well defined and well thoughtout framework of constitutional provisions and other laws.

E. FUTURE CHANGES TO THE CHARTER - As provided by the Maryland Constitution, the Charter may be amended at anytime by a majority vote of the electorate upon amendments placed upon the ballot either by the County Council or by petition of the electorate. Additionally, the Charter may be terminated in a similar manner.

The Charter also contains a provision for mandatory periodic review by a commission to be appointed by the Council after each decennial census. This includes review of the apportionment of councilmanic districts as well as a comprehensive study of the rest of the Charter. The Charter Board believes this provision to be unique, in that it did not find such a requirement in other charters examined.

The Council may accept or reject all or a portion of the recommendations of the commission, at its discretion. However, as a check on the Council, rejected proposals still may be placed upon the ballot by petition.

After the publication of the tentative draft, the Charter Board was urged by the League of Women Voters, and others, to make reapportionment mandatory upon the Council. This was understandable, since legislative bodies are notoriously hesitant to reapportion themselves, even when population discrepancies between areas represented become ridiculous.

To do so, however, would require the establishment by the Charter Board of a standard for inter-district discrepancy and a formula for equitable redistricting which might not stand the test of time. The Board also felt that the completion of litigation pending all over the Country on this subject should, by the next time the subject is discussed provide sufficient guidelines and case law to determine whether reapportionment is required, and what formula should be used. In the alternative, the citizen's right to petition a particular plan to referendum, again, will serve as a check against the Council, and probably as a catalytic agent to act.

F. COST OF COUNTY GOVERNMENT - It is a sad, but inescapable fact that the cost of government in Anne Arundel County, as elsewhere, has increased and will continue to do so, both in total, and per capita, as the County grows more complex and densely populated. This is true whether or not a Charter is adopted. Essentially, the cost of government is a function of the nature and extent of services demanded by the people, more so than the form of government which renders them. This, then, is a matter of public policy as expressed and implemented by the elected representatives of the people.

Inherent in the cost of government is the burden of debt service. Our County has experienced a tremendous increase in its debt. Under the Charter, the general debt limit of the County will be reduced from 14% to 10% of the assessable base. Further, the creation of new debt will be subject to the processes of orderly capital budgeting and programming required. Thus, the debt burden on future generations will be controlled and related to the County's ability to pay.

However, the form of government and the procedures with which it conducts its offices do have some effect on costs, as may be demonstrated. Not the Charter itself, but the modern, definitive organization structure and procedures it provides for, hold out to the public the promise that, if its provisions are implemented, the services which they demand will probably be rendered more efficiently and economically, resulting in a greater "return" per dollar for each class of service rendered.

Anne Arundel is, fortunately, a wealthy County. Up until now, we could "afford" to be inefficient, since our rapid growth has outstripped our ability to waste. However, eventually a slow down and levelling off must inevitably come, and with it, a day of reckoning. We had best be prepared, meanwhile enjoying our growth as extensively as possible.

G. ELECTION OF PUBLIC OFFICIALS - In closing this report, it should be noted, lest the reader become misled, that while the proposed Charter, if adopted, would provide a solid structural basis for good government, it contemplates the placement in office, by the electorate, of capable and dedicate public servants who will provide the leadership and breath of life which the structure will require. Otherwise, the language of the Charter will outweigh its subsequent accomplishments.

We ask you to study this document carefully and thoroughly to discuss it with neighbors, friends and fellow members of organized groups in the community. This Charter is written for you, and it is you who will decide, in November of 1964, whether you wish to adopt it as your form of government.

For our part, we wholeheartedly and unanimously recommend its adoption.

Respectfully submitted,

THE CHARTER BOARD OF ANNE ARUNDEL COUNTY

Benjamin Michaelson, Chairman

John A. Cade

Ridgely P. Melvin, Jr.

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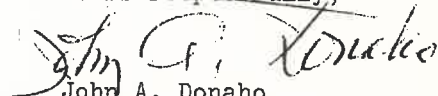
The Honorable Charter Board of
Anne Arundel County
7 King Charles Place
Annapolis, Maryland

Gentlemen:

Pursuant to our agreement with your Board, we have undertaken general studies of County organization and operation, specific studies of important functions such as finance and public works and prepared or assisted in the preparation of drafts of the tentative Charter. Our findings and recommendations will be assembled and submitted to you in a final report at a subsequent date.

As an aid to understanding the tentative draft of the Charter and to provide background for discussion, we have taken two sections of our report dealing with a summary of conclusions and a discussion of basic characteristics of the Charter and are presenting them to you now so that they may be included with the release of the tentative draft.

Yours respectfully,


John A. Donaho
President

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INTRODUCTION

The American County is in the process of transition. Originally conceived as an administrative district of the State, it is now required to provide the services of a municipal corporation. This demand for increased public services, in scope and intensity, has resulted from increased population and the urbanizing trend which has characterized the last several decades. To successfully grapple with the problems of modern county government, the County needs up-to-date governmental machinery. The American County has been described as a hodgepodge of boards and commissions. To this Anne Arundel County is no exception. It lacks separation of policy from administration, unity of command, effective direction and coordination, simplified organization and manageable span of control.

Anne Arundel County needs the machinery of government which will permit it to properly plan ahead, will focus responsibility and authority for accountability, will prevent the waste of its resources and increase the effectiveness of its services. Our conclusions, which follow, are based upon our studies. The results of these studies illustrate the numerous opportunities for improvement, even within the framework of moving ahead with these. The fundamental improvements must come, however, through a reform of the basic structure of government and the advantages of self-government through Home Rule. This can only be achieved in Maryland by adopting a Charter. Let us move on then to see what needs to be done and how the Charter will meet these needs.

SUMMARY OF CONCLUSIONS

LAWS IN CONFLICT: The laws which establish the form of government in Anne Arundel County developed without pattern, direction or consistency. Lacking the authority of charter counties, the County government has been unable to enact its own legislation, but of necessity has turned to the State Legislature to pass all local laws. In consequence, there are conflicts and gaps in the legislation affecting the County which are increasingly costly in terms of wasted dollars and dwindling services.

Article V of Chapter II of the County Code is based upon local laws enacted in 1947 to establish the Office of Business Manager. Under this Article the Manager was to "represent the County in all departments of the County government." It was the stated intent "to place under his direct supervision all departments, offices and agencies of the County government...." Subsequently, a 1953 Act removed the Recreation Department from his sphere, and a 1959 Act removed virtually all personnel authority from the Manager and placed it in the Board of Commissioners. Though the 1947 Act directed the Manager to "establish and direct a department for the construction, alteration, repair and maintenance of public roads...." and to consolidate all road equipment then under election dis-

strict control, a section of our report demonstrates that this has not been accomplished during the intervening 16 years. There are other provisions of laws in the fields of personnel, licensing and jail administration which are ignored by the County and its officers.

TOO MANY BOARDS: A review of the current County organization chart demonstrates an excessive number of boards and commissions with administrative responsibility for major and lesser departments and offices. One notes that the Police Department is subject to the control of a Board of Police Examiners appointed by the Governor. Health, welfare, education and several license functions are subject to State selected boards. Fire functions are divided among three commissions which are, in essence, selected by the County Volunteer Firemen's Association. Planning and zoning is directed by a Planning and Zoning Commission, recreation by a Recreation Commission, and even the County Home has trustees. The largest commission controlled activity is the sanitary function.

While not all boards and commissions are an administrative evil, their excessive use, especially in an administrative rather than advisory capacity, thwarts professional departmental management and diffuses authority and responsibility. An absence of professional leadership of the fire suppression service and its excessive reliance upon commissions may well be the cause for the lack of a badly needed central fire alarm system or a training facility. Too many interests to placate may result in a pattern of stalemates which is fatal to the vigor of a rapidly expanding community.

UNCOORDINATED DEPARTMENTS: The similarities in operational requirements and problems between the Sanitary Commission and Public Works activities is clear and demonstrable. Both are concerned with engineering, design, draftsmanship and construction. In addition, the central office activities of the Sanitary Commission overlap all along the line with services provided by the County government generally. The separate billing for water and sewer services could be accomplished efficiently by the County Treasurer or Collector using electronic equipment. Personnel administration for the Sanitary Commission is by law a function of the general County personnel agency.

Yet, in the face of common sense or legal requirements, the Sanitary Commission remains aloof from the remainder of the County government. Consolidation of sanitary activities with Public Works and general County staff functions promises not only economies but improved coordination and better public service by all.

Though the Sanitary Commission protests its self-sufficiency our examination demonstrates that its rates are too low to support its current plumb procedures and programs. It has a higher pay scale than that accorded the Public Works Department for comparable skills; it has more manpower assigned in terms of work load

and it has quarters and equipment far superior to those of the Public Works Department. To be considered self-supporting, it would need to be able to pay for the depreciation of its facilities and something leftover in lieu of taxes.

The principle problems in Public Works operations here revolve around the splintering of control, manpower and equipment into the County Commissioner dominated district kingdoms. Each Commissioner retains a proprietary interest in the selection of road work personnel in his district, as well as their equipment, facilities and financing. Not only does splintering preclude an efficient utilization of equipment, but it prevents countywide planning of a road program. The need to consolidate road manpower, equipment and planning under central control was recognized in 1947 and directed by the County Business Manager law. Yet, even today, the County Code does not provide for a Public Works Department by name. Consolidation of Public Works road equipment and manpower could save an estimated \$281,000.00 per year.

Corollary to the district splintering of road repair facilities is the existence of special district road taxes ranging from zero in the fourth district to 20¢ per \$100.00 assessment in the eighth. Numerous other State distributed revenues such as racing, income and cigarette taxes are also distributed to the road district accounts. Though the special ad valorem road district tax does not exceed 20% of the road monies in any district, and actually averages 14%, it constitutes a small but effective block to Public Works consolidation. A countywide tax of 6¢ per \$100 of assessed valuation would fully replace the revenue from all of the district road taxes, though not the State distributed revenues, of course.

Beside the problems of too many administrative boards and commissions and the splintering of district road work control, the County suffers from an organization structure which defies a logical defense. At least 16 distinct functions report directly to the Board of County Commissioners--a span too wide for effective control. By contrast, the Board of County Commissioners have but partial control over the Police Department, though it is a basic municipal service, and little or no control over the affairs of health, welfare, education or assessment. Part of this uneven pattern for executive control is attributable to State law over which the Charter Board has no control, but a significant portion is attributable to laws and practices which the Charter may aim to correct.

WEAK FINANCIAL CONTROL: As trustees of a public purse, the County government has a most erratic record. Substantial sums of money are collected by various agencies as fees, yet these monies are held in the agency office until the end of a month. General use and State aid moneys are earmarked for specific purposes before they are collected, thus, preventing planning for an orderly program of capital improvements. Debt control procedures are so slack that no one in the County government knows whether the current authorized debt equals or even

exceeds the legal debt limit. And there is no real current post audit now, although there is an independent audit limited to the central books.

Current law does not require a balanced budget, prescribe the contents of a bond issue authorization ordinance, or adequately prescribe the methods of budget preparation or submission. A Charter can and should tighten these and numerous other provisions for fiscal procedure to assure that public money is spent according to law for the intended purpose.

REASONABLE DEBT. The County's general obligation bonds outstanding total about \$44 million, which is a little over 7.7% of the assessed value of the property in the County. The current legal debt limit is 14% on this portion of the debt. Of the \$44 million general debt, \$35 million is attributable to public school bonds. In addition, the County owes \$2.7 million for public schools borrowed on the credit of the State of Maryland. The County must retire these school bonds, of course, but they are not considered in calculating the County borrowing in relation to debt and are mentioned separately herein for that reason. Under the Charter, with current assessments, the County will be authorized to borrow an additional \$12 million through general obligation bonds, that is up to 10% of assessment; however, the County has already authorized but not issued more than this amount.

In addition to the general obligation bonds, the County debt includes \$19 million in Sanitary Commission bonds. Though backed by the full faith and credit of the County, they are retired from sanitary service revenues, rather than general County revenues. The Charter does not affect Sanitary Commission bonds, or the legal limit on the amount of those bonds in any way.

PATRONAGE: Personnel appointments, promotions and removals are handled largely on a patronage basis despite the provisions of law. Examinations are conducted for only a handful of appointments and never for promotion to higher ranks in the County service. The spoilsman in the tradition of "The Last Hurrah" still exists in Anne Arundel County, though he has all but disappeared elsewhere in the nation.

In 1959 the Legislature enacted a merit system law (Chapter II, Article VII) for Anne Arundel County. It was a sound base upon which a personnel system directed to the recognition of merit could have been built. Though the law directed the County Commissioners to enact implementing resolutions, they tarried until early 1962 before enacting Resolution 62-21 to this effect. Though the Resolution was generally sound, the Board of County Commissioners has not established either a pay plan or minimum class qualifications despite a requirement to that effect in the merit system law.

Under the current law, County employees, who are subjected

to disciplinary action, would now have their cases heard by the State Commissioner of Personnel. There have been no such disciplinary cases. Since there is no pay plan, individual employee salaries are arbitrarily determined annually, and since there is no current classification allocation plan, equal work does not always result in equal pay.

As all appointments are made by the County Board of Commissioners, department heads have a minimal influence on the selection, assignment or discipline of their subordinates. Their authority is short of their responsibility. At the same time, department heads themselves are protected from dismissal, because they are covered by the merit law. Definitely, the public interest is suffering in consequence of an almost total absence of modern personnel procedures in the County.

ROLE OF MANAGER: Though there was no full-time County Business Manager during the time that the Charter Board was preparing this report, the County conducted its administrative and operational functions about as well as might have been expected had there been a Manager. That is to say, there is no magic in creating an appointive high administrative post, calling it Manager or some other term, unless actual laws, powers and organizational arrangements exist to mesh with the manager concept.

Also worthy of note is the role of the Manager or Director of Administration. He may be placed in overall command of all County departments and offices, in which case he becomes responsible for every dereliction of duty of every County employee; or he may be charged with developing those special services, such as personnel, finance and budget preparation, which influence the operations of line departments less directly but none the less surely. In the County, the Business Manager law originally intended that the office should serve in the first (countywide commander) manner, but subsequent local laws have whittled it down to a weak version of the latter (special services) concept.

MAL-APPORTIONMENT: By now every school child must know that there are more people in some election districts than in others--in fact nearly 20 times as many in the third as in the eighth district. They also know that under the workings of the County government, this operates to the disadvantage of the populous section of the County and to the advantage of the rural, less populous sections. The school child may not understand the line of reasoning from cause to effect, however.

All commissioners are elected on a Countywide basis. A vote in the third election district for Commissioner weighs just as heavily in his favor as does a vote in the eighth. However, in order to run for Commissioner, a man or woman would normally expect to be nominated by one of the major parties. In order to be nominated by a party for Commissioner in Anne Arundel County, a person enters into a primary election contest in his own district. The Commissioner from each district

is nominated only by the voters in that district. Residents in the third district have no voice in the nomination of the Commissioner in the eighth district.

Under current nomination practice in the County, the small population election districts (1,2,7,8) select half the party Commissioner nominees, though only containing 16% of the population in total.

State law requires that charter counties nominate and elect all Councilmen on a countywide basis, though they may be required to live in the election district they claim to represent. Thus, under the charter form everyone in the County will have an equal voice in who the County Councilmen will be.

COMMISSIONERS ARE EXECUTIVES: It is reliably reported that it costs a great deal of money to elect a County Commissioner--far more than the post pays in salaries. Yet, once elected a Commissioner either in his individual or corporate capacity is in a position to establish County programs, vote the taxes to support the program, appoint employees or select contractors who will affect the program, and then to enact resolutions and ordinances as to how the program shall be used or who shall benefit from it. A County Commissioner is both legislator and executive, often in such interrelated degrees that it would be an interesting though not especially rewarding academic exercise to determine when a Commissioner acts in an executive and when in a legislative capacity.

From the viewpoint of a department head, the County Commissioners are his eight bosses, products of quite various professional and emotional backgrounds who expect him to do their private and public biddings. Department heads are directed to stand by in the Court House when the County Commissioners meet most of the day once a week. It is reliably reported that some department heads, being so frustrated by conflicting orders from individual Commissioners, literally hide from them. A single strong Executive in the County, who would have a consistent policy and objective, would greatly strengthen the effectiveness of all County offices and departments.

WEAK PUBLIC SAFETY: Maintenance of the public safety is one of the basic objectives and functions of municipal government. If we are not safe in our lives and our property, community living becomes unattractive. Yet, the provisions for public safety in Anne Arundel County are comparatively weak and are stagnated by regional and factional considerations. The Police Department is undermanned but top heavy with rank; it is poorly organized and wasteful of manpower. And on the record it is not doing an especially good job. In truth, the Police Department lacks a headquarters, but consists of two quite independent "departments" of district stations at Fernalde and Edgewater. Manpower could be saved and efficiency increased by creating a true police headquarters organization, and perhaps decentralizing the uniform patrol supervision even

further. While Anne Arundel County apparently experiences significantly more burglaries than either the average United States or Maryland city, its success in clearing burglaries by arrest is inferior to the average United States city. The traffic enforcement index in Anne Arundel County, too, is less than half of what many authorities consider adequate.

Measures for fire fighting in the less populous portions of the County are quite adequate in relation to need. In the more populous, faster growing sections, however, reliance is still placed upon the same measures which prevail in rural areas. Control of all fire fighting stems from the Volunteer Firemen's Association, is diffused through two commissions nominated by the Volunteer Firemen, resulting in no effective control at all.

In the populous areas, during the daylight hours, the volunteer fire companies cannot assure that a minimum of five men will be present at a fire to operate the apparatus or at least not soon enough to assure the suppression of even a moderate fire. Instead, the volunteer fire companies talk in terms of "averages," including the men who standby at the fire house to handle the radio and a possible subsequent fire. Unfortunately "averages" don't suppress fires, and that is a prime weakness in Anne Arundel fire defense in the built-up areas. A new approach to fire fighting in the suburban areas is needed now, as is responsible professional leadership, better fiscal control and a countywide fire alarm system.

ZONING BY COURTESY: As a rapidly developing community, Anne Arundel County is faced with a continual press of petitions for land use changes. Admittedly, the original zoning ordinance was drawn without the look ahead which the preparation of a Master Plan would have implied. Yet even though zoning had been guided by an omniscience, there would still be a spate of rezoning applications.

All rezoning is handled by the Board of County Commissioners, who sit with the Planning and Zoning Commission during hearings, receive rezoning recommendations of the Planning and Zoning Commission, but then rezone or fail to rezone based upon the preference of the Commissioner from the affected election district under a "senatorial courtesy" meeting of the minds. This procedure is time consuming for Commissioners and invites irregularities.

When the County produces its Master Plan and rezoning classifications in about two years, the demand for reclassifications, variances and special exceptions will be even more acute. Many owners of vacant land may then feel that the proposal to use their land as a "buffer strip" by zoning it as light industrial will be tantamount to confiscation without remuneration. An improved mechanism for rezoning individual pieces of land is needed now and will be needed even more.

OVERSTAFFING: Manpower is the most expensive "commodity" which the County government buys. If a department head purchased furniture costing four or five thousand dollars a year, no doubt there would be a (justified) cry of waste. Yet many activities of the County government have unneeded employees who draw this much or more every year. Two amusement license inspectors are really only busy two weeks a year and even then duplicate the work of a policeman who accompanies them. The janitorial service of the County Court House in Annapolis uses twice as many janitors as accepted work load figures would suggest were needed. Also, in the Court House there is a man assigned full time to changing light bulbs. The Police Department wastes manpower in communications and by assigning a man to "assuring that police vehicles get a proper priority for garage repair", although he does no repair work himself. There is overstaffing in the Sanitary Commission, Public Works and no doubt careful inquiry would demonstrate it in several other departments, too. Contrariwise, the Personnel Office is understaffed, and the Police need more manpower and there exists a need for a true budget analysis office.

NEED BUILDINGS: There exists a critical need for more and better quarters for the Public Works Department, the Police Department, the Jail and for Fire Administration and Training. Though the County borrowed a million dollars in 1960 to construct a building for all of these purposes, except Public Works, no decision has been reached yet on a location. Meanwhile, the County has the money which it borrowed at 3.7% interest invested at 2.7% interest--a loss of \$10,000.00 a year. While the decision makers delay, a badly needed building is delayed too, and the County is paying interest on money it doesn't need yet. Immediate steps should be taken to select a location and construct a new Public Safety Building.

Though the Sanitary Commission is not truly self-supporting it has constructed more adequate and more elaborate facilities than are available to the remainder of the County government. It is probable that a consolidation of the Public Works Department with the Sanitary Commission units could result in additional building facilities for both in and about the present Sanitary Commission location in Glen Burnie.

CHARACTER OF THE CHARTER

ORGANIZATION: The proposed Home Rule Charter for Anne Arundel County will improve the effectiveness of the County government. It will vest the power to enact local laws in the locally elected Council, rather than in the two houses of the State Legislature and the Governor. This is the Home Rule aspect of the Charter. At the same time it will provide for a separation of the executive and legislative powers, unlike the combination of some legislative and all executive powers now held within the Board of County Commissioners. The essential advantage to this projected separation of powers is that administrative offices and departments look to but one supervisor--the Executive--rather than to many supervisors in the Commission or the Council. A man can serve but one master....

Under the Charter the County Executive would appoint all office and department heads except those under the Council or the Director of Administration. His appointments would not be subject to confirmation by the Council. Thus, the Executive would enjoy an authority commensurate with his responsibility.

In addition to the elected Executive, who would head all administrative activities, the Charter provides for a Director of Administration to supervise and coordinate the budget, personnel, financial and housekeeping functions which serve the operating, or line agencies, such as Public Works, Police and so forth. This Director of Administration should be a professional administrator with experience in the budget, finance and personnel fields. Through these budget and personnel functions, he may have a profound influence upon all office and departmental activities, though without interfering in their day-to-day direction.

Essentially, the Charter provides for a Council which will enact all laws, an elected Executive with broad administrative authority and an appointed Director of Administration who will exercise direct control over budget, finance, personnel and housekeeping activities, and indirect but yet real control over other offices and departments.

Other patterns of organization were considered, but it was concluded that none would fit local conditions so well as those recommended. A continuation of the present Board of County Commissioners but with added legislative authority was considered. This was rejected because of the numerous failings of the Board in the past both as administrators and limited-authority legislators. A pure Council-Manager form was considered under which a Council would enact all legislation and a professional Manager would carry out Council orders. This would have provided for a separation of executive and legislative powers as is traditional in American governments, but this form was rejected because for the Council-Manager form to succeed, the Council should be elected on a non-partisan basis and this is impossible under Maryland law.

Montgomery County is considered to operate under the Council-Manager plan, but review suggests that its Charter combines many of the vices of the Anne Arundel Commission form without the virtues of a true Manager form. Specifically, in Montgomery County the Council retains both executive and legislative authority by Charter, while in the true Council-Manager form the Manager exercises executive power by right of the Charter.

Proposals have been advanced for a President of the County Council elected countywide, and a legislative body whose members would be elected by districts. The President would be executive or administrative officer of the County, but would lack the powers of appointment and veto. This is generally designated as the "weak mayor" plan of municipal government. There are variations in the theme: the Mayor usually presides over the Council, he may break tie votes in the Council, and if the Mayor is allowed any appointments, they are usually subject to confirmation by the Council. The important and essential characteristic of the "weak mayor" organization is that the Mayor cannot conceive and execute a policy; he is more the errand boy of the Council than an equal to the Council or its leader.

On the departmental level the Charter abolishes or minimizes the role of various boards and commissions. Those which are envisaged by the Charter are of an advisory or quasi-judicial, rather than administrative nature. Of special note is the abolition of the Police Board of Examiners who control the Police Department and the Sanitary Commission which controls the water and sewer service of the County. In both cases, the recognition of a single department head will strengthen the chain of authority and responsibility and should result in better service.

Unlike the current County organization with 16 distinct functions reporting directly to the County Board of Commissioners the Charter provides only eight primary functions reporting to the Executive. This is a marked improvement and will lead to better departmental coordination and supervision. Especially noteworthy is the consolidation of the closely related sanitary and public works activities into a single department, thus affecting both operating economies and improved coordination.

The Charter also groups the several fire suppression and prevention activities under a single administrator who would be nominated by the County Volunteer Firemen's Association acting through a Fire Advisory Board. This is one of the essential functions of government and requires increased attention as the County becomes ever more urban and suburbanize

FINANCE: The Charter greatly strengthens provisions for budgeting, accounting and auditing of money. Budget and finance are made the concern of the Director of Administration, and through them he can influence all departmental programs. In addition, the Charter provides for a County Auditor who will

be appointed by the Council to conduct routine and special audits. Also, the Charter provides for audits of the County finances each four years by an outside accounting firm. The Charter is quite specific in setting forth financial control procedures and provides a penalty for violation of these and other Charter provisions. It opens the door to an orderly program of construction and capital improvements, requires debt control procedures and requires a balanced budget. In addition, the procedure for budget preparation is set forth in some detail, public hearings on the budget are required and numerous other provisions for fiscal procedures are tightened to assure that the public money is spent according to law and for the intended purpose.

PERSONNEL: A personnel system based upon merit is provided by the Charter. Appointments and promotions are to be made contingent upon ability as determined by appropriate forms of examination. At the same time, the Charter merit provisions are not so tight as to prevent appointments and promotions based upon on the job merit in addition to examined merit. In requiring a pay and classification plan, the Charter provides for equal pay for equal work.

Of special significance is the Charter provision for a Personnel Board to serve in a quasi-legislative, quasi-administrative and quasi-judicial capacity. Composed of five members, one of whom would be elected by the County employees on secret ballot, the Personnel Board will prepare personnel rules, determine examination methods and hear appeals on re-allocation and disciplinary cases. In the Board, County merit system employees would have a fair hearing by a primarily citizen body which is independent of the County administration. The fact that one Board member is selected by the County employees should assure fair treatment of all.

While the personnel article covers the Police Department employees under the merit system, it excludes department heads. It also recognizes department heads as the basic appointing authority for their subordinates. These two provisions go hand in hand. If the department head is to be held responsible for his department activity, he should be recognized as the authority for the hiring and promoting of employees within the framework of the merit system. However, if the County Executive is to be held responsible for the overall operation of all departments, he must have the authority to appoint and dismiss his subordinate department heads.

ZONING: Classification of land for various permitted and restricted uses is vested in the Council by the Charter. However, working out the problems of individual properties within any zone is delegated to a Zoning Hearing Officer and a County Board of Appeals. The Council, under the Charter, will be concerned only with the broad aspects of zoning, while the Zoning Hearing Officer and Board of Appeals will be concerned only with the application of zoning to individual pieces or parcels of property. In addition, the technical knowledge

of the Planning and Zoning Office would be made available to the Hearing Officer as he considered reclassifications, variances or special exceptions as an aid in executing the purposes of the Master Plan.

THE COUNCIL: Since Montesquieu the principle of the separation of powers has been an enunciated and accepted principle of government. From this doctrine the separation of powers was developed to prevent abuses of the grant of power. Gradually, under the onslaught of modern problems of government, the need for professionalization in government evolved. But even here, as under the Council-Manager plan of local government, there is a definition of respective responsibility or, as Woodrow Wilson emphasized, the necessity of separating policy from administration. It is the job of an elected Council to make the laws - to make value judgments; to decide what can be done and what the people can afford; it is the job of the Executive to execute or administer those laws. The role of the elected law-making Council is to determine what is to be done, what do the people need, what is the will of the people. This deliberative, plural body cannot decide how things are to be done - this is the province of the Executive.

It is exceedingly important from the standpoint of good government and the success of this Charter that the first Council clearly recognize and adhere to its proper role. No longer will it be a dual body sticking its fingers into everyday administration. Its job will be to legislate and not to administer. No longer will it tell administrative officers what to do except through legislation. From early times it has been recognized that nothing but confusion comes from multiple command. Thus, the Council or any group cannot administer - its job is to decide policy - to legislate - and thus to speak with one voice. It is the task of the Executive to carry out that legislation. Thus, the first, and later, Councils must realize that they have the job of listening to the people and to the technical know-how of personnel of the Executive Branch, of deciding what is best and adopting that policy in the form of law. Members of the Congress decide defense policy - the President carries it out - neither shoot guns. The State Legislature authorizes and provides State hospitals, the Governor sees to it they are set up and function; neither give hypodermics. In Anne Arundel County the Council should decide that a building needs to be built and to fix the amount to be spent, the Executive should see to it that the building gets built at the optimum cost - neither should lay a brick. This is as it should be.

CERTIFICATE OF SUBMISSION

We, the undersigned, constituting the Charter Board of Anne Arundel County, Maryland, elected by the people of Anne Arundel County on November 6, 1962, in accordance with the provisions of Article XIA of the Constitution of this State, and empowered thereby to frame a Charter for the government of said County, do hereby certify that the Charter submitted herewith and attached hereto and made a part of this certification by this reference was prepared and unanimously approved by said Board.

The proposed Charter is hereby submitted this Second day of May, 1963, to the Honorable Joseph F. Collinson, Jr., President of the Board of County Commissioners of Anne Arundel County, to be published in the manner required by Article XIA of the Maryland Constitution and to be submitted to a vote of the qualified voters of Anne Arundel County, Maryland, at the general election to be held on Tuesday, November 3, 1964.

THE CHARTER BOARD OF ANNE ARUNDEL COUNTY

Benjamin Michaelson, Chairman

John A. Cade

Ridgely P. Melvin, .

E. Churchill Murray

William Padfield, S

Bennett Crain, Jr.

Reporter to the Charter
Board of Anne Arundel County

CERTIFICATE OF LEGAL COUNSEL

I, Bennett Crain, Jr., having been duly constituted as Legal Counsel for the Charter Board of Anne Arundel County, do hereby certify that I have read and considered the proposed Charter annexed hereto, and, in my opinion, it conforms in all respects with the Constitution and laws of the State of Maryland.

Bennett Crain, Jr.

May 2, 1963.

CHARTER OF ANNE ARUNDEL COUNTY
MARYLAND

PREAMBLE

We, the People of Anne Arundel County, State of Maryland, in order to form a more orderly County government, establish separate legislative and executive branches, insure responsibility of and accountability for public funds, promote the general welfare and secure the benefits of home rule, do, in accordance with the Constitution and the laws of the State of Maryland, adopt, ordain and establish as our Charter and form of government this

CHARTER OF ANNE ARUNDEL COUNTY, MARYLAND

ARTICLE I

NAME AND RIGHTS OF THE COUNTY

Section 101. BODY CORPORATE AND POLITIC. Anne Arundel 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 Anne Arundel 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 "Anne Arundel 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 Anne Arundel County composed of seven members, each one of whom, at the time of his election and for two years immediately prior thereto and during his full term of office, shall reside in a different one of the seven 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, each member of the County Council shall be a qualified voter of the County and not less than twenty-five years of age at the time of his election and shall have resided within the County for a period of four years immediately preceding his election.

(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 compensation or profit of or under the State, County or Federal government. After qualifying as such, no member of the County Council, notwithstanding the fact that he may thereafter resign, shall during the whole period of time for which he was elected be eligible for appointment to any County office, position or employment carrying compensation

(c) CHANGE OF RESIDENCE. If any member of the County Council during his 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. Each member of the County Council shall hold office for a term of four years commencing at the time of election and continuing until his successor shall qualify. He shall qualify on the first Monday in December following his election, or as soon thereafter as practicable and shall enter upon the duties of his office immediately upon

his qualification; provided, however, that each member of the first County Council elected after the adoption of this Charter shall hold office only until the next quadrennial election and until his successor has 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 Twenty-One Hundred Dollars (\$2,100.00) per annum. Such salary shall be in full compensation for all services required by law or by this Charter to be performed by the members of the County Council. No member of the County Council shall be entitled to any other allowance of any kind, except that, subject to approval of the Council, he may be allowed his actual necessary expenses incurred in representing the County beyond the geographical boundaries thereof.

Section 205. VACANCIES. A vacancy occurring in the office of Council member prior to the expiration of his term shall be filled within thirty days after the vacancy occurs by a majority vote of the remaining members of the County Council. The member so elected shall belong to the same political party (unless his predecessor was not a member of a political party) to which the previous member belonged. The member so elected 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. Anne Arundel County is hereby divided into seven councilmanic districts composed of the following election districts and precincts or portions thereof in effect on November 6, 1962:

Councilmanic District	Election District(s) or Parts Thereof in Effect on November 6, 1962
I	The second precinct of the fourth election district The second precinct of the fifth election district The fourth precinct of the fifth election district
II	The third precinct of the fifth election district The third precinct of the third election district All that part of the third precinct of the fourth election district which is north and west of New Cut Road
III	The first precinct of the fifth election district The first precinct A of the fifth election district The first precinct of the third election district
IV	The first precinct of the fourth election district The second precinct of the second election district
V	All that part of the third precinct of the fourth election district which is south and east of New Cut Road The second precinct of the third election district

Councilmanic District (Con't)	Election District(s) or Parts Thereof in Effect on November 6, 1962
V	The fourth precinct of the third election district The fifth precinct of the third election district
VI	The sixth election district The first precinct of the second election district
VII	The first election district The seventh election district The eighth election district

The councilmanic districts above are created solely for the purpose of establishing districts in which the members of the County Council shall reside in accordance with the provisions of Section 201(a) of this Article and for no other purpose.

Section 207. REVISION OF COUNCILMANIC DISTRICTS. After receiving the report of the Charter Revision Commission as provided in Section 1203 of Article XII of this Charter, the County Council is hereby empowered, by ordinance enacted by the affirmative vote of not less than five members, to revise, amend or reconstitute councilmanic districts than in effect but not to change the number thereof. Any such ordinance shall not be subject to executive veto and shall become law on the date of its enactment by the Council. Any such ordinance shall not be an emergency ordinance and shall be subject to the referendum provisions of Article III of this Charter.

Section 208. LEGISLATIVE SESSIONS; MEETINGS OF THE COUNTY COUNCIL; QUORUM; RULES OF PROCEDURE.

(a) TOTAL SESSION DAYS. The County Council may sit at the County seat forty-five days in each year for the purpose of enacting legislation. Such legislative session-days may but need not be consecutive.

(b) ANNUAL LEGISLATIVE SESSION. The County Council shall convene for an annual legislative session on the third Monday in April and may continue its session for a period of not longer than thirty days, exclusive of Saturdays, Sundays and legal holidays of the State or Nation.

(c) MONTHLY LEGISLATIVE SESSION-DAY. The County Council shall also convene on the third Monday of each month except November in a councilmanic election year for the purpose of enacting legislation, but if said third Monday shall be a holiday, the said session-day shall be held on the next succeeding day which is not a holiday.

(d) EMERGENCY LEGISLATIVE SESSIONS. The County Council may be called into emergency session either by the County Executive or by the Chairman at the request of any three members.

of the Council for the purpose of enacting emergency ordinances. As used in this subsection (d) the term "emergency ordinance" shall mean one which deals with an actual acute emergency necessary for the immediate preservation of the public peace, health, safety and welfare; provided, however, that before any bill shall be passed at such emergency session, it shall require the affirmative vote of five members of the County Council.

(e) MEETINGS. The County Council may meet for the purpose of performing other duties properly exercisable by the County Council under the provisions of this Charter other than enacting ordinances at such other times and at such places as the Council may determine.

(f) QUORUM. At all legislative sessions and meetings four members thereof shall constitute a quorum for the transaction of business.

(g) RULES OF PROCEDURE. It shall be the duty of the County Council to adopt Rules of Procedure not inconsistent with this Charter.

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 regular meeting or session in December of each year shall elect from its membership a Chairman and a Vice Chairman. The Chairman, or in his absence the Vice Chairman, shall preside at all meetings and legislative sessions. On all questions before the County Council the Chairman and Vice Chairman shall have and may exercise the vote to which each is entitled as a Council member. In the event of the absence of both the Chairman and Vice Chairman, the members present, shall select one of their number to act as Chairman pro tem, who, while so acting, shall have all the authority and voting rights of the Chairman.

(b) OTHER OFFICERS AND DUTIES. There shall be a Secretary appointed by the County Council, who shall keep minutes of its meetings and maintain its Journal. There may be such other officers of the County Council as may be provided in its Rules of Procedure. Officers of the Council shall perform duties and functions not inconsistent with those assigned to the legislative branch by this Charter or the Rules of Procedure of the Council.

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. The Council may, however, appoint special ad hoc committees solely for the purpose of inquiry and fact finding.

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 is the elected legislative body of the County

and is vested with 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 Anne Arundel County, including the power to accept gifts and grants. The County Council may enact public local laws hereinafter called ordinances 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, 1957 Edition as supplemented) as now in force or hereafter amended, provided that nothing herein contained shall be construed to authorize or empower the County Council to enact ordinances for any incorporated town, village or municipality in said County on any matter covered by the powers granted to said town, village or municipality by the act incorporating it, or any subsequent act or acts amendatory thereto. The County Council may also provide for the enforcement of all ordinances and resolutions adopted by fines, penalties and imprisonment, within the limits prescribed by law.

Section 307. LEGISLATIVE PROCEDURE.

(a) PUBLIC MEETINGS. All meetings and legislative sessions of the County Council shall be open to the public.

(b) ENACTING CLAUSE. The style of the enacting clause for all ordinances of the County Council shall be: "Be it enacted by the County Council of Anne Arundel County, Maryland."

(c) TITLES. Each ordinance enacted by the County Council shall embrace but one subject and no ordinance or resolution or any section thereof shall be revised or amended by reference to its title or section only.

(d) ORDINANCES AND RESOLUTIONS. The County Council shall proceed only by ordinance or resolution which shall be introduced in written or printed form. This requirement shall not apply to procedural motions, the election of a presiding officer and motions for adjournment. In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the County Council shall be done by ordinance which adopt or amend a law, create new bureaus or divisions of any department or office of the County government, which provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed, which levy taxes, which grant, renew or extend a franchise, which set the rate charged for sewer and water services, which fix the compensation of any officer or employee of the County, which make an appropriation, which authorize the borrowing of money, which convey or lease, or authorize the conveyance or lease of any lands of the County. A resolution shall mean a measure adopted by the County Council, not subject

to executive veto, which is of a temporary or administrative nature such as the making of appointments, the declaration of testimonials, the direction of officers and employees of the County Council, requests for information from the executive branch and such other actions which this Charter requires to be taken by resolution.

(e) PROCEDURE FOR PASSING ORDINANCES. A proposed ordinance may be introduced by bill by any member of the Council on any legislative session-day of the Council. Not later than the next calendar day following the introduction of a bill the Chairman of the Council shall schedule a public hearing thereon which shall not be less than seven days after its introduction provided that the Council may reject any ordinance on its introduction without a hearing by a vote of five members. The hearing may, but need not be, held on a legislative session-day and may be adjourned from time to time. After the public hearing as herein provided, a bill may be finally passed on a legislative session-day with or without amendment, except, that if a bill is amended before final passage and the amendment constitutes a change of substance, the bill shall not be passed until it is reprinted or reproduced as amended and a hearing shall be set thereon and proceedings had as in the case of a newly introduced ordinance. The provisions of this subsection shall not be applicable to emergency ordinances and the annual budget and appropriation ordinance of Anne Arundel County as defined in Section 709 of this Charter.

(f) PROCEDURE FOR PASSING EMERGENCY ORDINANCES. Upon introduction by bill of an emergency ordinance the Chairman shall schedule a public hearing thereon which shall not be less than three days after its introduction. The public hearing may but need not be held on a legislative session-day and may be adjourned from time to time. After public hearing the bill may be passed with or without amendment on a legislative session-day by an affirmative vote of five members of the Council.

(g) VOTES REQUIRED. No ordinance shall become law unless it be passed by the affirmative vote of not less than four members of the County Council, or such greater number as may elsewhere be required in this Charter, and on its final passage the yeas and nays shall be recorded in the Journal.

(h) PUBLICATION OF COUNTY LAWS. On the introduction of any bill, a copy thereof and notice of the time and place of the hearing shall be posted by the Secretary of the Council as soon as practicable on an official bulletin board to be set up by the County Council in a public place, and additional copies of the bill shall be made available to the public and to the press. Every copy of each bill shall bear the name of the member of the Council introducing it and the date it was introduced for the consideration of the Council; and no bill, unless it be an emergency bill, shall be passed before the seventh calendar day after such date. 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.

(i) EFFECTIVE DATE OF ORDINANCES. Any ordinance enacted by the County Council shall take effect forty-five days after it becomes law, unless declared to be effective on a later date. If an ordinance is an emergency ordinance as defined in Section 208(d) or if an ordinance passed at an annual legislative session or a monthly legislative session-day be declared by the County Council to be an emergency ordinance necessary for the immediate preservation of the public peace, health, safety and welfare, it shall take effect from the date it becomes law. An emergency ordinance shall not levy taxes, create revenue, or grant a franchise or special privilege, or abolish or create any office, or change any salary, term or duty of any officer or create any vested right or interest.

(j) EXECUTIVE VETO AND FAILURE OF BILLS. Upon the passage of any ordinance by the County Council, with the exception only of such measures as may in this Charter be made expressly exempt from the executive veto, the same shall be presented within two calendar days to the County Executive for his approval or disapproval, and within ten days after such presentation he shall return any such ordinance 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 ordinance shall become law. Any such ordinance 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, not later than at its next legislative session-day, the County Council may reconsider the enactment thereof notwithstanding the executive veto, and if five members of the Council vote in the affirmative, the ordinance shall become law. Whenever the County Executive shall fail to return any such ordinance within ten 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 ordinance shall thereupon become law. The County Executive may disapprove of one or more parts of an ordinance while approving others and the part or parts approved shall become law and the parts disapproved shall be returned to the Council as prescribed and shall not take effect unless passed over his veto as set forth herein. Any bill not passed within sixty-five days after its introduction, or prior to November in a councilmanic election year, shall fail.

Section 308. THE REFERENDUM.

(a) SCOPE OF THE REFERENDUM. The people of Anne Arundel 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 ordinance or part of any ordinance of the County Council. The referendum petition against any such 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 Board of Supervisors of Elections of Anne Arundel County within forty-five days after the ordinance becomes law. If such a petition is filed as aforesaid, the ordinance or part thereof to be referred shall not take effect until thirty days after its approval by a majority of the qualified voters of the County voting thereon at the next ensuing election held for members of the House of Representatives of the United States; provided, however, that if more than one-half but less than the full number of signatures required to complete any referendum petition against such ordinance be filed within forty-five days from the date it becomes law, the time for the ordinance 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. Any emergency ordinance shall remain in force from the date it becomes law notwithstanding the filing of such petition, but shall stand repealed thirty days after having been rejected by a majority of the qualified voters voting thereon. No ordinance making any appropriation for current expense 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 ordinances, 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 ordinance or the part of the ordinance petitioned upon; and there shall be attached to each such paper an affidavit of the person procuring the signatures thereon that, to the said person's own personal knowledge, each signature thereon is genuine and bona fide, and that to the best of his knowledge, information and belief the signers are registered voters of the State of Maryland and Anne Arundel County, as set opposite their names.

Section 309. NON INTERFERENCE WITH EXECUTIVE BRANCH. Neither the Council nor any of its members shall direct or request the appointment of any person to or his removal from any office or employment by the County Executive or by any of his subordinates or in any way take part in the appointment of or removal of officers and employees of the County except as specifically provided in this Charter. Except for the purpose of inquiry, the Council and its members shall deal with the executive branch solely through the County Executive, and neither the Council nor any member thereof shall give orders either publicly or privately to any subordinate of the County Executive. Any member of the Council violating

the provisions of this section or voting for a motion, resolution or ordinance in violation of this section shall upon conviction be punishable by imprisonment for not more than six months or a fine of One Thousand Dollars (\$1,000.00). The violator shall thereafter cease to be a member of the Council.

Section 310. COUNTY AUDITOR. The County Council shall, by resolution, appoint a County Auditor who shall hold office for an indefinite term at the pleasure of the Council and shall receive such compensation as the Council may determine. The first County Council shall by resolution appoint a County Auditor not later than ninety days after qualifying for office. 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 shall have at least five years experience pertaining to the duties of his office.

Section 311. DUTIES OF COUNTY AUDITOR. The County Auditor shall, not later than six months after the close of each fiscal year, prepare and submit to the County Council and to the County Executive, a complete financial audit for the preceding fiscal year of all offices, departments, institutions, boards, commissions, corporations, courts and other agencies of the County government. The Council may in its discretion except those agencies whose entire records, accounts and affairs are completely audited each year by the State government. Such audit shall include a report thereon, together with such explanatory comments as the Auditor may deem appropriate. Copies of the complete audit shall be open for the inspection of the public and the press in the County Auditor's office and a reasonable number of copies shall be available for public distribution. 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, courts, corporations and other agencies thereof, shall at all times be open to the inspection of the County Auditor. He shall devote full time to the duties of his office. He shall make a current post audit of all County agencies as heretofore specified and may, with the approval by resolution of the Council, examine and audit all accounts, books and records reflecting transactions involving the financial activities and affairs of the County including those for which the County has a responsibility as a agent, custodian or trustee. 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 and to take exception to such practices, and it shall be the duty of the County Executive to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds. Any special examination or audit shall be available for public inspection and shall be reported promptly to the County Executive, the County Council and the department or office covered thereby. The County Council shall have the power to implement the provisions of this section and to assign additional functions, duties and personnel to the

County Auditor not inconsistent with those provided herein. The County Council to the extent permitted by law may by resolution authorize the County Auditor to examine and audit the books and records of persons or firms contracting with the County when in its judgment such action is needed to protect the interests of the County. All actions of the County Council pursuant to this section shall be exempt from the executive veto.

Section 312. INDEPENDENT AUDIT. Each incoming County Council and County Executive upon assuming office under the provisions of this Charter shall forthwith cause to be made a financial audit of all offices, departments, institutions, boards, commissions and other agencies of the County government, covering their operations for the preceding four fiscal years 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 a firm shall be without competitive bidding and its employment by contract shall be made promptly by the County Executive with the advice and consent by resolution 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 nine months after the close of the last fiscal year of the audit. 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, corporations, courts, commissions and other agencies thereof shall be open to the inspection of the accountants conducting the audit. The County Council shall have the power to implement the provisions of this section by ordinance not inconsistent herewith, and to require such additional independent audits as it shall deem necessary. The designated firm of certified public accountants and any of its members shall have no personal or financial interest, direct or indirect, in the fiscal affairs of the County, or any of its departments, offices or agencies. The Council may in its discretion except from this quadrennial audit those agencies whose entire records, accounts and affairs are completely audited each year by the State government.

Section 313. SPECIAL AUDITS. Either the County Council by resolution or the County Executive may at any time order the examination or audit of the accounts of any County department, office or agency by the County Auditor. Upon the death, resignation, removal or expiration of the term of any County administrative officer, the County Auditor shall cause an audited investigation of the accounts maintained by the officer, and by his department, office or agency, to be made, and shall report the results thereof to the County Executive and the County Council. In the case of the death, resignation or removal of the Controller, the County Council by resolution shall cause an audit to be made of his accounts by the County Auditor. If as a result of any such audit, an officer shall be found to be indebted to the County, the County Executive shall proceed forth

with to collect the indebtedness.

Section 314. SPECIAL ASSISTANCE. The Council may at its discretion, and subject to the provisions in its budget or supplementary appropriation, by resolution engage the services of experts, consultants or attorneys to aid it in its inquiries, investigations or the drafting or codification of legislation.

ARTICLE IV

THE COUNTY EXECUTIVE

Section 401. NATURE AND TERM OF OFFICE; MODE OF ELECTION; QUALIFICATIONS; SALARY. There shall be a County Executive who shall be the chief executive and administrative officer of the County and the official head of the County government. In such capacity, he shall be the elected officer mentioned in Section 3 of Article XIA of the Constitution of this State. Pursuant to public general law, he shall be nominated in the primary election 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 1103 of this Charter. The County Executive shall be a qualified voter of the County, not less than thirty years of age and shall have been a resident of 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 406 of this Article, shall be paid an annual salary of Eighteen Thousand Dollars (\$18,000.00). No person elected or appointed to the office of County Executive shall be eligible to succeed himself in office if he has served in such office for two consecutive four year terms.

Section 402. VACANCY. Whenever for any cause the office of the County Executive shall become vacant, the same shall be filled by resolution within thirty days by the affirmative vote of not less than four members of the County Council. The person so elected by the Council shall possess the same qualifications for the office as hereinbefore provided in Section 401 hereof, 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.

Section 403. TEMPORARY ABSENCE OR DISABILITY OF COUNTY EXECUTIVE. The County Executive may, during his temporary disability or absence from the County, designate in writing the head of one of the County departments or offices as Acting County Executive to perform the duties of the office. In the event that the County Executive is temporarily disabled or absent from the County and fails to designate as above provided, the Director of Administration, shall serve as Acting County Executive. If both the County Executive and Director of Administration are temporarily disabled or absent and the County Executive has failed to designate an Acting County Executive, the Budget Officer shall serve as Acting County Executive unless the County Council designates the head of another department or office of the County government. An Acting County Executive shall have the same rights, duties, powers and obligations as an elected incumbent in said office except the power of veto.

Section 404. CONVICTION OR FAILURE TO PERFORM DUTIES. If a County Executive shall be convicted of a crime other than a traffic violation or fails actively to perform the daily duties and responsibilities of his office as set forth in Section 405 for a continuous period of six months, his office may be declared vacant by the affirmative vote of not less than five members of the County Council by ordinance and such vacancy shall thereupon be filled in the manner above provided in Section 402 of this Article.

Section 405. POWERS AND DUTIES OF THE OFFICE. The County Executive shall be responsible for the proper and efficient administration of such affairs of the County as are placed in 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:

- (a) To supervise, direct and control, subject to law and the provisions of this Charter, the executive branch of the County and to appoint and remove the Director of Administration, the County Solicitor, the Planning and Zoning Officer, Zoning Hearing Officer, Director of Public Works, Director of Inspections and Permits, Chief of Police, Fire Administrator and the Director of Recreation and Parks who shall be directly responsible to him;
- (b) To present to the County Council the annual County budget in the manner and form hereinafter in this Charter provided;
- (c) 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;
- (d) 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 to be in the best interests of the County;
- (e) Assure that the County officers, boards, agencies, commissions, departments and employees faithfully perform their duties;
- (f) Assure 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;
- (g) To make or cause to be made any study or investigation concerning the operation of the executive branch, the develop-

ment of a legislative program, the means of financing County requirements, the social and economic development of the County, including but not limited to investigations of the affairs, functions, acts, methods, personnel or efficiency of any department, office or officer under his jurisdiction;

(h) To veto, in his discretion, ordinances of the County Council, in the manner, at the times and subject to the limitations of this Charter and to return the same to the Council for his reasons therefor;

(i) Unless otherwise specified in this Charter, to appoint and to remove for cause the members of all boards, commissions, authorities and corporations created in or pursuant to this Charter or by law, except the County Board of Appeals, Appeals Tax Court and the Fire Advisory Board;

(j) To serve on all boards and commissions, exclusive of the Board of Health, on which a County Commissioner was, prior to the adoption of this Charter, required to serve as a member, provided, however, when permitted by law, he may designate someone else to serve in his place;

(k) To sign or cause to be signed on the County's behalf all deeds, contracts and other instruments, including those which prior to the adoption of this Charter, required the signature of the President or Chairman or any member of the Board of County Commissioners, and to affix the County seal thereto unless otherwise authorized by law or by this Charter;

(l) Except as otherwise expressly provided in this Charter, to issue, or cause to be issued, all executive orders, directive licenses and permits, including those which prior to the adoption of this Charter, were issued or granted by the County Commission

(m) To prepare and issue, or cause to be prepared and issue rules and regulations of the character which prior to the adoption of this Charter were prepared or issued by the County Commission provided that before taking effect, all such rules and regulations other than those affecting the internal operating procedures of the executive branch of the County government, shall be approved by the County Council by ordinance;

(n) To appoint pursuant to Article VIII of this Charter a Secretary to the County Executive, who shall have and may exercise all powers and functions heretofore conferred on the Clerk of the Board of County Commissioners, not otherwise fixed by this Charter, including but not limited to the power to attest the signatures of all County officials;

(o) To perform such other executive duties as may be prescribed by this Charter or required by ordinance of the County Council not inconsistent with this Charter or as may be necessarily implied from the powers and duties herein specified;

Section 406. CHANGE IN COMPENSATION OF COUNTY EXECUTIVE. The County Council, by the affirmative vote of not less than five of its members, shall have power to increase the compensation provided in this Charter for the County Executive, and thereafter, upon a similar vote to reduce such compensation; provided, however, that in no event shall such compensation be reduced to a figure lower than that provided in this Charter, except by amendment thereto, nor shall the compensation of the County Executive be increased or reduced during his current term.

ARTICLE V

THE EXECUTIVE BRANCH

Section 501. COMPOSITION. The executive branch of the County government shall consist of the County Executive and all officers, agents and employees under his supervision and authority.

Section 502. GENERAL SUPERVISION. Except as otherwise provided herein or in the public general laws of this State, the executive branch of the County shall be subject to the supervision and control of the County Executive, who shall be responsible for its efficient operation and management and for the faithful execution of the law.

Section 503. COMPOSITION; RESTRICTIONS ON CREATION OF ADDITIONAL OFFICES AND DEPARTMENTS. The executive branch 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 by directive of the County Executive or by ordinance of the County Council. New bureaus or divisions of existing offices and departments shall not be created except by ordinance of the County Council. The Council shall create no body corporate nor give financial support to any entity for the purpose of evading the provisions of this section.

Section 504. DIRECTOR OF ADMINISTRATION. There shall be a Director of Administration who shall have supervisory authority over the Offices of Finance, Budget, Personnel, Civil Defense and Central Services. He shall appoint and remove the heads of the Offices of Finance, Budget, Personnel and Central Services in accordance with the provisions of this Article. He shall be the Chief Budget Officer of the County. He shall also have such staff authority with respect to other offices and departments in the executive service as the County Executive may designate from time to time.

Section 505. DIRECTOR OF ADMINISTRATION; QUALIFICATIONS; MODE OF SELECTION; SALARY. The Director of Administration shall be appointed solely on the basis of his integrity, managerial ability, technical knowledge, qualities of leadership, professional attitude 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, a Master's Degree in Business or Public Administration from an accredited college or university and at least five years' experience as an executive either in public administration or private business, or both. He shall also be thoroughly familiar with modern budget and accounting methods. At the time of his appointment, he may, but need not be, a resident of Anne Arundel 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. Unless the executive pay plan ordinance referred to in Section 508 of this Charter shall specify a higher salary range for the Director of Administration, he shall be paid at the rate of no less than Fourteen Thousand Dollars (\$14,000.00) per annum, and not more than Sixteen Thousand Five Hundred Dollars (\$16,500.00) per annum.

Section 506. OTHER OFFICES. There shall be the following offices under the immediate direction and control of the County Executive: Office of Law, Office of Planning and Zoning and Office of Zoning Hearings.

Section 507. DEPARTMENTS. There shall be the following departments under the immediate direction and control of the County Executive: Department of Public Works, Department of Inspections and Permits, Department of Police, Department of Fire, Department of Recreation and Parks, and to the extent permitted by public general law, Department of Education, Department of Libraries, Department of Health and Department of Welfare.

Section 508. TERM AND COMPENSATION OF OFFICERS AND EMPLOYEES IN THE EXECUTIVE BRANCH. Subject to the applicable merit system provisions of this Charter and other laws, all officers, agents and employees in the executive branch of the County shall hold such terms and receive such compensation as may from time to time be provided by this Charter or by ordinance not inconsistent therewith. Officers and employees in the exempt service as defined in Section 802 of this Charter shall have their compensation fixed by an executive pay plan adopted by the County Council by ordinance upon recommendation of the County Executive. In the development, adoption or amendment of the executive pay plan ordinance the County Executive and County Council shall give due consideration to prevailing salaries for similar positions in other appropriate United States jurisdictions of generally comparable population. The executive pay plan shall exclude the County Executive and other elective officials whose salaries may not be changed during their term of office.

Section 509. TEMPORARY APPOINTMENTS.

(a) DIRECTOR OF ADMINISTRATION. During the temporary absence of the Director of Administration, or if the office of Director of Administration shall become vacant, the Budget Officer shall serve as Acting Director of Administration pending, in the case of a vacancy, the appointment of a successor. In his capacity as Acting Director of Administration, the Budget Officer need not possess, but the successor shall possess, all those qualifications hereinabove in this Article specified for an original appointee.

(b) OTHER OFFICERS. The County Executive, in the case of a vacancy or temporary absence, may designate any person to

serve as acting head of any office or department in the executive branch until the appointment of a successor. Unless at the time of such appointment the temporary appointee is a subordinate officer in the office or department to which he is 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 Director of Administration or acting head of any office or department for a period longer than sixty days; provided, however, such limit may be extended an additional four months by resolution of the County Council.

Section 510. ORGANIZATION STAFFING. Subject to the provisions of Article VIII of this Charter and other law and the provisions of the annual budget, the head of each office or department may appoint staff and clerical personnel to positions authorized by the County Executive, but no such appointment shall be made if the cost thereof exceeds the budgetary allotment therefor.

THE SERVICE OFFICES

A. THE OFFICE OF FINANCE.

Section 511. THE CONTROLLER. The Office of Finance shall be administered by the Controller, who shall be appointed on the basis of his knowledge and experience in governmental accounting and financial administration, of which at least five years shall be in an executive or supervisory capacity, and his demonstrated capacity to discharge the duties set forth in Sections 512 and 513 of this Charter. He shall be responsible directly to the Director of Administration.

Section 512. GENERAL POWERS AND DUTIES OF THE CONTROLLER. The Controller shall have and exercise all the fiscal powers and duties now vested in or imposed upon other County officers not otherwise fixed by this Charter and upon the County Treasurer; and he is hereby designated as the Collector of State and County taxes in the County. 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 Sanitary District charges (subject to Section 539 of this Charter), 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 Director of Administration or by ordinance of the County Council not inconsistent herewith.

Section 513. SPECIFIC POWERS AND DUTIES. The Controller 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 Director of Administration, 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 monthly thereon to the several offices, departments, boards, commissions and other agencies of the County government;

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

(f) To deposit and have custody of all 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) In consultation with the Budget Officer to plan, install and prescribe accounting systems throughout the County government;

(h) To prepare for bond sales and advise on debt management and the investment of funds;

(i) To collect and bill for all taxes, fees and other charges and to fix the time for the deposit of receipts;

(j) To maintain a comprehensive system of accounting for all funds of the government in accordance with accepted principles of governmental and utility accounting;

(k) To administer tax sales;

(l) To designate, with the approval of the Director of Administration, an employee to act as Controller with authority to perform his duties and to affix his own signature to checks and other documents in the absence of the Controller;

(m) To perform such other duties not inconsistent with those herein enumerated as may be required by the Director of Administration or otherwise by law.

Section 514. APPROPRIATION TO CONTROL EXPENDITURES. No money shall be drawn from the treasury of the County, nor shall any obligation for the expenditure of money by the County be incurred by any officer, board or commission authorized to expend County money, except in pursuance of law or of the appropriation 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. Any officer or employee failing to comply with these provisions shall be considered to have vacated his office or employment.

B. THE OFFICE OF THE BUDGET.

Section 515. THE BUDGET OFFICER. The Office of the Budget shall be administered by the Budget Officer. He shall be appointed solely on the basis of his administrative experience, skill in public administration and governmental budgeting and technical training for the duties of his office. He shall be responsible directly to the Director of Administration who shall be the Chief Budget Officer of the County.

Section 516. POWERS AND DUTIES. The Budget Officer shall be responsible for the formulation of the budget under the supervision of the Director of Administration in accordance with the procedures set out in Article VII of this Charter, including the review of allotments, the control of positions and the development of the annual work programs; research on economic trends and long-term fiscal plans; the study of the organization, methods and procedures of each office, department, board, commission, institution and agency of the County government; the submission to the Director of Administration of periodic reports on their efficiency and economy, and such other duties and functions as may be assigned to him by the Director of Administration or by ordinance of the County Council. He shall be responsible, upon his own initiative or upon request, for assisting agencies in the preparation of their budgets and in improving budget execution and reducing costs.

C. THE OFFICE OF PERSONNEL.

Section 517. COMPOSITION OF OFFICE. The Office of Personnel shall consist of the Personnel Officer, his subordinate officers, agents and employees and the Personnel Board. The Office shall be administered by the Personnel Officer. He shall be responsible directly to, and appointed by the Director of Administration.

Section 518. QUALIFICATIONS OF THE PERSONNEL OFFICER. The Personnel Officer shall be a person trained and skilled in personnel administration, and to be eligible to be Personnel Officer at the time of his appointment, must have had five years' experience in personnel administration in an executive capacity with a knowledge of public personnel administration.

Section 519. POWERS AND DUTIES OF THE PERSONNEL OFFICER. The Personnel Officer shall have general management and control

of the Personnel Office. In addition, he shall have the following powers and duties:

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

(b) To prepare and conduct examinations for original appointment and promotion for positions in the classified service.

(c) To organize recruitment plans to attract qualified personnel to the classified service.

(d) To maintain eligibility lists setting forth the names and comparative qualifications of persons eligible to be appointed to positions in the classified service.

(e) To certify to the appointing authority the names of the three persons standing highest on the eligible list applicable to the position to be filled in the order of their standing on such list, provided that, if there be fewer than three names on any such list, he shall before certifying any names conduct an examination for such position for which at least fifteen days notice shall be given by publication in a newspaper of general circulation published in the County.

(f) To enter into, with the approval of the Personnel Board, agreements with other public personnel offices or agencies for the joint administration of examinations and the joint use of eligible lists at his discretion.

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

(h) To allocate and reallocate positions in the County service to classes of the classification plan, subject to review by the Personnel Board upon appeal by the appointing authority.

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

(j) To direct and enforce the maintenance by all departments, boards, commissions, offices and agencies of the County of the personnel provisions of this Charter and the rules, regulations

and ordinances adopted thereunder.

(k) To attend meetings of the Personnel Board.

(l) To perform such other duties as may be assigned to him by law or the Director of Administration.

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

Section 520. APPOINTMENT OF THE PERSONNEL BOARD. There shall be a Personnel Board consisting of five qualified voters appointed by the County Executive for terms coterminous with his and confirmed by resolution of the Council. Vacancies shall be filled for the unexpired term in the manner of original appointment. Each member shall serve until his successor is appointed and qualified. One member shall always be a member of the classified service as defined in Section 803 of this Charter, and he shall be selected from a list of three names nominated by secret ballot by the members of the classified service. A member of the Board may be removed for cause by the County Executive with the affirmative vote of four members of the County Council. Members of the Board shall receive no compensation for their services except reasonable and necessary expenses as may be provided in the budget. The County Executive shall designate a member as Chairman.

Section 521. POWERS AND DUTIES OF THE PERSONNEL BOARD. The Personnel Board shall have the power and shall be required:

(a) To adopt rules and regulations which shall have the force of law to the extent consistent with the terms of this Charter. Among other things, the rules and regulations shall provide for a method of holding competitive examinations, the general character of examinations for original appointment and promotion, transfers of employees within the classified service, and the procedure for determining the eligibility of applicants to participate in examinations.

(b) To approve and disapprove agreements for the joint administration of examinations and the use of eligible lists entered into between the Personnel Officer and other public personnel departments or agencies.

(c) To hear and to decide finally for the County in open meeting appeals from and actions pertaining to the allocation or reallocation of positions and from any disciplinary action suspending for more than sixty days, reducing in rank or pay or removing any officer or employee in the classified service.

(d) To hear and decide finally for the County appeals from any action pertaining to the methods of examination, certification, or preparation of eligibility lists for appointment or promotion.

(e) In case of any appeal to the Personnel Board, its decision shall be final on all parties concerned. There shall be no further appeal therefrom to the County Board of Appeals or any court. Any question involving the jurisdiction of the Personnel Board may, nevertheless, be heard by the Circuit Court for Anne Arundel County or any other court with jurisdiction over the parties and the subject matter.

(f) To advise and consult, as appropriate, with County officials on matters concerning the administration of the County career service and personnel rules and regulations and to report to the County Executive and County Council upon the operation of the merit system.

D. THE OFFICE OF CIVIL DEFENSE.

Section 522. DUTIES OF OFFICE. The Office of Civil Defense shall constitute the local organization for civil defense required to be established by State law. The Director of said Office shall be appointed by the Governor of this State upon the recommendation of the County Executive. The Office shall have such duties and functions as may from time to time be provided by Federal or State law, or by ordinance of the County Council not inconsistent therewith, or it may be abolished or its duties transferred as the Council shall determine by ordinance without the necessity for amendment of this Charter.

E. THE OFFICE OF CENTRAL SERVICES.

Section 523. CENTRAL SERVICE OFFICER. The Office of Central Services shall be administered by a Central Service Officer. He shall be appointed solely with regard to his qualifications for the duties of his office by the Director of Administration and shall be responsible directly to the Director of Administration.

Section 524. DUTIES AND FUNCTIONS OF THE OFFICE OF CENTRAL SERVICES. The Office of Central Services shall be responsible for the administration of the purchasing policies of the County set forth in Article IX of this Charter. 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 Grounds; and for making available to other offices, departments, boards, institutions and agencies of the County such duplicating, stenographic, mail, messenger, stores, transportation, central garage, automotive maintenance, data processing or other central services as may be assigned thereto from time to time by directive of the Director of Administration, County Executive or by ordinance of the County Council.

F. THE OFFICE OF LAW.

Section 525. 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 and of the Circuit Court for Anne Arundel County, and shall have been actively engaged in the general practice of his profession in the State of Maryland for at least five years prior to his appointment.

Section 526. POWERS AND DUTIES OF THE COUNTY SOLICITOR. The County Solicitor shall be the legal adviser of the County and of its several offices, departments, boards, commissions and other agencies. Except as provided in Section 528 of this Article, no office, department, board, commission, agency or branch of the County government which receives County funds shall have any authority or power to employ or retain any legal counsel other than the County Solicitor. The County Solicitor shall also be the legal adviser and legislative draftsman for the County Council. He shall supervise the election of the nominees of the classified employees as provided in Section 520 of this Charter. He shall issue upon request, give advice and opinions upon any legal questions affecting the interests of the County when the same are submitted to him: (1) by resolution of the County Council, (2) by written request of the County Executive, or (3) with the approval of the County Executive, by written request of the head of any office or department in the executive branch or any board, commission or agency. All deeds, bonds, contracts, releases, agreements, advertisement, bids and other legal papers, documents and instructions involving the interests of the County to be executed and approved by any officer of the County shall be submitted to the County Solicitor and shall be approved by him in writing as to their form and legal sufficiency in compliance with the laws and conditions under which executed. The County Solicitor shall have the right of access at all times to the official records of any office, department, board, commission or agency of the County. The County Solicitor shall have such additional legal duties as may from time to time be provided by ordinance not inconsistent herewith.

Section 527. ASSISTANTS TO THE COUNTY SOLICITOR. The County Solicitor with the approval of the County Executive may appoint, subject to the provisions of Article VIII of this Charter, such assistants to serve as members of his legal staff as may be necessary for the proper conduct of the 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, by law, budgetary provisions and rules and regulations of the Personnel Board.

Section 528. TEMPORARY ADDITIONAL LEGAL ASSISTANCE. Nothing in this Article or Article VIII contained shall be construed as preventing the County Solicitor, with the

approval of the County Executive, subject to the availability of an appropriation or allotment therefor, 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.

Section 529. PROHIBITIONS. Neither the County Solicitor nor any partner or associate in his private practice nor any assistant in the Solicitor's 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.

G. THE OFFICE OF PLANNING AND ZONING.

Section 530. ORGANIZATION OF OFFICE. The Office of Planning and Zoning shall be administered by a Planning and Zoning Officer appointed by the County Executive, and he shall be a trained planner of wide and varied experience in the fields of planning and zoning, at least five years of which shall have involved a position of administrative leadership and responsibility.

Section 531. DUTIES OF THE OFFICE. The Office of Planning and Zoning shall be charged with the responsibility and duty of planning for the physical development and growth of the County, including the preparation and revision of a Master Plan therefor and the preparation and revision from time to time of rules and regulations governing subdivisions. It shall also be responsible for the preparation, administration and enforcement 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 Planning and Zoning Officer shall, prior to taking effect as law, be approved by ordinance of the County Council.

Section 532. THE PLANNING ADVISORY BOARD. There shall be a Planning Advisory Board consisting of five qualified voters appointed by the County Executive for terms coterminous with his or until their successors shall qualify. Members of the Board shall receive no compensation for their services except reasonable and necessary expenses as may be provided in the budget. Vacancies shall be filled in the manner of original appointment. The County Executive shall designate a member as Chairman.

Section 533. DUTIES AND FUNCTIONS OF THE PLANNING ADVISORY BOARD.

(a) MEETINGS AND RULES OF PROCEDURE. The Planning Advisory Board shall hold at least ten regular monthly meetings each year, but special meetings may be held at anytime, at the call of the Chairman. The Planning Advisory Board shall adopt rules for the transaction of its business. It shall hold hearings at its discretion or upon written request of the County Executive or on resolution of the County Council on any matter pending before the Board. It shall keep a record of its resolutions, transactions, findings, determinations and decisions and it shall keep minutes of its proceedings all of which shall be filed in the Office of Planning and Zoning and shall be public record.

(b) ADVISORY RECOMMENDATIONS AND BUDGET FUNCTIONS. The Planning Advisory Board shall make advisory recommendations to the Planning and Zoning Officer and the County Council relating to the Master Plan, the zoning maps and rules and regulations relating to zoning. At such times as the Director of Administration shall fix, the Planning Advisory Board shall consider an itemized list of capital projects, or capital improvement program, which the various agencies of the County government propose to undertake in the ensuing fiscal year and the next succeeding five fiscal years thereafter. After consideration by the Planning Advisory Board, the Planning and Zoning Officer shall transmit to the Budget Officer with his recommendations a list of projects recommended by said Board to be undertaken in the periods aforesaid and its estimate of the cost thereof. The County Executive, at his discretion, or the County Council, by resolution, may provide for reference to the Board, for review and recommendations, of any matter related to the Board's functions and duties.

(c) AMENDMENT OF CAPITAL PROJECTS AFTER ADOPTION OF BUDGET. In accordance with Section 716 of this Charter, the Planning Advisory Board shall consider and transmit its recommendation forthwith to the County Executive concerning amendments to the capital budget for any fiscal year. Such recommendation shall be advisory only.

H. OFFICE TO ZONING HEARINGS.

Section 534. ORGANIZATION OF OFFICE. The Office of Zoning Hearings shall be administered by the Zoning Hearing Officer, who shall hold the delegated power conferred on him by this Charter. He shall be appointed by the County Executive solely with regard to his qualifications for the duties of his office and shall have such training or experience as will qualify him to conduct quasi-judicial hearings on zoning matters. He shall be responsible to the County Executive.

Section 535. GENERAL POWERS AND DUTIES.

(a) DELEGATION OF POWER TO ZONING HEARING OFFICER FOR RECLASSIFICATION OF PROPERTY. The Zoning Hearing Officer shall be charged with the responsibility and duty of conducting public

hearings on a petition filed for a change in or reclassification of the use to which a particular zoning piece of property is subject according to the appropriate zoning map in effect at the time. He shall grant or deny such reclassification in accordance with appropriate zoning regulations, but no reclassification shall be granted by the Zoning Hearing Officer except on the basis of an affirmative finding that there was a mistake in the zoning map or that the character of the neighborhood has changed to such an extent that the zoning map should be changed.

(b) OTHER AUTHORITY OF ZONING HEARING OFFICER. Subject to appropriate principles, standards, rules, conditions and safeguards set forth therein, the Zoning Hearing Officer may grant variances from and make special exceptions to the zoning laws, regulations, ordinances or resolutions. At the operative date of this Article all petitions for variances and special exceptions pending before the Board of Appeals shall be heard by the Zoning Hearing Officer, and the Board of Appeals shall on that date be abolished.

(c) ORDERS AND NOTIFICATION. All orders of the Zoning Hearing Officer shall be in writing setting forth the reason therefor; and a copy thereof shall be furnished to all parties or their attorneys of record.

(d) ORDERS FINAL UNLESS APPEALED. In all cases, the order of the Zoning Hearing Officer shall be final unless further appeal be taken therefrom to the County Board of Appeals.

Section 536. APPEALS FROM ORDERS OF THE ZONING HEARING OFFICER. Within thirty days after a decision of the Zoning Hearing Officer is rendered, any person or persons, jointly or severally, or any taxpayer or any official, office, department, corporation, board, or bureau of Anne Arundel County aggrieved by any decision of the Zoning Hearing Officer shall have the right to appeal therefrom to the County Board of Appeals.

THE OPERATING DEPARTMENTS

A. DEPARTMENT OF PUBLIC WORKS.

Section 537. DIRECTOR OF PUBLIC WORKS. The Department of Public Works shall be administered by the Director of Public Works who shall be an engineering graduate of a college or university of recognized standing and a registered professional engineer of demonstrated ability in the management of public works and utilities. He shall have had responsible charge of engineering works over a period of at least five years 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 the office and shall be responsible directly to, and appointed by, the County Executive.

Section 538. FUNCTIONS OF THE DEPARTMENT OF PUBLIC WORKS. The Department of Public Works shall have and perform all functions and duties involving public works or utilities surveys reports, maps, drawings, specifications and estimates; the custody of maps and plans of the County; the supervision of the execution of and performance of all contracts for capital projects except schools, as defined in Section 702 of this Charter, the construction of capital projects by its own employees, the maintenance and cleaning of roads, streets, alleys, other public place bridges, viaducts, subways and underpasses; the acceptance of roads and dedicated ways as prescribed by law, the maintenance of watermains, sewers, drains, culverts; the maintenance and operation of sewage disposal and treatment plants; the collection of garbage and other refuse and the operation and maintenance of facilities for its disposal; the regulation, operation, maintenance and control of water supply, the control of fire hydrants, mosquito control; the administration and enforcement of rules and regulations relating to water and sewers and such other duties, powers and functions which were heretofore performed by the Sanitary Commission and its departments not otherwise fixed by this Charter or by the ordinance prescribed in Section 539 of this Charter; and such other duties as may be provided from time to time by directive of the County Executive or by ordinance of the County Council not inconsistent with this Charter.

Section 539. THE SANITARY COMMISSION. The Anne Arundel County Sanitary Commission and the offices of Secretary, Treasurer, Chief Engineer, Executive Director, General Counsel and its departments are abolished as of June 30, 1965 and their duties, personnel and funds distributed as herein specified. Not later than the beginning of the first annual legislative session of the County Council the County Executive must present a program and proposed implementing legislation for the reorganization of the functions of the Sanitary Commission and its departments and their integration with the Department of Public Works and other offices or departments. Before May 15, 1965 the County Council must pass an ordinance which provides for the proper assignment of the Sanitary Commission functions, personnel and funds to the appropriate departments and offices as set forth in this Article. The aforementioned ordinance shall provide further that the Director of Public Works or his designee shall hold hearings on petitions for the extension of sanitary district boundaries or the extension of sewer and water service within the established district or subdistricts. If the Director shall determine that the district boundaries shall be enlarged, he shall so recommend to the County Executive who may recommend the same to the County Council for approval by ordinance. Upon determination that extensions within subdistricts are feasible and self-sustaining, the Director may, subject to provision of funds in the capital budget, extend services to such area. Appeals on service extensions when denied may be taken to the County Board of Appeals but that body shall grant no extension in excess of appropriations or allotments therefor. As of the operative date of this Article and thereafter, pending appeals on service

extensions shall be taken to the County Board of Appeals as aforesaid.

B. DEPARTMENT OF INSPECTIONS AND PERMITS.

Section 540. DIRECTOR OF INSPECTIONS AND PERMITS. The Department of Inspections and Permits shall be administered by a Director of Inspections and Permits who shall be appointed solely with regard to his qualifications for the duties of his office by the County Executive. He shall be responsible directly to the County Executive.

Section 541. FUNCTIONS AND DUTIES OF THE DEPARTMENT. The Department shall issue all County licenses heretofore issued by the Clerk of the Court or any other office, department, board or commission of the County government. The Department shall be responsible for the administration and enforcement of all laws and regulations relating to permits and licenses of all kinds within the authority of the County, including, but not limited to those relating to weights and measures, electrical installations, building and constructions, plumbing, taxicabs, dogs, amusement devices, miscellaneous industrial and commercial uses, water, sewer and gas installations, public gatherings, bail bonds and trailer camps or trailer coach parks. Licenses and permits to be issued by the Department shall be approved by such other officers or agencies of the County as may from time to time be provided or required by law. The Department shall do and perform such other related duties and functions as may be assigned thereto by directive of the County Executive or by ordinance of the County Council not inconsistent with this Charter.

Section 542. LICENSING AND EXAMINING BOARDS. The Plumbing Commission, the Board of Examiners and Supervisors (or the Board of Electrical Examiners and Supervisors), the Board of Bail Bond License Commissioners and other boards, commissions and agencies connected with the functions of the Department of Inspections and Permits shall be administered as units of said Department. Nothing in this Charter contained shall be held or construed as preventing the County Council by ordinance from reorganizing, reconstituting or abolishing any of such boards, commissions or agencies provided that as of the operative date of this Article the appointing authority for members of all such boards, commissions and agencies shall be the County Executive. All employees of such boards, commissions and agencies shall become employees of the Department of Inspections and Permits subject to the provisions of Article VIII of this Charter and the funds in the custody of the boards, commissions and agencies shall be paid into the treasury of the County. Administrative functions of any board, commission or agency existing or created for the regulation, examination or inspection of the qualifications or work of occupational groups or the issuing of licenses or permits shall be performed by employees of the Department of Inspections and Permits. Rules and regulations

of such boards, commissions and agencies not inconsistent with this Charter shall remain in force and effect unless and until changed by ordinance. Members of such boards, commissions or agencies shall receive no compensation for their services except reasonable and necessary expenses as may be provided in the budget.

C. POLICE DEPARTMENT

Section 543. CHIEF OF POLICE. The Police Department shall be commanded and administered by a Chief of Police, who shall be experienced in the command of uniformed patrol and the detection and investigation of crime. He shall be appointed by the County Executive solely on the basis of his qualifications for the duties of his office, and he shall be responsible directly to the County Executive. All orders to the Police Department from the County Executive shall be directed through the Chief of Police or an officer acting in his absence. The Chief of Police shall be responsible for the efficiency, good conduct and discipline of the Department. Disobedience to his lawful commands or his rules and regulations shall be ground for removal or other disciplinary action.

Section 544. FUNCTIONS OF THE POLICE DEPARTMENT. The Police Department shall be responsible for preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property and enforcement of the laws and the rules and regulations made in furtherance thereof. Operation and maintenance of the County Jail is transferred to this Department by this Charter. The Department shall have and perform such other duties and functions as may from time to time be assigned thereto by directive of the County Executive or by ordinance of the County Council not inconsistent with this Charter.

D. FIRE DEPARTMENT.

Section 545. FIRE ADMINISTRATOR. The Fire Department shall be administered by a Fire Administrator, who shall be appointed by the County Executive from a list of at least three nominees submitted by the Fire Advisory Board. He shall be responsible directly to the County Executive.

Section 546. FIRE ADVISORY BOARD. There shall be a Fire Advisory Board consisting of five members selected by the Anne Arundel County Volunteer Firemen's Association for such terms and in accordance with such procedures as shall be determined by it. The Fire Advisory Board shall have the power and duty to nominate at least three names for the post of Fire Administrator to the County Executive, and to advise and consult with the County Executive, the Fire Administrator and other County officials and employees from time to time on matters concerning the administration of fire suppression, fire prevention, fire

training and fire communications activities. Whenever the position of Fire Administrator shall be vacant, the Fire Advisory Board shall proceed to prepare its list of nominees forthwith. The Persons so nominated shall be selected solely on the basis of their qualifications for the office and with regard to their experience in command or uniformed fire suppression or fire prevention. If ninety days shall elapse after a vacancy shall occur in the position of Fire Administrator without any such nominations by the Fire Advisory Board, the County Executive shall proceed to appoint a qualified person to the position.

Section 547. FUNCTIONS AND DUTIES OF THE FIRE DEPARTMENT. The Fire Department shall be responsible for the administration of the affairs of the County in fire suppression, fire prevention, fire training, fire communications and such other duties as may be assigned by the County Executive or by law from time to time. Nothing herein shall permit the Fire Administrator to participate in the corporate affairs of any volunteer fire company.

E. DEPARTMENT OF RECREATION AND PARKS.

Section 548. DIRECTOR OF RECREATION AND PARKS. The Department of Recreation and Parks shall be administered by the Director of Recreation and Parks. He shall be thoroughly trained and experienced in theory and practice relating to public recreation and the operation and maintenance of recreation facilities and shall possess such other qualifications for the duties of his office as may be provided by law. He shall be appointed by, and responsible directly to, the County Executive.

Section 549. FUNCTIONS OF THE DEPARTMENT. The Department shall be responsible for the organization and conduct of recreation programs, operating and maintaining parks, playgrounds and other recreational facilities and shall have such other duties consistent herewith as may be assigned to it from time to time by ordinance. It shall encourage the development of cooperative programs and joint use of facilities with the Department of Education.

Section 550. RECREATION ADVISORY BOARD. There shall be a Recreation Advisory Board consisting of seven members appointed by the County Executive for terms coterminous with his, provided that the members of the Recreation Commission in office at the time this Charter takes effect, shall continue to hold office and constitute the Recreation Advisory Board during the term of the first County Executive. Members of the Board shall receive no compensation for these services except reasonable and necessary expenses as may be provided in the budget. The County Executive shall select its Chairman. The Recreation Advisory Board shall make advisory recommendations to the Director of Recreation and Parks relating to recreation programs and services and facilities for an age group, cooperative programs with private organizations and schools and rules for the preservation of order and decency

in connection therewith.

✓ F. DEPARTMENT OF EDUCATION.

Section 551. 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 by public general law.

G. DEPARTMENT OF LIBRARIES.

Section 552. 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 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 public general law.

✓ H. DEPARTMENT OF HEALTH.

Section 553. COMPOSITION; FUNCTIONS; ADMINISTRATION UNDER STATE AND COUNTY LAW. The Department of Health shall consist of the County Health Officer and all officers, agents and employees under his 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 programs in accordance with the requirements of State law.

I. DEPARTMENT OF WELFARE.

Section 554. 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 Board of Welfare, it shall be responsible for the operation and development of the County Home, unless and until the County Council shall by ordinance discontinue its operation, and such other related welfare activities as may be assigned thereto by directive of the County Executive or ordinance of the County Council not inconsistent with public 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 public general law.

REORGANIZATION OF DEPARTMENTS
UNDER STATE LAW

Section 555. 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 or 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 ordinance provide for the reorganization of such departments and the administration of their affairs within the executive branch under County law.

ARTICLE VI

COUNTY BOARD OF APPEALS

Section 601. COUNTY BOARD OF APPEALS; APPOINTMENT; TERM; COMPENSATION. There shall be a County Board of Appeals consisting of five qualified voters of the County appointed by the County Council by a resolution adopted within thirty days after the Council takes office. Appointments shall be for a term coterminous with that of the Council or until their successors shall qualify. Vacancies shall be filled for the unexpired term in the manner specified for the original appointment. All members of the Board shall be residents of Anne Arundel County and appointments shall be made so that not more than three members of the Board shall be members of the same political party. Three members of the Board shall constitute a quorum. The members of the Board shall be paid at the rate of Twelve Hundred Dollars (\$1,200.00) per year, unless such compensation be changed as provided in Section 605 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 Appeals, Board of Zoning Appeals, the County Commissioners and such other boards, commissions or officers who hear appeals concerning licenses or permits except those issued by agencies of the State of Maryland.

(a) APPEALS FROM ORDERS RELATING TO ZONING. The County Board of Appeals shall have and exercise all the functions and powers of the Board of Appeals of Anne Arundel County and of the County Board of Appeals described in Article 25A of the Annotated Code of Maryland as supplemented by other public general laws. All references in law to the Board of Appeals or the Board of Zoning Appeals shall be construed to refer to the County Board of Appeals created by this Article where such construction is reasonable. At the time the members of the first County Council qualify for office, the Board of Appeals and the Board of Zoning Appeals shall cease to exist. Petitions for all variances, special exceptions or reclassification of a particular piece of property cases pending before the Board of Appeals or the County Commissioners at such time and all cases subsequently arising which otherwise would have been subject to their jurisdiction shall be heard in the first instance by the Zoning Hearing Officer and on appeal, de novo, by the County Board of Appeals. In all cases heard by the County Board of Appeals, its decision shall be final unless further appeal be taken therefrom in the manner provided in Section 604 of this Article.

(b) APPEALS FROM ORDERS RELATING TO LICENSES AND PERMITS. The County Board of Appeals shall have the function and power to hear appeals from decisions involving licenses or permits to install plumbing or electrical facilities, operate a licensable amusement device, operate a taxi service, or such other licensed or permitted activity of the County as may be.

provided from time to time by law except those licensed or permitted by agencies of the State of Maryland.

(c) APPEALS FROM ORDERS RELATING TO BUILDING. The County Board of Appeals shall, in lieu of the County Commissioners as heretofore, hear and decide all appeals from orders relating to building.

(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 other than those affecting the internal operation of the executive branch as may from time to time be provided by Article 25A of the Annotated Code of Maryland (1957 Edition) as amended or by ordinance of the County Council not inconsistent therewith.

(e) APPEALS FROM DECISIONS ON UTILITY EXTENSIONS. The County Board of Appeals shall, in lieu of the Anne Arundel County Sanitary Commission and the County Commissioners as heretofore, hear appeals from decisions involving the extension of sewer and water services as provided in Section 538 of this Charter.

Section 603. RULES OF PRACTICE AND PROCEDURE. The County Board of Appeals shall have authority to adopt and amend rules of practice and procedure governing its proceedings which shall have the force and effect of law when approved by ordinance. The rules may relate to filing fees, meetings and hearings of the Board, the manner in which its Chairman shall be selected and the term which he shall serve as Chairman and other pertinent matters deemed appropriate and necessary for the Board. All decisions by the County Board of Appeals shall be made after notice and hearing de novo upon the issues before said Board. All hearings held by the Board shall be open to the public, and the Board shall cause to be maintained complete public records of its proceedings, with a suitable index. All parties to the proceedings or their attorneys of record shall receive a copy of the decision of the Board.

Section 604. APPEALS FROM DECISIONS OF THE BOARD. Within thirty days after any decision by the County Board of Appeals is rendered, any party who is aggrieved thereby may appeal such decision to the Circuit Court of Anne Arundel 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 statement of facts found and the grounds for its decision. The Board

of Appeals shall be a party to an appeal to the Circuit Court of Anne Arundel County and shall be represented by the Office of County Solicitor. 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 the State. The review proceedings provided by this section shall be exclusive.

Section 605. FURTHERING LEGISLATION. The County Council shall have the power to enact by ordinance furthering legislation not inconsistent with the provisions of this Article to implement and define the powers and functions of the County Board of Appeals as herein specified. The County Council may by ordinance increase the compensation of the members of the County Board of Appeals provided in Section 601 of this Article and thereafter decrease such compensation, provided, however, that no such reduction shall affect the compensation of a member of the County Board of Appeals during his 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 ordinance, to prescribe other appeals to be heard by the County Board of Appeals in addition to those specified in this Article.

Section 606. COMPOSITION AND FUNCTIONS OF APPEAL TAX COURT. There shall be an Appeal Tax Court which shall be appointed by resolution of the County Council. The members shall serve such terms and shall have and perform such functions as may from time to time be provided in Article 81 of the Annotated Code of Maryland (1957 Edition) title "Revenue and Taxes", subtitle "Appeal Tax Courts." The members of the Appeal Tax Court shall receive no compensation for their service but may be reimbursed for necessary expenses as provided in the budget. The Appeal Tax Court shall operate 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 transfer its duties and functions to the County Board of Appeals by ordinance and the Appeal Tax Court shall stand abolished.

ARTICLE VII

BUDGETARY AND FISCAL PROCEDURES

Section 701. FISCAL YEAR AND TAX YEARS. Unless and until changed in accordance with the provisions of State law, the fiscal or budget year of the County shall begin on the first day of July and shall end on the thirtieth day of June of the succeeding year. The taxable year shall begin on the first day of July and end on the thirtieth day of June following unless another period shall be fixed by State law.

Section 702. DEFINITION OF TERMS USED IN THIS ARTICLE.

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

(b) The term "capital project" shall mean: (1) any physical public betterment or improvement and any preliminary studies and surveys relative thereto; (2) the acquisition of property of a permanent nature for public use; and (3) the purchase of equipment for any public betterment or improvement when first constructed.

(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.

(e) The term "current expense budget" shall mean the plan of the County to receive and expend funds for charges incurred for operation, maintenance, interest and other charges for the ensuing fiscal year.

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. 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 the 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 Budget Officer annual work programs setting forth the nature, volume, cost and other factors concerning the work to

be performed and the estimates of the revenues and expenditures of their several operations for the ensuing fiscal year. Estimated revenues shall be detailed as to source, and estimated expenditures as to program or project. All such estimates shall be submitted in such form and with such other supporting data as the Director of Administration may request. The data so submitted shall thereupon be reviewed by the Director of Administration with the assistance of the Budget Officer and he may hold such hearings as he shall deem appropriate. The current expense budget shall be compiled therefrom for transmission to the County Executive. The County Executive may amend the budget proposals, except for the budget request of the legislative branch and shall cause to be prepared the County budget as set forth in Section 706 of this Article along with his budget message.

Section 705. FORMULATION OF CAPITAL BUDGET AND CAPITAL PROGRAM. At such time or times as the Director of Administration may direct, each office, court, department, institution, board, commission, corporation or other agency of the County government shall submit to the Budget Officer for transmission to the Office of Planning and Zoning an itemized list of the capital projects which each agency proposes to undertake in the ensuing fiscal year and the next succeeding five fiscal years thereafter. After consideration by the Planning Advisory Board, the Planning and Zoning Officer shall transmit to the Budget Officer the list of projects recommended by said Board together with his recommendations on the projects to be undertaken, in the periods aforesaid and its estimates of the cost thereof. The Director of Administration with the assistance of the Budget Officer shall consider such recommendations with the other budget proposals and shall recommend to the County Executive, together with the current expense budget, a complete capital budget and capital program. The County Executive may amend the capital budget and capital program proposals and shall cause to be prepared the County budget as set forth in Section 706 along with his budget message.

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 estimated cash surplus, if any, available for expenditure during the ensuing fiscal year, and any estimated deficit in any fund required to be made up in the ensuing fiscal year; (4) an estimate of the several amounts 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 bon

and other indebtedness of the County government and its agencies, including self-liquidating and special taxing district debt; (6) a statement of the proposed contingency reserves which shall not exceed three per centum of the general fund and of any other fund; (7) a comparative statement of the receipts and expenditures for the last completed fiscal year, 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 by ordinance 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 during regular business hours. One copy shall be supplied to each newspaper of general circulation in the County and to each County library. The Council may terminate by resolution in advance of budget formulation the number of additional copies it believes necessary for public use. 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 of general circulation published in the County a notice of the place and time of a public hearing on the budget plan as a whole 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. The Council may hold such other preliminary public hearings on the budget for the purpose of obtaining information as it may determine but no action shall be taken by the Council on the budget except in public meeting and after the public hearing specified above.

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 the affirmative vote of not less than four members of the County Council on an ordinance to be known as the Annual Budget and Appropriation Ordinance of Anne Arundel County. The County Council may, at the same time or thereafter from time to time during the ensuing fiscal year, adopt bond issue authorization ordinances providing the means of financing such capital projects as are to be financed from borrowing in the ensuing fiscal year. All of said ordinances shall be exempt from the executive veto. The Annual Budget and Appropriation Ordinance shall be adopted by the County Council on or before the 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. REPRDUCTION 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 AND BALANCED BUDGET. 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 so that the budget shall be balanced as to proposed income and expenditures.

Section 711. TRANSFER OF APPROPRIATIONS.

(a) Transfers of appropriations between general classifications of expenditures in the current expense budget within the same office or department and within the same fund may be authorized by the County Executive. Transfers between offices, departments, institutions, boards, commissions or other agencies of the County government and within the same fund of the current expense budget may be made during the last quarter of the fiscal year and then only on the recommendation of the County Executive and with the approval of the County Council by ordinance.

(b) Interproject transfers of appropriations between capital projects in the capital budget may be authorized by the County Council by ordinance upon request of the County Executive but no new project shall be created nor any abandoned except in accordance with Section 716 of this Charter.

(c) Nothing contained herein shall be construed to prevent the County Council upon request of the County Executive from providing by ordinance for inter-fund cash borrowings to meet temporary cash requirements nor to prevent reimbursements among funds for services rendered.

Section 712. SUPPLEMENTARY AND EMERGENCY APPROPRIATIONS.

(a) SUPPLEMENTARY. During any fiscal year, the County Council, upon the recommendation of the County Executive, may by ordinance make additional or supplementary appropriations from unexpended and unencumbered funds set aside for contingencies in the County budget, provided that the Controller shall first certify in writing that such funds are available for such appropriation. No supplemental appropriation shall exceed the amount of the funds so certified.

(b) EMERGENCY. To meet a public emergency affecting life, health or property, the County Council may, upon recommendation of the County Executive, 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.

(c) SUPPLEMENTARY AND EMERGENCY APPROPRIATION ORDINANCES. Ordinances providing for supplementary and emergency appropriations in accordance with this section may, but need not, be enacted upon on a legislative session-day, and if such bill is not declared by the County Council to be an emergency ordinance

necessary for the immediate preservation of the public peace, health, safety and welfare, it shall take effect from the date it becomes law.

Section 713. LAPSED APPROPRIATIONS. Unless otherwise provided by public general law, all unexpended and unencumber 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, (how ever, that any capital project shall stand abandoned if three fiscal years elapse without any expenditure from or encumbrance of the appropriation made therefor.) The balances remaining to the credit of the completed or abandoned capital projects shall be available for appropriation in subsequent capital budgets.

Section 714. WORK PROGRAMS AND ALLOTMENTS. After the adoption of the budget and before the beginning of each fiscal year the head of each office, department, institution, court, corporation, board, commission or other agency of the County government shall submit to the Director of Administration, when required by him a work program for such year. Such program shall include all appropriations included in the current expense and capital budgets for construction, operation, 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 Director of Administration shall, with the assistance of the Budget Officer, 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 approved by the County Executive shall be filed with the Controller 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 anytime during the fiscal year, the Director of Administration 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 expenditure 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 (\$50.00), unless the Controller shall first certify that the funds for the designated purpose are available. Any contract, verbal or written, made in violation of this section shall be null and void, and if any officer, agent or employee of the County shall knowingly violate this provision, he shall be personally liable and such action shall be cause after public hearing for his removal from office by the County Executive or by majority vote of the County Council, notwithstanding the provisions of Article VIII of this Charter. Nothing in this section or elsewhere in this Charter contained shall prevent the making of contracts of lease or for services providing for the payment of funds at a time beyond the fiscal year in which such contracts are made, provided the nature of such transactions reasonably requires the making of such contracts. But any contract, lease or other obligation requiring the payment of funds from the appropriations of a later fiscal year shall be made or approved by ordinance. No contract for the purchase of real or leasehold property shall be made unless the funds therefor are included in the capital budget.

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 Advisory Board, the Council may, by the affirmative vote of five members, amend the County budget in accordance with such recommendation without increasing the total amount of appropriations therefor.

Section 717. ENTERPRISE ACCOUNTING.

(a) Separate budgets for each utility shall be included in the current expense and capital budgets prescribed in this Article which shall include statements of revenue and expense for the required fiscal years.

(b) The accounting system of each utility shall conform to generally accepted principles of utility accounting and shall be kept on an accrual basis. The expense of operating each utility shall include (1) taxes, if any, lawfully accruing during the fiscal year and (2) taxes not actually accruing but which would have accrued had the utility not been County owned, and such taxes shall be paid annually into the general fund.

(c) If for any three consecutive fiscal years any utility shall operate at a net loss as shown by its annual profit and loss statement, it shall be the duty of the County Executive to recommend and the County Council, by ordinance, to adopt for that utility a schedule of rates which in its judgment will

produce revenue at least equal to expense.

Section 718. COMPOSITION AND LIMITATION UPON COUNTY FUNDS AND LEVIES; SPECIAL TAXES; BOND OBLIGATION. For the fiscal and tax year beginning July 1, 1965 and thereafter the following provisions shall apply:

(a) SPECIAL FUNDS; REVENUE AND RECEIPTS; APPROPRIATIONS. All revenues and receipts from utility assessments; from special services or benefit charges; from special taxes or assessments imposed upon special taxing areas for special or particular services, purposes or benefits; from funds held by the County as trustee or agent; or from bond proceeds, shall be paid into and appropriated from special funds created therefor.

(b) GENERAL REVENUE AND RECEIPTS; APPROPRIATIONS. All other revenues and receipts of the County from taxes, grants, State revenues and other receipts shall be paid into and appropriated from the general fund which shall be the primary fund for the financing of current expenses for the conduct of County business. A tax imposed upon all assessable property or class of property in the County which exempts assessable property in an incorporated municipality subject to the provisions of Article XI-E of the State Constitution shall not be deemed or construed to be a "special tax" for the purposes of this section and all receipts from such tax shall be paid into and appropriated from the general fund.

(c) PROHIBITIONS. No general fund revenues or receipts as defined in subsection (b) of this section shall be dedicated to, expended for, or used to supplement, appropriations from the special funds referred to in subsection (a) of this section, except as a loan to such special fund as authorized by Section 711 (c) of this Article which authorizes inter-fund borrowing.

(d) LEVY FOR ROADS. No tax for the purpose of raising revenues for the construction and maintenance of public roads shall be levied upon any assessable property in the County except on a Countywide basis, exclusive of incorporated municipalities subject to the provisions of Article XI-E of the State Constitution which operate and maintain their own road or street system.

(e) SPECIAL TAXING DISTRICTS; EXISTING LAW. Nothing in this section shall be construed as affecting the provisions of Chapter 28 titled "Special Taxing Districts Generally" of the Anne Arundel County Code (1957 Edition as amended or supplemented) or the provisions of Section 9-72 of said Code, which shall remain in effect until changed, modified or repealed by ordinance not inconsistent with the provisions of this section.

(f) BOND INTEREST AND REDEMPTION OBLIGATIONS. Nothing in this section shall be construed to prevent the County from fulfilling any obligation to levy, if necessary, a tax upon all or a portion of the assessable property within the County to

provide for the payment of the interest on and principal of any bonds issued upon the full faith and credit of the County.

(g) WORKING CAPITAL FUNDS. Upon request of the County Executive, the Council may, by the annual budget and appropriation ordinance, or by other ordinance, provide for the establishment of working capital or revolving funds for the financing of central stores, equipment pools or other services common to the agencies of the County.

(h) RESERVE FUND FOR PERMANENT PUBLIC IMPROVEMENTS. Notwithstanding the provisions of 718 (c), above, the Council may establish a Reserve Fund for Permanent Public Improvements, into which there may be paid by the annual budget and appropriation ordinance cash surpluses not otherwise appropriated or toward the financing of which taxes or other sources of revenue may be dedicated.

Section 719. BORROWING LIMITATIONS. Unless and until otherwise provided by ordinance 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 ten 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 Sanitary Commission Act 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 720. 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 two years from the date of issue. Bonds shall be authenticated by the manual signature of the Director of Administration 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. All interest coupons transferable by delivery shall be attached to the bonds and shall be authenticated by the facsimile

signature of the County Executive. All bonds shall be made payable within the probable useful life of the improvement or undertaking with respect to which they are to be issued, or, if the bonds are to be issued for several improvements or undertakings, then within the average probable useful life of all such improvements or undertakings. In the case of a bond issue for several improvements or undertakings having different probable useful lives, the 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 useful life of any such improvement or undertaking shall be conclusive. No bonds shall mature and be payable more than thirty years after their date of issuance except bonds issued under the authority of the Sanitary Commission Act.

Section 721. CONTENTS OF BOND ISSUE AUTHORIZATION ORDINANCES. Each Bond Issue Authorization Ordinance as 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, but no capital project shall be included unless the amount included therein shall be deemed sufficient to complete at least a usable portion of such project. The Ordinance shall estimate the cost of the project or projects and the portion thereof to be defrayed from sources, specifically named, other than the proposed bond 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 a Sanitary District as the case may be; the probable useful life of the project or average probable useful 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 and intangible property subject to taxation by the County without limitation of rate or amount, and in addition, upon such other intangible property as may be subject to taxation by the County within limitations prescribed by law, except for self-liquidating bonds, including those issued under the authority of the Sanitary Commission 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 722. 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 downpayments on capital projects from current funds, the establishment of a reserve for permanent public improvements as authorized in this Charter, the procedure for the sale of bonds, notes and other evidences of indebtedness of the County, and all such other matters as may in the judgment of the County Council promote the orderly administration of the fiscal affairs of the County and protect its credit.

ARTICLE VIII

MERIT SYSTEM

Section 801. CLASSIFICATION AND PAY PLAN AND RULES AFFECTING COSTS. Before May 1, 1965 the County Executive shall submit to the County Council a classification and pay plan for all positions in the classified service. The classification plan shall include minimum qualifications for each class of position and the pay plan shall allocate each class of position to a salary range. At the same time the Executive shall propose personnel rules governing payroll costs, including but not limited to the hours of work, vacations, sick leave and other absences, salary steps of promoted employees, and salaries of incumbents whose positions are reallocated to a lower pay grade. By May 31, 1965 the Council must enact by ordinance and maintain a classification and pay plan, together with the rules affecting payroll costs. Such plans and rules may be amended from time to time, but the Council shall not increase or decrease salaries of individual members of the classified service except through amendment of the pay plan, or the rules affecting payroll costs. In the development of the pay plan and its adoption or amendment by ordinance the County Executive and the County Council shall take into consideration prevailing salaries and wages of competing public and private employers for similar classes of positions.

Section 802. EXEMPT POSITIONS. All County positions shall be either in the classified or the exempt service. The exempt service shall consist of:

- (a) all elected officials
- (b) the Director of Administration
- (c) all department and office heads
- (d) all employees of the Department of Education and all employees covered by the State Merit System
- (e) members of boards and commissions
- (f) one confidential secretary to the County Executive, and one to the Director of Administration
- (g) the County Auditor
- (h) persons assigned to hourly rate positions for temporary or seasonal help, provided that such persons are not compensated for more than 500 hours work per twelve month period
- (i) persons appointed by and with the approval of the judges of the Circuit Court for Anne Arundel County and the State's Attorney of Anne Arundel County

(j) any person appointed by the Governor by and with the consent of the Senate of Maryland

Section 803. CLASSIFIED POSITIONS. All positions and employments in the County service except those enumerated in Section 802 of this Article shall be in the classified service.

Section 804. APPOINTING AUTHORITY. The head of each department or office shall be the appointing authority for all employees in his department or office. Appointments to positions in the classified service shall be from among the names certified as eligible by the Personnel Officer for the position(s) to be filled.

Section 805. ELIGIBILITY LISTS. Eligibility lists must be prepared by the Personnel Officer within four months after a written notification to him by the appointing authority that a vacancy exists in a class in the classified service, and subject to the provisions of this Charter and law, the Personnel Officer shall certify the appropriate names for appointment on an appropriate list. Eligibility lists shall be based upon such written, performance, medical, oral or other examinations, as shall be prescribed by the Personnel Board, for the class of position to which the list applies. Candidates must be ranked on the eligibility list according to the descending order of their relative merit as determined by the appropriate methods of examination. No list as submitted to the appointing authority shall contain more than three names unless there be two or more vacancies to be filled by the same appointing authority from the list. If there be two or more vacant positions to be filled from the same eligibility list, the number of eligible names submitted to the appointing authority shall equal two plus the number of vacancies, if there be so many persons eligible for appointment. Eligibility lists shall be considered as expired and without effect one year after their formulation. Should a candidate refuse an appointment from an established list, his name may be removed at the discretion of the Personnel Officer, or he may be passed and an additional name next on the list certified to the appointing authority.

Section 806. PROBATIONARY PERIOD. Each person in the classified service shall be known as a probational employee until he satisfactorily completes a probationary period of six months. Not later than fifteen days prior to the expiration date of the probationary period, the appointing authority must submit to the Personnel Officer notice of his decision to retain or dismiss the employee. An employee dismissed during the probationary period shall be considered permanently separated from such position without the privilege of appeal. At the request of the appointing authority, the probationary period may be extended one additional six month period by the Personnel Officer.

Section 807. PERMANENT STATUS. A permanent status employee shall have tenure and may not be dismissed from the County's service except as authorized in this Charter. An

employee may be permanently separated from the classified service through resignation, rejection on probation, or removal for cause, and may be temporarily separated through suspension, leave of absence granted at the request of the employee, or because his position has been abolished.

Section 808. GROUNDS FOR REMOVAL OF PERMANENT EMPLOYEE. No County employee shall be removed or discharged from his position because of religious or political opinions or affiliations. A permanent status employee may be suspended, reduced in rank, or removed by the appointing authority for any of the following causes:

(a) That the employee is not physically capable of performing the work normal to his classification, provided that a physically handicapped permanent employee may be placed upon an eligibility list for a position for which he is qualified pursuant to the provisions of rules and regulations of the Personnel Board.

(b) That the employee has committed an act on or off duty which amounts to conduct unbecoming to his rank or position.

(c) That an employee is incompetent or inefficient in the performance of his duty.

(d) That the employee has violated any lawful and official regulation or order, or failed to obey any lawful and reasonable direction made or given by his superior officer.

(e) That the employee is a subversive person as defined in the Subversive Activities Act of 1949, or that there is reasonable grounds to believe he is such a subversive person.

(f) That the employee has violated an ordinance passed by the County Council establishing grounds for disciplinary action of permanent employees.

Section 809. METHOD OF REMOVAL OR SUSPENSION. A permanent status employee may be suspended or removed by the appointing authority at anytime by a written notice to the employee. The employee may appeal to the Personnel Board in writing within five days of the removal or suspension for a public hearing and subsequent determination by the Personnel Board of the propriety of the action of the appointing authority. A verbatim record is to be made of the hearing of the Personnel Board. The employee, the appointing authority, and the Personnel Board may compel the production of pertinent records and witnesses by subpoena in accordance with the provisions of this Charter.

Section 810. ABOLITION OF POSITION IN BUDGET. No employee in the County service shall be compensated unless there is sufficient money appropriated or allocated to cover the cost of his position. A permanent employee in a classified position for which there are insufficient funds or whose position has been abolished shall be suspended but placed upon an eligibility list for a position for which he is qualified under such procedures and conditions as the Personnel Board shall specify.

Section 811. PRESENT EMPLOYEES IN CLASSIFIED POSITIONS.

Upon the adoption of a classification and pay plan by the Council, all employees filling classified positions as defined in this Charter shall be considered as probational or permanent employees, depending upon their term of service in the position, if they meet the minimum qualifications for eligibility as established in the classification plan. Positions for which the incumbent is not qualified under the classification plan shall be considered as vacant forthwith.

Section 812. REALLOCATION OF POSITION. When the Personnel Officer has determined that a position in the classified service should be reallocated to a class involving a higher pay grade than that previously established for the position and the Controller has certified that funds are available, the Personnel Officer shall recommend such reallocation to the Director of Administration for his approval and for the allotment of funds when necessary. After such approval and allotment, the Personnel Officer shall submit to the appointing authority the names of persons on the appropriate eligibility list as established by this Charter, applicable rules, regulations and laws.

Section 813. PROHIBITED PRACTICES. No person shall willfully or corruptly make any false statement, certificate, mark, rating or report in regard to any test held or certification or appointment made under the personnel provisions of this Charter or in any manner commit or attempt to commit any fraud preventing the impartial execution of such personnel provisions or the rules made thereunder. No officer or employee in the classified service shall continue in such position after becoming a candidate for nomination or election to any public office. No person seeking appointment to or promotion in the classified service shall either directly or indirectly give, render or pay any money, service or other valuable thing to any person or seek or attempt to use any political endorsement of any elected official for or on account of or in connection with his test, appointment, proposed appointment, promotion or proposed promotion. No appointed officer or employee whose salary or expenses are payable in whole or in part from the County funds shall participate in any political activity, whatsoever, other than the exercise of his rights as a citizen to cast his ballot. Any County officer or employee who violates any of the provisions of this Article shall forfeit his office or position forthwith and upon conviction of such violation shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment for not more than six months. Any person who violates any of the provisions of this Article, upon conviction of such violation, shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or imprisonment for not more than six months and such person shall for a period of five years be ineligible for appointment for a position in the County service.

Section 814. PENSIONS OF PERSONS NOT A PART OF THE STATE RETIREMENT SYSTEM. Within twelve months of the enactment of this Charter, the Council must establish pension benefits for County employees who are not covered by the State Retirement System which are based upon an actuarial reserve pension plan which assures the payment of benefits for all present and future pension eligibles by the prepayment of calculated insurance risks. Alternately, or in conjunction with such an actuarially sound plan, the Council is authorized to place such employees under the State Retirement System or the Federal Social Security System or both.

ARTICLE IX

CENTRALIZED PURCHASING

Section 901. RESPONSIBILITY FOR PURCHASING. The Central Service Officer shall be responsible to the Director of Administration for the execution of the County purchasing policies established in this Article.

Section 902. COUNTY PURCHASING POLICIES AND PRACTICES. The Central Service Officer shall appoint a County Purchasing Agent in accordance with the provisions of Article VIII who shall have the following purchasing functions which he may delegate to Deputy Purchasing Agents in his office and under his supervision:

(a) The making of all purchases, leases and contracts for all public works and for all supplies, material, equipment and services 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 Executive and approved by ordinance 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 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 his superiors and by ordinance of the County Council, of reasonable rules and regulations governing emergency purchases and contracts and those involving material, equipment or services of an unusual or noncompetitive nature which shall not be subject to competitive bidding.

(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.

(h) The making of purchases for a stores revolving fund, which the Council is hereby authorized to establish, and of making sales from the stores to using agencies of the County.

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 to the extent requested by them or as permitted by law. In the interests, however, of promoting uniformity and of effecting maximum savings for all purchases out of County funds, the purchasing facilities of the 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. No contract or purchase shall be subdivided to avoid the requirements of this section.

Section 905. CONFORMITY WITH BUDGET LIMITATIONS AND ALLOTMENTS. No deliveries of supplies, materials or equipment shall be made to any office, department, board, institution, commissioner 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 Controller shall first certify that the funds for the designated purpose are available. Any purchase or contract not so certified by the Controller shall be invalid and the County shall not be bound thereby.

Section 906. SERVICE CONTRACTS. Contracts for professional services and for services for which the rate or price is fixed

by a public authority authorized by law to fix rates or prices, shall be let without recourse to competitive bidding.

Section 907. UNIFORM BIDDING. It shall be the duty of the Purchasing Agent to discourage uniform bidding by every possible means and to endeavor to obtain as full and open competition as possible on all purchases and sales. Accordingly, the Purchasing Agent shall require each bidder to accompany his bid with a statement made under oath that he has not been a party with other bidders to an agreement to bid a fixed or uniform price or to share price bid information. Violation of such statement shall render void the bid of such bidders. Any disclosure to or acquisition by a competitive bidder, in advance of the opening of the bids, of the terms or conditions of the bid submitted by a competitor shall render the entire proceedings void and shall require re-advertising for bids.

Section 908. CONTRACT EXECUTION. All contract bid forms and all contracts shall be approved by the County Solicitor as to form and legality. Following such approval, all contracts shall be signed in behalf of the County by the County Executive or his designee. A copy of each signed contract shall be forwarded promptly to the Controller.

Section 909. COOPERATIVE PURCHASING. As appropriate, the Purchasing Agent may undertake programs involving joint, or cooperative purchases with other public jurisdictions within the State or with the State of Maryland.

Section 910. NEGOTIATIONS WITH VENDORS. No officer or employee of the County shall negotiate directly or indirectly with any vendor except with the approval of the Purchasing Agent pursuant to the furthering legislation prescribed in Section 911 of this Charter.

Section 911. FURTHERING LEGISLATION. Not later than its first annual legislative session, the County Council, upon recommendations received from the County Executive, or if he fails to do so, shall enact furthering legislation, not inconsistent with the provisions of this Charter or with the public general laws of this State, to implement the purchasing policies herein established. Such legislation may regulate the practices of the County Purchasing Agent and other officers, agents and employees of the County in regards 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 912. 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 910 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 100L. PROHIBITED ACTIVITIES; CONFLICT OF INTEREST.

(a) PROHIBITIONS. No officer or employee of the County, whether elected or appointed, shall in any manner whatsoever be interested in or receive any benefit 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. No such officer or employee shall directly or indirectly be the broker or agent who procures or receives any compensation in connection with the procurement of any type of bonds for County officers, employees or persons or firms doing business with the County guaranteeing the performance of any contract with the County. No such officer or employee shall solicit or accept any compensation or gratuity in the form of money or otherwise for any act or omission in the course of his public work, provided, however, that the head of any department or board of the County may permit an employee to receive a reward publicly offered and paid for the accomplishment of a particular task.

(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 officers and employees from securing any pecuniary advantages, however indirect, from their public associations, other than their compensation provided by law. In order, however, to guard against injustice, the County Council may, by resolution, specifically authorize any County officer or employee to own stock in any corporation or to maintain a business in connection with any person, firm or corporation dealing with the County if, on full public disclosure of all pertinent facts to the County Council by such officer or employee, the Council shall determine that such stock ownership or connection does not violate the public interest.

(c) PENALTIES. Any officer or employee of the County who willfully conceals any such interest or violates any of the provisions of this section shall forfeit his office. If any person shall offer, pay, refund or rebate any part of any fee, commission or other form of compensation to any officer or employee of the County in connection with any County business or proceeding, he shall, on conviction, be punishable by imprisonment for not less than one or more than six months. 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. IMPROPER INFLUENCE. No person shall, for the purpose of influencing the vote or political action of any person, or for any consideration, use or promise to use, directly or indirectly any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the civil service, or an increase in pay or other advantage in employment in any such position. All County officers, elected or appointed, and all County employees of the exempt service or classified service, and all officers and all employees of governmental agencies compensated with County funds are prohibited from demanding, soliciting, collecting or receiving from any person assessments, subscriptions or contributions for political purposes. Any violation of this subsection shall, upon conviction, be punishable by imprisonment for not more than six months or a fine of not more than One Thousand Dollars (\$1,000.00), and if the violator is an officer or employee of the County, he shall forfeit his office.

Section 1003. 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 1004. 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 board, commission, office or department of the County government, or such part thereof as may be demanded, except criminal investigation reports, and individual personnel records, upon payment in advance by the person demanding the same of a reasonable fee to be prescribed by resolution of 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 1005. INSPECTION OF BOOKS, ACCOUNTS AND PAPERS. All books, accounts, papers and records of any board, commission, office or department, except criminal investigation reports 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 1006. SURETY BONDS. The penalty of the bond required by public general law to be furnished by the Controller as Collector of County taxes, shall be prescribed by the County Council by ordinance, but shall not be less than One Hundred Thousand Dollars (\$100,000.00). The County Executive shall be bonded for the faithful performance of his duties for One Hundred Thousand Dollars (\$100,000.00). All officers and employees subordinate to the County Council and all other officers and employees of the executive branch shall be bonded for the faithful performance of their duties in such penalties as may be fixed by ordinance but in no case shall such bond or bonds be less than One Hundred Thousand Dollars (\$100,000.00). Such ordinance shall provide for a blanket form of bonds or other similar forms of bonds with corporate surety. Surety bond premiums shall be paid by the County.

Section 1007. 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 ordinances of the County Council and all resolutions heretofore adopted by the County Commissioners having the force and effect of law in effect at such times, other than those of a temporary or special character. Each such codification shall be submitted to the County Council, and, if adopted by ordinance, shall be known as "The Anne Arundel County Code". It shall be published in book form, together with this Charter, Article 25A of the Annotated Code of Maryland (1957 Edition) as amended, an index, such appropriate notes, citations, annotations and appendices as may be determined by the Office of Law. The first such codification shall be completed in time for submission to the second annual legislative session of the first County Council for legislation.

(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 Anne Arundel 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 1008. 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 or before its first annual 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 1009. SUBPOENA POWER. The County Council, the County Executive, the Director of Administration, the Personnel Board, the County Board of Appeals, the County Auditor and such other officers or agencies of the County as may be so empowered by ordinance of the 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 1010. DEFINITIONS AND RULES OF CONSTRUCTION.

As used in this Charter:

(a) The word "law" shall be construed as including all acts, ordinances, public local laws 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.

(b) The term "The Sanitary Commission Act" whenever used in this Charter shall mean Chapter 22, titled "Waters and Sewers" of the Anne Arundel County Code (1957 Edition as amended and supplemented).

(c) The words "shall" and "must" shall be construed as mandatory and the word "may" shall be construed as permissive.

(d) 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.

(e) The word "person" shall include the words "corporation", "partnership" and "association", unless such a construction would be unreasonable.

(f) The word "officer" shall include the word "councilman"

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

(h) The word "State" shall mean the State of Maryland.

(i) The term "operative date" when used in this Charter shall mean that date on which the majority of the members of the first elected County Council and the first elected County Executive qualify and assume the duties of their respective offices.

(j) The term "legislative session-day" shall refer to one

of forty-five days specified in Section 3 of Article XI of the Constitution on which the County Council may convene for the purpose of enacting legislation.

Section 1011. CUSTODY OF PAPERS AND RECORDS. The County Council at its first legislative session shall provide for the custody and safekeeping of all deeds, bonds, contracts, releases and other papers and instruments involving the interests of the County.

Section 1012. 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 1013. CITATION. This Charter shall be known and may be cited as "The Anne Arundel 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 EXECUTIVE AND FIRST COUNTY COUNCIL.

(a) MANNER OF ELECTION OF THE FIRST COUNTY COUNCIL. In order that this Charter may become operative promptly after it becomes law, a special election for the first County Council shall be held on Tuesday, January 26, 1965. The members of the Council so to be elected shall meet the qualifications and shall be subject to the residence requirement as set forth in Article II of this Charter. Nominations of candidates for the first County Council shall be filed in the office of the Board of Supervisors of Elections of Anne Arundel County not later than twelve o'clock midnight, December 22, 1964, accompanied in each case by a certificate of each candidate for the office of County Council specifying the councilmanic district in which he shall have resided for the time specified by Article II of this Charter. A candidate may withdraw his candidacy at anytime prior to twelve o'clock midnight, December 28, 1964, such withdrawal to be in office of Supervisors of Elections prior to midnight, December 28, 1964.

(b) MANNER OF ELECTION OF THE FIRST COUNTY EXECUTIVE. In order that this Charter may become operative promptly after it becomes law, a special election for the first County Executive shall be held on Tuesday, January 26, 1965. The County Executive so to be elected shall meet the qualifications and shall be subject to the residence requirement as set forth in Article IV of this Charter. Nomination of candidates for the first County Executive shall be filed in the office of the Board of Supervisors of Elections of Anne Arundel County not later than twelve o'clock midnight, December 22, 1964. A candidate may withdraw his candidacy at anytime prior to twelve o'clock midnight, December 28, 1964, such withdrawal to be in office of Supervisor of Elections prior to midnight, December 28, 1964.

(c) MANNER OF NOMINATION. Such nominations for County Council and County Executive shall be made by petition signed by at least 250 registered voters of Anne Arundel County. The form of the nominating petition for members of the first County Council and first County Executive shall contain the names of each person nominated, the address of his residence, the nature

of his business, the name of the office for which he has been nominated and in not more than one word the name of the party he represents or that he is not the candidate of any party.

(d) CERTIFICATE OF QUALIFICATIONS AND ACCEPTANCE OF NOMINATION BY CANDIDATE, FILING FEES. The nominee shall make an affidavit stating that he meets the qualifications for the office for which he shall have been nominated as stipulated in this Charter and his acceptance of the nomination and that if elected, he will serve. Each candidate for the County Council and County Executive shall pay to the Board of Supervisors of Elections a filing fee of Twenty-five Dollars (\$25.00) which shall be returned to the candidate if he withdraws.

(e) PARTY AFFILIATION. The petition may state that the nominee wishes to file as a candidate of a political party which polled more than one per cent of the entire vote cast in the County in the last preceding general election or as an independent candidate for the office of County Executive or of Councilman from the councilmanic district in which he resides.

Section 1104. TERMS OF OFFICE OF THE FIRST COUNTY EXECUTIVE AND MEMBERS OF THE FIRST COUNTY COUNCIL. In order to place the election of the County Executive and members of the County Council on the quadrennial basis provided in Article XVII of the Constitution of this State, the terms of the first County Executive and the members of the first County Council shall commence on the Monday following their election and shall expire at such times as their successors, elected at the next quadrennial election, shall qualify for office.

Section 1105. TIME CERTAIN ARTICLES BECOME OPERATIVE. Except as otherwise expressly provided in this Charter all the provisions of Article I to X, inclusive, and Article XII of this Charter shall be operative at such time as the first County Executive and the majority of the members of the first elected County Council take 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 majority of the first elected County Council take office. At such time, the office of County Commissioners shall cease to exist in Anne Arundel County.

Section 1107. EXISTING LAWS. The public local laws of Anne Arundel County and all rules, regulations, resolutions and ordinances of the County Commissioners in force at the time of the effective date of this Charter are hereby repealed to the extent that they are inconsistent with the provisions of this Charter, but no further; and to the extent that they are not hereby repealed because of such inconsistency,

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

Section 1108. 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 and first County Executive take office, be construed to refer to the County Council and to the County Executive whenever such construction would be reasonable. The County Council shall succeed to all legislative powers vested heretofore in the County Commissioners and the County Executive shall succeed to all executive and administrative powers heretofore vested in the County Commissioners by the Constitution and laws of this State except as provided in this Charter.

Section 1109. EXISTING OFFICERS AND EMPLOYEES. All appointed officers and employees of the County holding office at the effective date of this Charter, except the officers holding the offices specifically abolished by this Charter, shall continue to be employed at their existing salaries subject to the provisions of this Charter.

Section 1110. ABOLITION OF CERTAIN BOARDS, COMMISSIONS AND OFFICES. The following offices, boards and commissions are hereby abolished: the Office of County Business Manager, Fire Prevention Committee, Board of Police Examiners, Board of Fire Commissioners, Fire Training Tax Committee, Anne Arundel Sanitary Commission (subject to the provisions of Section 539 of this Charter), Recreation Commission, Recreation and Parks Commission, the Office of Supervisor of Recreation and Parks, the Department of Public Relations, the Board of Appeals, Planning and Zoning Commission, the Office of Zoning Commissioner, the Board of Zoning Appeals, Clerk to the County Commissioners, Trustees of the County Home, the Offices of Police Commissioner, Deputy Police Commissioner and Police Physician and the Board of Amusement License Commissioners. All powers and duties imposed by law upon the County Treasurer shall be continued to be exercised and performed by the County Treasurer until the first Controller as created by this Charter is appointed. Thereafter the Office of County Treasurer shall stand abolished and all functions, powers, duties, personnel and funds shall be transferred to the Office of the Controller. The legislative functions of the District Council for Erosion Prevention Works are hereby transferred to the County Council and the executive and administrative functions, powers, duties, personnel and funds shall be transferred to the County Executive.

Section 1111. EXISTING COUNTY SEAL. Until a new County seal shall have been adopted by the County Council pursuant to the requirements of Article X, Section 1008 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 ordinance, approved by the affirmative vote of at least six members, propose the termination of this Charter and 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 one newspaper of general circulation published in the County once each month for five successive months prior to the next general election or Congressional election occurring after the passage of such act or the filing of such petition. At such election, such question shall be submitted to the voters of the County, and if the majority of votes cast on the question shall be in favor of repealing this Charter, then, at the next quadrennial election, County Commissioners shall be elected under the public general laws of the State of Maryland. When the County Commissioners so elected have qualified for office, this Charter shall terminate. All laws, regulations and ordinances in effect at the termination of this Charter shall remain in force until changed by action of the General Assembly of Maryland, or the Board of County Commissioners, as provided by the Constitution and public general laws of this State.

Section 1202. AMENDMENT. Amendments to this Charter may be proposed by an act of the County Council approved by not less than five of its members, and such action shall be exempt from executive veto. Amendments may also be proposed by petition filed with the 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 County Executive shall make available to the press and public a reasonable number of copies of the question which shall be submitted to the voters of the County at the next general or Congressional election occurring after the passage of said act or the filing of said petition; and if at said election the majority of votes cast on the question shall be in favor of the proposed amendment, such amendment shall stand adopted from and after the thirtieth day following said election. Any amendments to this Charter, proposed in the manner aforesaid, shall be published by the County Executive in at least one newspaper of general circulation published in the County for five successive weeks prior to the election at which the question shall be considered by the voters of the County.

Section 1203. DECENNIAL CHARTER REVISION COMMISSION. At or before the first annual legislative session of the County Council after the publication of each decennial census of the population of the United States, beginning with the publication of the 1970 decennial census, the County Council shall appoint by resolution a Charter Revision Commission for the purpose of making a comprehensive study of the County government and the updating of its Charter where necessary, including the matter of the revision of the councilmanic districts of the County. The Commission shall be composed of five representative citizens of the County who shall report to the Council their findings and recommendations, together with drafts of any recommended revision of the Charter, within twelve months after their appointment. The Charter Revision Commission shall receive from the County an appropriation sufficient to carry out its duties and responsibilities.

NOTES TO THE PROPOSED HOME RULE CHARTER
OF ANNE ARUNDEL COUNTY

By Bennett Crain, Jr.
Reporter and Counsel to the
Anne Arundel County Charter Board

INTRODUCTION

This Reporter has had an advantage over every other citizen of Anne Arundel County in that he was able, indeed, required, to attend every meeting of the Anne Arundel County Charter Board during its short but productive period of function. These notes are his comment upon each section of the Charter, many of them actually written contemporaneously with the discussion of each section leading to the Charter as finally presented.

It must be pointed out that the notes are solely the responsibility of the Reporter and Counsel, and that the Charter Board should not be held responsible for any omissions, errors or ambiguities that might have crept in.

It was the duty of the Reporter and Counsel to study and evaluate the research material available to the Charter Board, and to submit, in conjunction with John A. Donaho and Associates, drafts and redrafts of the various sections of the proposed Charter to the five members of the Board for their consideration. Another duty of the Reporter and Counsel was to advise the Charter Board concerning the legality of their proposed changes in the structure of the County government.

The experience was enlightening; the company was always stimulating; and the Reporter hopes that his notes will in some way distribute the rewards of the entire study to all of those who are interested enough in local governmental processes to study both the final draft of the proposed Charter for Anne Arundel County and the notes extracted from the actual record assembled during the period when the Charter was being formulated. As in every other phase of life, sincere interest is generated only when there is sufficient knowledge at hand to stimulate further study and action. This Reporter hopes to open doors for other ordinary citizens so that more and more residents of this burgeoning County will realize its potential and possibilities.

These notes do not intend to trace the complete legislative history of each section of the Charter, but do attempt to clarify the purpose and scope of each section. Where pertinent, the Reporter points out deficiencies in the current County governmental structure. He furthermore illustrates the ways in which the Charter Board felt present policies could be improved upon. He hopes that he will

satisfy those voters of the County who have been stimulated to desire and expect a deeper understanding of their own County government and who have acquired growing awareness of the need for modern local government across America.

If, in November of 1964, the Charter is accepted by the voters, these notes should be of further service to the officers and employees of the County who will be charged with the responsibility of carrying out the provisions outlined in the Charter. The notes may also, in appropriate cases, serve an additional useful purpose to the Bench and Bar in interpreting the Charter itself, although they were not written with this object in mind.

Primarily, the Reporter's notes are meant to serve as a running commentary on the thoughts and conclusions of the men who were elected to study and revise the County government. Each section of the Charter, neatly presented as it may appear now, is the result of many thoughtful hours of study, discussion and decision. Whatever else it may be, this is a human document, the offspring of people like yourselves, the cumulative end product of concentrated research and conclusion. The Reporter hopes that he has indicated the traps and pitfalls which were successfully avoided by the Charter Board by their insistence upon strict adherence to legal precedence while they were at the same time pursuing creativity in thoughts about improvement in local government.

ARTICLE I

NAMES AND RIGHTS OF THE COUNTY

Section 101. BODY CORPORATE AND POLITIC. This section refers to the corporate nature of the County before and after the adoption of the Charter. Under this Charter the County shall retain its corporate nature. See Section 1, Article 25A of the Annotated Code of Maryland (1957 Edition)--hereinafter referred to as the "State Code".

Section 102. EXERCISE OF POWERS. Article XI-A, Section 3 of the Constitution of Maryland--hereinafter referred to as the "State Constitution"--provides that the County Council shall have "full power to enact local laws . . . of said County". This constitutional section also provides for a "chief executive officer". Therefore, Section 102 of the Charter provides that the County Council and the chief executive and their agents, officers and employees, shall exercise the corporate powers of the County.

Section 103. NAME AND BOUNDARIES. Article 25A, Section 1 of the State Code provides that all property and franchise of every kind belonging to or in the possession of the "Board of Commissioners of the County and of its agencies shall, immediately upon the adoption of a Charter, be vested in said County, as a corporation." This same section provides that pending legal actions brought against the County Commissioners shall, after the adoption of the Charter, be continued in the "name of the county". In view of these provisions, it seemed unnecessary to phrase the name of the County in terms of the officers who exercise its powers as, for example, "the Mayor and City Council of Baltimore". It seemed the better practice to describe the corporate name of the County by its geographical name. This is in accordance with many modern charters throughout the nation as, for example, those of Westchester County, New York and Baltimore County, Maryland. The second part of Section 103 fixes the boundaries and county seat as they are now constituted. The General Assembly may change the boundaries of the County under the provisions of Article 13, Section 1 of the State Constitution. It should be noted that any change of the boundaries of the County must be approved by the voters therein.

ARTICLE II

THE COUNTY COUNCIL

Section 201. COMPOSITION.

(a) RESIDENCE REQUIREMENT. Pursuant to the provisions of Article 25A, Section 3 of the State Code, each member of the County Council is required for two years prior to his election to have resided within one of the councilmanic districts. The members of the House of Delegates are not required to live in any particular area of the County. See Section 9 of Article III of the State Constitution. Section 2-14 entitled "County Commissioners" of the Anne Arundel County Code (1957 Edition) requires that County Commissioners live in the County for a period of ten years but does not require them to have resided within any particular district for any given length of time prior to their election. However, they must reside at the time of the primary election within the district for which they file in the primary election. (See also Section 2-15 of the Anne Arundel County Code--hereafter referred to as the "County Code"). Members of the Council are both nominated and elected by the voters "on the general ticket" as required by Article 25A, Section 2 of the State Code. This has been interpreted by the Attorney General of Maryland to mean in effect, "by the voters of the entire County".

Any amendment to this law by the General Assembly to permit nomination and election by district would raise a serious constitutional question which would have to be tested in the courts. Article VII, Section 1 of the State Constitution requires that County Commissioners be elected "on the general ticket of each County by the qualified voters". Article XI-A, Section 3 of the State Constitution requires that "all reference in the Constitution and laws of this state to . . . the county commissioners of the counties shall be construed to refer to . . . the county council here". The Charter Board believes that the members of the Council should be both nominated and elected County-wide with the safeguard providing that each area of the County shall be guaranteed a representative residing in that area. Under existing law both the members of the House of Delegates and the County Commissioners are elected County-wide with no requirement that each area or district be guaranteed a representative.

(b) MODE OF ELECTION. The language of this section is taken generally from Sections 2 and 3 of Article 25A of the State Code. The election of the first County Council is exempted from the provisions of Article 25A, Section 2 of the State Code. See Section 1103 of this Charter and the notes thereon.

Section 202. QUALIFICATIONS.

(a) IN GENERAL. The Charter Board, in examining the qualifications of other officers of the State, thought that the qualifications should at least be the same as the requirements pertaining to age and residence for a State Senator of Maryland. The qualifications for State Senator as set forth in Article III, Section 9 of the State Constitution, require residence of three years in the State, one year in the County and a minimum age of twenty-five years.

The Charter Board believed that the requirement to own real estate in the candidate's individual name was outmoded and antiquated. For example, if there were such a property requirement, it would make ineligible for election to office a person who owned substantial intangible property. The Charter Board firmly believe that it is the duty and responsibility of the electorate to inform itself of the qualifications of the candidates for public office and to place the best qualified people in these positions of trust.

(b) OTHER OFFICES. The purpose of this section is self-evident. The tentative draft was revised to not only prohibit State or County employees but also Federal employees from being elected councilmen. With the great impact of the Federal government in Anne Arundel County, conflicts of interest would surely arise and the Charter Board believed that the councilmen should have one loyalty--Anne Arundel County. The people have the right to expect of their elected representatives service, and not opportunism in using the office to "trade" for a more desirable position. The intent is to halt the game of "musical chairs" with public positions of trust by ambitious politicians. This provision is more restrictive than required in the State Constitution for State Senators and members of the House of Delegates. See Article III, Section 17 of the State Constitution. Senators and Delegates may not "trade" their office for an office "which shall have been created, or the salary or profits of which shall have been increased, during such term."

(c) CHANGE OF RESIDENCE. This section requires that each councilmanic district shall be represented in the Council by a member who actually resides therein during his full term. In the event of future reapportionment, it does not require that a member of the Council vacate his office in the event the councilmanic district lines are changed to exclude him from his district. Provisions for reapportionment or study of the complete Charter are discussed in Sections 207 and 203 and the notes thereon.

Section 203. TERM OF OFFICE. Article XVII, Section 1 of the State Constitution requires that all County officers elected by the qualified voters hold office for a term of four years, and until their successors shall qualify. In

Benson v. Mellor, 152 Md. 481, 137 A. 294 (1927) the Court of Appeals interpreted this section to prohibit staggered terms and off-year elections. Article XVII, Section 11 of the State Constitution states that the purpose of this Article is "to reduce the number of elections by providing that all state and county elections shall be held only in every fourth year and at that time now provided by law for holding Congressional elections". However, the Court of Appeals held in County Commissioners for Montgomery County v. Supervisors of Elections, 192 Md. 196, 63 A. (2d) 735 (1949), that this Article does not prohibit the special election held to choose members of the first County Council. See also Section 1103 and the notes thereon.

Section 204. COMPENSATION. This section provides for full compensation for the members of the Council in the amount of \$2,100 per annum. There was considerable discussion by the Charter Board in addition to a great deal of comment from the general public concerning the salaries of the Council members. The Charter Board is convinced that membership on the Council is an honor, a duty, and a responsibility of the citizens of the community. The average salary of members of Councils in jurisdictions over 5,000 population is \$750 per annum and many members of Councils receive no pay at all. However, it is difficult to compare salaries outside of the State of Maryland, since the duties of Councilmen vary widely. In Maryland the members of the General Assembly receive \$1,800 per annum plus an expense allowance while in session. A proposed constitutional amendment to raise it to \$3,600 per annum was defeated by the electorate in November, 1962. The Baltimore County Charter provides, in Section 204, for a salary of \$3,000 per annum. An amendment to the Charter to raise the salary of Councilmen to \$5,000 per annum was defeated by the voters of Baltimore County at the polls in November, 1962. It should be noted that the members of the Council will not devote full time to their duties and that they will meet in legislative session for approximately thirty days from the third Monday in April through the end of May. The experience of Baltimore County has been that their Council meets approximately fifteen days in their annual legislative session. The Council shall be required to meet on one day each month for a legislative session-day. See Section 208 and the notes thereon. Section 204 provides that members of the Council shall be allowed their actual and necessary expenses in trips outside of the County. The Charter Board believed that the members of the Council should not be expected to pay their necessary expenses in representing the County at conferences of County officials, etc.

Section 205. VACANCIES. This section provides for the filling of a vacancy on the County Council by the action of the remaining Council members. The Charter Board considered the holding of special elections for vacancies in the Council but reached the conclusion that the filling of one office by an expensive election could not be justified. The Board

urther considered appointment by the State Central Committees of the political parties but decided that the positions should be filled by the elected representatives of all of the people. This section limits the selection of a replacement to a member of the same political party as his or her) predecessor in office. The successor shall be required to reside in the councilmanic district of his predecessor and to meet the qualifications of office as set forth in Sections 201(a) and 202(a).

Section 206. COUNCILMANIC DISTRICTS. The arrangement and number of councilmanic districts was a most perplexing problem to the Charter Board. After many hours of gathering statistics and other information, the Board studied many different plans for different size councils. The Board also spent many hours considering the arrangement of councilmanic districts. The Board was necessarily limited to the delineation of councilmanic district lines by the existing district and precinct lines. Obviously there was not sufficient time to resurvey the entire County and to take a census in each proposed area. Only the Third Precinct of the Fourth District was divided at a natural division point, New Cut Road.

As provided in Article 25A, Section 3 of the State Code, councilmanic districts are created for residence only. The candidates for office of County Council must be nominated and elected "as members of the General Assembly", i.e., county-wide, as required by Article 25A, Section 2 of the State Code. The Board believed that land mass should also be considered in the arrangement of the councilmanic districts. The Board concluded population should be weighted 75% and land mass 25%. There is precedent in other jurisdictions for such a weighting, for example, Baltimore County, Maryland, and the State of Michigan. These weighted percentages were applied to the many plans considered, but the plan adopted was the most equitable. For example, if the existing Seventh and Eighth Districts were merged into one councilmanic district, the remaining area of the County would have to be divided into 3 councilmanic districts to keep the deviation from the average district within reason.

The members of the present legislative body of the County government, i.e., the local delegation to the General Assembly, are both nominated and elected at large with no residence requirement in any particular area in the County. Under this charter, all areas of the County will be guaranteed a representative to the legislative body of the County government.

The reference table for the proposed councilmanic districts should be quite helpful to the reader in studying this problem. For example, the Seventh Councilmanic District which contains Election Districts One, Seven and Eight has 33% of the area of the County but only 10% of the population, while the Sixth Councilmanic District, containing the Sixth

Election District and the First Precinct of the Second Election District, contains 5% of the area but 17% of the population of the County. In weighting land mass 25% and population 75%, the weighted percentages of the various councilmanic districts are reasonably close. The last column of the chart shows the standard deviation from the arithmetic mean. As the chart shows, the Sixth Councilmanic District is the so-called "perfect" district. The deviation of the other districts from this "perfect" district is within four points (-2 to +2), which, when compared with other plans is exceptionally fair to all the citizens of the County.

The last sentence of this Section provides that the formation of the councilmanic districts does not abolish special taxing areas or districts or eliminate the "election districts". However, see Section 718 and the notes thereon concerning special taxing districts and special funds.

Section 207. REVISION OF COUNCILMANIC DISTRICTS. This section was completely rewritten from the proposal in the tentative draft to consolidate the Apportionment Committee and the Charter Revision Commission set forth in Section 1201. Because of the great influx of people into Anne Arundel County the Charter Board felt that it was not in a position to act as prophet concerning population trends in the future. Section 1203 of the Charter provides for a Charter Revision Commission of five members to study the complete Charter every ten years beginning in 1970. After receiving the report of this Commission, the Council has the power by ordinance to relocate the district boundaries but not increase the number of councilmen. Any change in the number of councilmen will require a Charter amendment which must be approved by the voters of the County. See also Sections 1202 and 1203 and the notes thereon.

Section 208. LEGISLATIVE SESSIONS; MEETINGS OF THE COUNCIL; QUORUM; RULES OF PROCEDURE.

(a) TOTAL SESSION DAYS. Article XI-A, Section 3 of the State Constitution provides that the Charter shall specify the number of days, not to exceed 45, which may, but need not be consecutive, that the County Council may sit each year for the purpose of enacting legislation for such County. (See also Section 307, "Legislative Procedure" and the notes thereon).

(b) ANNUAL LEGISLATIVE SESSION. The Charter Board was of the opinion that the County Council should be required to meet in an annual legislative session. The session is approximately 30 days long and it is envisioned that the major legislative programs will be enacted during this annual session. In order to conserve "legislative session-days" the Charter provides that the "session" shall not include Saturdays, Sundays or legal holidays of the State and Nation. However, this will not prohibit the County

Council from meeting to hold public hearings on ordinances on these days. The term "session" as defined in Section 1010(j) of this Charter, refers to one of the 45 legislative days as set forth in Article XI-A, Section 3 of the State Constitution.

(c) MONTHLY LEGISLATIVE SESSION-DAY. The monthly legislative session-day provides monthly sessions of the legislative body of the County for the consideration of legislation. It is provided in Section 307 that all bills, except emergency bills, shall receive a public hearing not sooner than seven days after the bill is introduced. Therefore, it is contemplated, that a bill may be introduced on a monthly legislative session-day and the mandatory hearing should be held before the next monthly legislative session-day, when the bill may be finally passed or defeated. At this time, however, before the final vote, amendments may be proposed and adopted. If the amendments constitute a change in substance, the bill must be reprinted and new hearings held. An amendment to a bill starts the process and procedure anew. Note the requirement of Section 307(j) that any bill not passed within 65 days of its introduction shall fail. This provision is intended to keep the legislative calendar current and eliminate bills which may be brought to the floor for trading purposes. This section also provides that the Council shall not meet in legislative session in November of a councilmanic election year. See Section 307(j) and the notes thereon.

(d) EMERGENCY LEGISLATIVE SESSIONS. The term "emergency ordinances", as used in subsection (d) is patterned after the definition as set forth in Article III, Section 15 (2) of the State Constitution. An "acute emergency" has been constituted by the Court of Appeals to mean an actual emergency for which legislation is enacted for the immediate preservation of the public health, peace, safety and welfare. The Court also will examine the facts surrounding the so-called emergency and make a determination if it is in fact an actual acute emergency affecting the public health, peace, safety and welfare. See the distinction of an ordinance declared an emergency ordinance under Section 307(i) of this Charter and the notes thereon.

(e) MEETINGS. This section points out the distinction between a session and a meeting, and permits the County Council to meet at any time and place the Council may determine. However, no formal action may be taken on any ordinance as provided in Section 307(e) of this Charter. Hearings may but need not be held on legislative session-days and therefore the Council will be permitted to meet at other times for the purpose of holding hearings under this section.

(f) QUORUMS. Section 307(g) requires an affirmative vote of not less than four members of the Council for the passage of any bill, therefore a quorum of four members was adopted.

(g) RULES OF PROCEDURE. The County Council is required to adopt Rules of Procedure covering details which should not be made a part of the Charter itself. However, the Rules of Procedure shall not conflict with the provisions of the Charter.

ARTICLE III

THE LEGISLATIVE BRANCH

Section 301. COMPOSITION. This section established the composition of the legislative branch of the County government.

Section 302. OFFICERS.

(a) PRESIDING OFFICER. Article XI-A, Section 3 of the State Constitution seems on its face to provide that the presiding officer of the County Council shall be referred to as president. It further seems to indicate that the "chief executive officer" shall sit as president of the County Council. However, it was concluded that this provision was directory rather than mandatory. This decision is further supported by the reference in Article XI-A, Section 3 of the State Constitution to the Mayor and City Council of Baltimore City wherein the "chief executive officer" of the County shall correspond to the Mayor of Baltimore City. Therefore, for the purpose of clarity, the Charter Board believed it preferable to denote the "chief executive officer" as County Executive and to refer to the presiding officer of the County Council as its Chairman. Since the Board decided to follow the doctrine of the separation of executive and legislative powers, it deemed it inadvisable to require the County Executive to preside at Council meetings.

(b) OTHER OFFICERS AND DUTIES. This provision provides for the employment of other necessary officers of the County Council. The Board was of the opinion that the County Council should be required to maintain a Journal and also the minutes of its meetings. The Journal shall be the official legislative record of the Council and any action on bills shall be entered in the Journal. For example, under the provisions of Section 307(e) it is required that seven days elapse between the introduction of a bill and its public hearing before the Council. The Journal would show the date the bill was introduced, the date the Chairman scheduled the hearing and the date the hearing was held. See also Section 314 whereby the Council may engage the services of "experts, consultants or attorneys" to aid it in its inquiries and drafting of legislation. Although the County Solicitor or one of his assistants would normally draft bills for the Council, the Board felt the legislative body should be free to hire its own technical experts at such times when the Council is confronted with a major effort or unusual technical problems.

Section 303. ACTION BY COUNCIL. The Charter Board believed that a Council of seven members was small enough to act as a body without standing committees. However, it was provided that special ad hoc committees for the purpose of inquiry and fact finding could be appointed. The Board

envisioned that the use of special ad hoc committees would be the exception rather than the rule. Experience demonstrates that standing committees are apt to interfere with administration.

Section 304 and Section 305. ENUMERATED POWERS NOT BE EXCLUSIVE and LIMITATION ON EXERCISE OF COUNTY COUNCIL POWERS. These two sections must be considered together. Section 304 grants to the County Council all legislative powers which it would have been legally feasible for the Charter to enumerate. Section 305 limits the exercise of the Council's powers granted in Section 304 by the express limitations contained in the Charter and constitutional and public general laws of the State. Provisions similar to Sections 304 and 305 are found in many modern day charters.

Section 306. LEGISLATIVE POWERS OF COUNTY COUNCIL. Article XI-A, Section 3 of the State Constitution requires that every "charter so formed shall provide for an elective legislative body in which shall be vested the law-making power of said County. Such legislative body . . . in any County shall be known as the County Council of the County. The County Council has legislative powers obtained from the following sources: (1) The Express Powers Act for chartered counties, Article 25A of the State Code, which vests all power to enact local legislation for the affected county, in this case, Anne Arundel County, on matters covered by it; (2) it would also receive all legislative powers which prior to the adoption of the Charter had been granted to the County Commissioners by the General Assembly.

The County Council is further authorized to repeal or amend such local laws which have been heretofore enacted under Article 25A of the Code. The County Council shall not substitute the executive or administrative powers of the County Commissioners. These powers are vested in the executive branch under the directive of the County Executive, subject, however, to the provisions of the Charter and law.

In accordance with the provisions of Article XI-A, Section 3 of the State Constitution, the County Council is not empowered to enact ordinances for any incorporated town, village or municipality "on any matter covered by the powers granted to said town, village, or municipality by the act incorporating it or any subsequent acts amendatory thereof. Therefore, the County Council may not pass an ordinance applying solely to the City of Annapolis.

Section 307. LEGISLATIVE PROCEDURE.

(a) PUBLIC MEETINGS. The Board felt that meetings at legislative sessions of the County Council should be open to the public.

A requirement of this sort that Council meetings be open to the public is found in almost all charters which have come to the attention of the Charter Board. This section is intended to be more restrictive than the provisions of Article 25, Section 4 of the State Code, which provides that the meetings of the Board of County Commissioners shall be public. However, that section further provides that the Commissioners may have "executive" sessions. The Board felt that, since the County Council was a legislative body and had no executive or administrative functions, that all meetings and sessions should be open to the public. The requirement that government function in the public view and not in the back room needs no explanation.

(b) ENACTING CLAUSE. The style adopted is derived from Article III, Section 29 of the State Constitution and Section 308(b) of the Baltimore County Charter.

(c) TITLES. The language of this provision also is derived from Section 29, Article III of the State Constitution. It provides for more orderly procedures in requiring each ordinance to embrace but one subject. The requirement that an ordinance or resolution may not be amended by referring to its title or section only serves to make the Councilmen fully aware of all legislation before them.

(d) ORDINANCES AND RESOLUTIONS. This section requires the County Council to proceed only by written ordinance or resolution except for procedural motions and the election of a presiding officer.

A resolution is a measure that is not subject to executive veto and which is of a temporary or administrative nature, such as the making of appointments, the declaration of testimonials, the direction of officers and employees of the County Council and requests for information from the executive branch.

The ordinances will embrace laws of the type and character enacted by the General Assembly and the County Commissioners. The distinction is further highlighted by the requirements of Section 307(e) and (f) of the Charter which provide for the method and procedure for enacting ordinances by the County Council.

(e) PROCEDURE FOR PASSING ORDINANCES. This section provides that a proposed ordinance may be introduced by bill on any legislative session-day which, as provided in Section 208(b), shall be a 30 day period beginning on the third Monday in April and continuing for a period not longer than 30 days exclusive of Saturdays, Sundays and legal holidays. Also bills may be introduced on the third Monday of every month (except the November in a councilmanic election year. See Section 208(c)). Provision is made for emergency sessions in

Section 208(d) and the procedure for passing emergency ordinances dealing with an "actual acute emergency." See also Section 307(i) and the notes thereon for the distinction between a "declared" emergency ordinance and an "actual, acute" emergency ordinance.

On the day after the introduction of a bill, the Chairman is required to schedule a public hearing thereon. The notice of the time and place of the hearing must be posted on a public bulletin board in a "public place" (Section 307(h)). This requirement will give to all citizens of the County notice of pending ordinance and a chance to be heard at the hearing. The hearings may not be held less than seven days after the bill's introduction.

After the public hearing, the bill may be finally passed by the Council on a "legislative session-day". The bill may also be amended before final passage but if amended in "substance", then another public hearing must be scheduled and held before final passage. Note the last sentence of Section 207(j) of the Charter which provides that all bills will die if not finally passed within 65 days after introduction. Therefore, at the monthly legislative session-days a bill will die if it is amended more than twice. The hearings may be held on any day, but amendments may be offered and adopted only on legislative session-days.

The annual budget and appropriation ordinance is exempted from the provisions of this section because the procedure for public hearing, etc. is covered in Section 708 of the Charter. Note also the exception of supplementary and emergency appropriation ordinances as provided for in Section 712(c).

(f) PROCEDURE FOR PASSING EMERGENCY ORDINANCES. The procedure for the passage of the two types of emergency ordinance (see 207(i)) differs from the regular procedure in that the date for the public hearing is scheduled upon introduction of the bill for not less than three days after the introduction of the bill, and the emergency bill may be amended as to subsections and finally passed without a second hearing. See also Section 307(i) of this Charter for provision as to the effective date of both ordinances and emergency ordinances. All emergency ordinances must receive five affirmative votes for passage.

(g) VOTES REQUIRED. This section requires the affirmative vote of not less than four for the passage of a bill. However, there are provisions elsewhere in the Charter which require a higher number of affirmative votes. See, for example, Section 207 for the "Revision of Councilmanic Districts."

(h) PUBLICATION OF COUNTY LAWS. The first sentence provides for notice before the bill is passed by the Council. For similar provisions, see Baltimore County Charter,

Section 308(e) and the Montgomery County Charter, Article II, Section 5(1)). The last sentence refers to publication of ordinances as provided in Section 3 of Article XI-A of the State Constitution under which "all laws and ordinances . . . shall be published once a week for three successive weeks in at least one newspaper published in the chartered County."

(i) EFFECTIVE DATE OF ORDINANCES. In the tentative draft this section provided that all ordinances enacted by the County Council shall take effect 45 days after their enactment. The phrase "their enactment" was deleted and inserted in lieu thereof the phrase "it becomes law". The phrase "their enactment" refers to the action of the County Council. It does not take into consideration the action of the County Executive. As provided in Section 307(j) of the Charter, the Charter Board intended that a bill may become law in the following ways: (1) passage by the Council and approval by the County Executive. The ordinance would become law at the date of the Executive's signature, although the effective date of the ordinance would be 45 days from the date of the Executive's signature; (2) A bill may also become law by enactment of the County Council, a subsequent veto by the County Executive, and final passage by the Council over the Executive's veto. The proposed ordinance would become law on the date of its passage over the Executive veto by the County Council; (3) A bill may also become law if the County Executive fails to return such ordinance within ten days after its presentation to him. The Charter Board intended that the date the ordinance becomes law is the date the Secretary to the County Council records such act in the Journal. The date an ordinance becomes law is important for two reasons: (a) The "effective date" of the ordinance is 45 days after the date the ordinance becomes law; (b) The time within which referendum petitions must be filed commence on the date an ordinance becomes law. (See Section 308).

This section defines the two types of emergency ordinances. The term "emergency ordinance", more particularly defined in Section 208(d), is derived from Article III, Section 15 of the State Constitution and the term "an acute emergency" has been defined by the Court of Appeals in the case of Washington Suburban Sanitary Commission v. Buckley, 197 Md. 203, 78 A. (2d) 638 mean that there must be an actual acute emergency to render the ordinance valid. The Court further held that the Courts have the power and jurisdiction to inquire whether an actual, acute emergency exists. The second class or type of emergency ordinance is an ordinance passed at the annual legislative session or on monthly legislative session-day which is "declared" by the County Council to be an emergency ordinance necessary for the immediate preservation of the public peace, health, safety and welfare. This language was derived from Article XVI, Section 2 of the State Constitution. In construing this section of the Constitution the Court of Appeals of Maryland has held in Gebhart v. Hill, 189 Md. 135, 78 A. (2d) 315, that the Legislature alone has the power to determine whether such an emergency is as contemplated by

this section exists and its determination of that question is not judicially reviewable.

The last sentence of this section prohibits an emergency ordinance from levying taxes, creating revenue, granting a franchise or special privilege, abolishing or creating an office, changing any salary, term or duty of any officer or creating any vested right or interest to protect the public from hasty legislation. This section provides that emergency ordinances take effect from the date they become law. See Section 308 and notes thereon for the effect of the referendum provisions on emergency ordinances. The effect of "declaring a bill to be an emergency measure has the effect of advancing the effective date of the bill to the date it becomes law rather than 45 days subsequent to that time. These provisions follow the procedure as provided for in the Constitution for bills of the General Assembly.

(j) EXECUTIVE VETO AND FAILURE OF BILLS. This section provides that the County Executive may in his discretion veto bills passed by the County Council with the exception of those bills specifically exempted in the Charter. It also provides that the bills shall be presented within two calendar days after passage by the Council to the County Executive, and that the County Executive must act within ten days from such presentation. If he fails to act, the Secretary of the County Council shall enter such fact in the Journal and the bill shall become law on that date. A provision was added to the tentative draft of the Charter which would allow the Executive modern prerogative of the "item veto". For a similar provision affecting appropriation bills at the State level, see Article II, Section 17 of the Maryland Constitution. A vetoed item may be overridden by an affirmative vote of five members of the Council. The item veto will permit the County Executive to veto a "bad" part of a "good" bill.

This section also provides that any bill not passed within 65 days after its introduction or prior to November in a councilmanic election year shall fail. The 65 day limit shall "clear the decks" of legislation and prohibit bills from being brought to the floor at an opportune moment. This provision has the effect of limiting amendments to bills acted upon outside of the annual legislative session to amendments adopted on two legislative days only. See Section 307(e) and the notes thereon. The provision that all bills must be passed prior to November in a councilmanic election year was added to the tentative draft to prohibit "lame duck sessions of the County Council. See the Twentieth amendment of the Constitution of the United States where the lame duck sessions of Congress were abolished.

Section 308. THE REFERENDUM.

(a) SCOPE OF THE REFERENDUM. This provision is derived

from Article XVI of the State Constitution and Section 309 of the Baltimore County Charter. The scope of the referendum provisions is increased over the present system under the Charter. For example, at the present time the people do not have the right to petition resolutions of the County Commissioners to referendum. Under the Charter the people shall have the right to petition all ordinances of the County Council. Unlike the provisions in the State Constitution the people have reserved the right to petition individual parts of any ordinance to referendum. Emergency ordinances may be petitioned to referendum but the effective date of such emergency ordinance is not suspended. An emergency ordinance, if defeated at the polls, shall cease to be law 30 days after said election. With a regular ordinance the filing of the necessary signatures will suspend the effective date of the ordinance until after the election. The number of signatures necessary to petition a bill is calculated in the same manner as in the State provisions and at the current time, it provides that the referendum petition against any ordinance shall be sufficient if signed by ten per cent of the qualified voters of the County calculated upon the whole number of votes cast in the County at the last preceding gubernatorial election. Approximately 45,000 votes were cast for Governor in Anne Arundel County in the General Election of 1962. Therefore, the petition would be sufficient if 4,500 signatures of the qualified voters of Anne Arundel County were obtained. If more than one-half of the signatures, but less than the full number required are filed within 45 days from the date the ordinance becomes law, the time for the ordinance to take effect and the filing of the remainder of the necessary signatures shall be extended for an additional 30 days.

(b) FORM OF PETITION. Under the Constitutional provision a person securing the signatures for bills enacted by the General Assembly must state under oath that "the signers are registered voters" of the State and County. Under the Charter a person securing the signatures must state under oath that the signers are registered voters of the State of Maryland and Anne Arundel County "to the best of his knowledge, information and belief." The referendum provisions follow substantially the provisions of the Baltimore County Charter. The Montgomery County Charter also contains a referendum provision.

Section 309. NONINTERFERENCE WITH EXECUTIVE BRANCH. This section was severely criticized by several "politicians" of the County. The object of this section was to achieve a "separation of powers" in practice as well as in theory. It provides that the members of the Council shall not direct or request the appointment or removal of any employee of the executive branch of the government. Section 804 of this Charter provides that the head of each department or office shall be the appointing authority for all employees in his department or office, and that such appointments or positions

in the classified service shall be from among the names certified. Note Section 813 which provides for loss of job and criminal penalties for any violations of the entire merit system provision by any officers or employees of the County. The Charter Board realizes that enforcement of this provision will be difficult but it made the attempt to stop the filling of County positions with political cronies as has long been prevalent in Anne Arundel County. The Board believed that capable career service employees in the executive branch should be protected from personal and political interference by members of the legislative branch. Many modern charters contain provisions similar to the provisions of Section 309. See, for example, Section 310 of the Baltimore County Charter, Section 50.3 of the City of Richmond Charter and Article VIII, Section 7, San Mateo County Charter.

This section also prohibits members of the Council from giving orders either publicly or privately to any subordinate of the County Executive. This section, of course, does not prohibit inquiry by members of the Council nor does it curtail in anyway the duties and functions of the County Auditor. See Sections 310 and 311 of the Charter and the notes thereon for his duties and powers. Also this section does not prohibit or limit the legislative powers of the County Council as set forth in Sections 304, 305 and 306 of this Charter. The last sentences of this provision provide penalties for violating the section.

Section 310. COUNTY AUDITOR. This section creates the position of County Auditor, an officer of the legislative branch of the County government. He is the full time employee of the legislative branch and is charged with the responsibility of conducting current internal post audits of all departments and agencies of the County government which receive or disburse County funds. Some citizens suggested that the County Auditor be appointed by the County Executive or County Administrative Officer. The Charter Board believed that this would violate the principle of the "separation of powers" and the purpose of the current internal post audit. The County Auditor in this respect is a legislative overseer or watch dog who maintains a vigilant eye over the affairs of the executive branch to insure that public funds are spent in accordance with the budgets as adopted by the County Council and other provisions of the Charter and ordinances.

Section 311. DUTIES OF COUNTY AUDITOR. The County Auditor shall, not later than six months after the close of each fiscal year, prepare and submit to the County Council and to the County Executive, a complete financial audit for the preceding fiscal year of all offices, departments and agencies of the County government which receive or disburse County funds. The Council may permit the County Auditor to except the reports of State auditors of agencies which are completely audited each year by the State government. Copies

of this complete audit shall be open to the inspection of the public and press and a reasonable number shall be available for public distribution.

After the consideration of the tentative draft, it was decided to give the County Auditor additional power to make exception to any irregular practice he may find in the executive branch. It thereupon becomes the duty of the County Executive to cause corrective action to be taken promptly. The County Council is given the additional power to authorize the Auditor to examine and audit the books and records of persons or firms contracting with the County when in its judgment such action is needed to protect the interests of the County". Since the Auditor is "keeping tabs" on the officers and employees of the executive branch, this section further provides that the actions of the Council pursuant to this section are exempt from the executive veto.

Section 312. INDEPENDENT AUDIT. This provision provides for an independent audit by a firm of certified public accountants every four years. This section also provides that the firm or members of the firm shall have no personal or financial interest, direct or indirect, in the fiscal affairs of the County or any of its departments, offices or agencies. It was suggested that the independent audit be held more frequently than four years. However, the Charter Board believed that with the County Auditor representing the legislative branch and performing his daily duties of a current post audit of the executive branch that a comprehensive independent audit each year or every two years was not necessary. The Charter Board also considered that the audit be made every four years before election so that the voters could act at the polls on any deficiencies the independent audit might discover. However, the Board felt that there was insufficient time between the close of the fiscal year (July 1) and the date for election for a complete audit and that also the current incumbent elected officials would make the selection of an auditor to audit themselves. The board believed it to be the better practice to provide for the incoming administration to make a complete audit of the prior administration.

Section 313. SPECIAL AUDITS. This section provides that the County Council or the County Executive may make a special audit of any County department or the whole County government at anytime. This section also requires that upon the death, resignation or removal of any County administrative officer, the County Auditor shall cause an audit to be made of his accounts in his department, office or agency. In the event that the officer shall be found to be indebted to the County, the County Executive is required to collect the indebtedness.

Section 314. SPECIAL ASSISTANCE. This section merely sets forth the inherent legislative power to engage the services of experts and staff to aid the Council in preparing legislation.

ARTICLE IV

THE COUNTY EXECUTIVE

Section 401. NATURE AND TERM OF OFFICE; MODE OF ELECTION; QUALIFICATIONS; SALARY. The first part of this section provides that the County Executive is the chief executive and administrative officer of the County and the official head of the County government. He is, therefore, responsible directly to the people for the proper administration of the executive branch of government. The second sentence refers to Article XI-A, Section 3 of the State Constitution. As stated previously in the notes of Section 302(a), the Charter Board believed that Article XI-A, Section 3 of the State Constitution does not mandatorily require that the elected chief executive be known as "President of the county council". In following the lead of Baltimore County, the Charter Board based the Charter upon the principles of the separation of powers. In Baltimore County the chief executive officer is termed "County Executive". Baltimore County followed the trend elsewhere in the United States in chartered counties which adhere to the doctrine of separation of powers. See the Charters of Nassau, Westchester, New York, St. Louis County, Missouri and Milwaukee County, Wisconsin.

The requirement in the third part of 401 that the County Executive be nominated and elected "on the general ticket" satisfies the provision of Article VII, Section 1 of the State Constitution under which County Commissioners are required to be elected in this manner. It also provides an exception for the election of the first County Executive. In this regard see Article XI, Section 1103 of this Charter and the notes thereon.

The qualifications required of a candidate for the County Executive are as follows: (1) he must be a registered voter in the County; (2) he must be at least 30 years of age; (3) he must have been a resident of Anne Arundel County for at least five years prior to his election. The Charter Board took into consideration the requirements for qualification as chief elected officers in other jurisdictions. It is interesting to note that Article II, Section 1 of the United States Constitution requires that the President of the United States be at least 35 years of age and 14 years a resident in the United States, and a natural born citizen. Article II, Section 5 of the State Constitution requires that to be eligible for the office of Governor a person must be 30 years of age and have been 10 years a citizen of the State of Maryland, and for five years immediately preceding his election, a resident of the State and a qualified voter therein. The Charter Board believed that no matter what qualifications were set forth in the Charter for the elected officials, the ultimate responsibility for the placement in office of these officials rests with the voters of the County.

The Charter provides that the County Executive shall be paid \$18,000 a year for which he shall be required to devote full time to the duties of his office. The setting of his salary was subject to lengthy discussion by the Charter Board. The position of County Executive is equivalent to that of a president of a \$40 million dollar business. In this connection it is of interest that the County Executive of Westchester County receives \$25,600 and the County Executive of Baltimore County receives \$22,500. In County Manager jurisdictions of comparable size, the average Manager's salary is \$20,399 per annum. The Charter Board finally established a figure of \$18,000 for the annual compensation of the County Executive. However, the County Council is given the power in Section 406 to raise and thereafter lower the salary of the County Executive. See Section 406 and the notes thereon for further comment on legal aspects of this matter.

The last sentence of Section 401 prohibits the County Executive from holding office for more than two consecutive four year terms. This provision was added to the tentative draft. It is noted that the first County Executive may serve his short 21 month term plus two additional four year consecutive terms. It also does not prohibit an individual from serving as County Executive for two consecutive four year terms, then, after a sabbatical of one term, returning to office.

Section 402. VACANCY. This section provides that if the office of County Executive shall become vacant, then the office shall be filled by a resolution adopted by the affirmative vote of not less than four members of the County Council. In order to provide for the position to be filled and stalemates of the Council avoided, this section requires that the County Council must act within 30 days from the date of the vacancy.

Section 403. TEMPORARY ABSENCE OR DISABILITY OF COUNTY EXECUTIVE. This section provides for the "succession" to the office of County Executive on a temporary basis when the Executive is temporarily absent or disabled. The first sentence provides that the County Executive may designate in writing the head of one of the County departments or offices as Acting County Executive. The Acting Executive shall have all of the powers except the power of veto. In the event the Executive fails to appoint someone as Acting Executive, the Director of Administration shall act as Acting County Executive. In the event both the County Executive and Director of Administration are absent or disabled, then the Budget Officer shall be the Acting County Executive unless the County Council designates the head of another department or office of the County government to be Acting County Executive.

Section 404. CONVICTION OR FAILURE TO PERFORM DUTIES. This section provides that the County Executive may be re-

moved from office if he fails to perform the daily duties and responsibilities of his office for a continuous period of six months or if he is convicted of a crime other than a traffic violation. The County Executive may be removed from office by the affirmative vote of not less than five members of the Council by ordinance. The Charter Board recognized that any attempt to exercise this power would probably result in a Court proceeding, but it was believed that the legality of the move to oust the County Executive for a long continued absence could speedily be determined by a Mandamus proceeding.

Section 405. POWERS AND DUTIES OF THE OFFICE. The detailed enumeration of the duties of the County Executive as set forth in this section seems self-explanatory and will not be discussed in detail in these notes. Brief mention, however, is herein below made of some of the sections.

The initial paragraph of this section sets forth that the County Executive is responsible "for the proper and efficient administration of such affairs of the County as are placed in his charge." When read in conjunction with Section 502, it is clear that the County Executive is responsible for the execution and administration of all laws which affect the County government. The opening paragraph additionally states that the "enumerated powers" are not in limitation of his general inherent power as the chief executive officer of the County government. Subparagraph (a) of Section 405 was rewritten to make it absolutely clear that the County Executive has the power to hire and fire the Director of Administration, the County Solicitor, the Planning and Zoning Officer, Zoning Hearing Officer, Director of Public Works, Director of Inspections and Permits, Chief of Police, Fire Administrator and the Director of Recreation and Parks. The heads of these offices and departments do not serve for a term and shall serve in their respective offices until such time as they resign or are dismissed by the County Executive or their office otherwise becomes vacant. The phrase "who shall be directly responsible to him" was added to this section of the tentative draft to clarify the "channels" to the chief executive office

These officers are appointed by the County Executive without confirmation of the County Council. Upon release of the tentative draft, there was much discussion concerning confirmation of these offices by the County Council. The Board was of the opinion that confirmation is a "holdup game" and that if the people of the County are going to hold the County Executive responsible for the entire operation of the executive branch, he should be able to appoint the heads of the various departments and offices which report directly to him. However, the persons appointed must meet the qualifications for the office as set out in Article V. The professional consultant to the Charter Board advised, and the Charter Board confirmed by its independent investigation,

legislative act either passed by the General Assembly or by the County Council, and the licenses and permits must be issued pursuant to some standard provided for in the act. In the event of a denial of a license, etc., by the executive branch, the aggrieved person may appeal to the County Board of Appeals, as set forth in Section 602.

Subsection (m) provides for the issuance of rules and regulations of the character which, prior to the adoption of the Charter, had been prepared and issued by the County Commissioners. However, before such rules take effect, they must be approved by the County Council by ordinance, therefore acquiring the force and effect of law. It should be noted that this section exempts from approval by the County Council such rules and regulations which affect the "internal operating procedures" of the executive branch. For example, an order issued by the Executive stating when the floors in the Court House shall be swept and waxed would not require the approval of the County Council by ordinance.

Subsection (n) provides for the appointment, subject to the provisions of Article VIII of the Charter, "a Secretary to the County Executive". It should be noted that the Secretary to the County Executive is not the "confidential secretary" referred to in Section 802(f) of the Charter. The Office of Secretary to the County Executive carries specific powers and duties, such as the power to attest to the County Seal as provided in Section 1008.

Section 406. CHANGE IN COMPENSATION OF COUNTY EXECUTIVE. As set forth in Section 401, the annual salary of the County Executive shall be \$18,000. This section provides that the County Council, through an affirmative vote of not less than five of its members, shall have the power to increase the compensation, and thereafter reduce the compensation of the County Executive, but in no event to a figure of less than \$18,000 per year. Article III, Section 35 of the State Constitution prohibits any increase in the compensation of the County Executive during his current term. In the executive branch this constitutional provision would apply only to the County Executive, since the heads of the offices and departments do not serve for a specified term.

that recruitment of qualified professional personnel is becoming more and more difficult, and the supply of such exceptional people is less than the demand. Even at this time some qualified professional people will not consider applying for a job where there is confirmation. Professional public administrators do not wish to become embroiled in any possible clashes between the chief executive officer and the County Council, during which their confirmation may be denied for reasons other than merit. It is also interesting to note that the Alaskan Constitution does not require confirmation for the heads of the various departments. The Board further discovered that there is a history of "trading" of appointments to various offices by mayors and councils and the caliber of some of the persons appointed to these positions is mediocre. The Board firmly believed that since the people of the County will be able to point their fingers more readily at inefficiency in the executive branch and hold the County Executive responsible for it, it would behoove any County Executive to appoint the most qualified people he could find for the various offices. The Board further hoped that department heads would be professional men whose competent performance would assure tenure.

Subsection 405(i) provides that the Executive appoint and remove for cause the members of all boards, etc. which are created by the Charter or which may be created at a later date by act of the County Council or by act of the General Assembly.

Subsection 405(j) provides that the Executive shall serve on all boards, with the exception of the Board of Health, on which prior to the adoption of the Charter, a County Commissioner was required to serve as a member. The public general law, which established most of the boards and commissions referred to in this subsection, refers to membership thereon by a County Commissioner or the President of the County Commissioners.

The Charter Board believed that since the activities of these boards and commissions was administrative rather than legislative, it would be wise to provide that the chief executive officer or his designee should serve on the boards. This is also consistent with the doctrine of separation of powers.

Subsection 405(l) provides that the County Executive shall issue or cause to be issued executive orders, directive licenses and permits which are provided for in the Charter. It also provides that the County Executive shall issue all such orders which prior to the adoption of the Charter were issued or granted by the County Commissioners. Under the separation of powers theory these matters are executive and administrative and therefore fall within the scope of the executive branch. It should be noted, however, that all such permits and licenses shall be granted pursuant to a

ARTICLE V

THE EXECUTIVE BRANCH

Section 501. COMPOSITION. This section provides that the composition of the executive branch shall be made up of the County Executive and all officers, agents and employees under his supervision and authority. The Constitution of the United States states that "the executive power shall be vested in the President of the United States of America." Considering the size of modern-day government, the Board believed that the executive branch should consist not only of the County Executive but also of its various officers and employees. This adheres to the provisions of other modern charters throughout the country. For example, see Baltimore County Charter, Section 401.

Section 502. GENERAL SUPERVISION. This section stipulates that the County Executive shall be responsible for the efficient operation and management of the executive branch of the County government. He shall also be responsible for "the faithful execution of the law". This phrase was added to the tentative draft, the language having been derived from Article II, Section 3 of the Constitution of the United States.

Section 503. COMPOSITION; RESTRICTIONS ON CREATION OF ADDITIONAL OFFICES AND DEPARTMENTS. In accordance with the recommendations of the firm of John A. Donaho and Associates, management consultants, engaged by the Charter Board to survey the County government, the executive branch of the County government has been divided into "offices" and "departments". The "offices" perform primarily staff functions, that is to say, their major purpose is to provide service for other units of the County government. The "departments" perform primarily line functions, i.e., their major purpose is to provide services directly for the people. The organization of the executive branch of the County government under the Charter is set forth on a chart, through which the lines of executive authority can be readily perceived. The departmental structure outlined in Article V is intended to be all inclusive. That is, all of the functions and duties of the executive branch shall be performed by the various agencies set forth in Article V. (Article VI of the Charter creates a County Board of Appeals which has a quasi-judicial function.)

Section 503 prohibits the creation of additional offices or departments except by amendment of the Charter. To provide for changing circumstances in the County government over a period of years, the existing or additional duties and functions may be reassigned or realigned among the existing offices and departments by directive of the County Executive or by ordinance. However, new bureaus or divisions of departments or offices shall not be created except by

ordinance.

Section 504. DIRECTOR OF ADMINISTRATION. The basic objective achieved by the creation of the office of Director of Administration is to provide the elected chief executive with the services of a highly trained and well qualified administrator to help him meet the technical demands of modern large scale government. During its deliberations the Charter Board decided against placing the Director of Administration in the "line" as is provided in the Baltimore County Charter and elsewhere. The basic reason for the placing of the Director of Administration in a "staff" position is that, in reality, top professionals serving in other jurisdictions which have an elected chief executive, have, in actuality, staff positions, although the Charter itself may provide that the top administrative position possess "line" powers to make decisions. Therefore, the Director of Administration is in charge of and responsible for the staff offices of Finance, Budget, Personnel, Central Services and Civil Defense. He shall also be the Chief Budget Officer of the County. He has the power to appoint, without need of confirmation, the heads of the above-mentioned offices with the exception of the Civil Defense Director who is appointed by the Governor as provided in State law. (See Article IV, Section 209 of the State Code).

Section 505. DIRECTOR OF ADMINISTRATION; QUALIFICATIONS; MODE OF SELECTION; SALARY. The qualifications for the Director of Administration require the selection of an exceptional individual. A requirement that the Director of Administration must have, prior to being selected, a Master's Degree in Business or Public Administration from an accredited college or university was added to the tentative draft upon the suggestion of several interested citizens. In addition to educational requirements, he shall have had at least five years' experience as an executive either in public administration or private business, or both. The professional character of the position requires technical competence. He will assist the County Executive in management planning, organization and control.

This section requires that the Director of Administration shall be paid not less than \$14,000 and not more than \$16,500, unless the executive pay plan, as provided in Section 508, shall specify a higher salary range. In considering the salary range of the Director of Administration, the salaries of comparable officers in other jurisdictions were examined by the Charter Board. It should be noted that the average salary of a County Manager of a jurisdiction the size of Anne Arundel County is \$20,399 per year. However, the Director of Administration will not have the full responsibility of the County government as this duty belongs to the elected County Executive. The salary of other offices comparable to the Director of Administration ranges from about \$18,000 to \$22,000 for jurisdictions somewhat larger than Anne Arundel County. Be-

cause the Director of Administration does not serve for a specific term, the executive pay plan may provide for a higher range of salary without interference by the State Constitution. See Article III, Section 35 of the State Constitution.

Section 506. OTHER OFFICES. This section provides that the Office of Law, Office of Planning and Zoning and Office of Zoning Hearings shall be under the immediate direction and control of the County Executive. The Director of Administration does not have supervisory control over these offices, and the heads of these offices will report directly to the County Executive. However, under the provisions of the last sentence of Section 504, the Director of Administration may have such staff authority with respect to these offices as the County Executive may direct from time to time.

Section 507. DEPARTMENTS. This section enumerates the departments of the County government, providing that heads of the Department of Public Works, Department of Inspections and Permits, Department of Police, Department of Fire, Department of Recreation and Parks shall be directly under the immediate control and supervision of the County Executive.

Section 508. TERM AND COMPENSATION OF OFFICERS AND EMPLOYEES IN THE EXECUTIVE BRANCH. This section provides that all persons in the merit system shall hold such terms and receive such compensation as the pay plan and the classification plan provide. (See Section 801). This section also takes into consideration an executive pay plan, that is, the fixing of the various salary ranges of the exempt positions, i.e. department heads in relation to each other. The Charter Board believed that the County Council should not be able to fix the individual salaries of department heads without first establishing a relationship with the other department heads. In the event that the Council had the power to fix the individual department head salaries, it could effectively abolish the job by reducing the pertinent salary to a ridiculously low figure. Therefore, the executive pay plan requires that the salary and salary steps of the head of each office or department be related to the other heads of departments and offices. This section further provides that the County Executive and the County Council "shall give due consideration" to salaries of similar positions in comparable jurisdictions. In order to compete with other jurisdictions for technically trained professionals, the salary scale must be comparable.

Section 509. TEMPORARY APPOINTMENTS.

(a) DIRECTOR OF ADMINISTRATION. This section makes the provision that the Budget Officer will serve as Acting Director of Administration in the event of a temporary absence of the Director or a vacancy occurs in that office.

Subsection (c) provides a limit of 60 days of service for an Acting Director of Administration except that such limit may be extended an additional four months by resolution of the County Council. The Charter Board believed the requirement for appointment within 60 days in the case of a vacancy in the office was necessary in order this position be filled promptly by a fully qualified man.

(b) OTHER OFFICERS. This section seems self-explanatory and provides for the appointment of acting heads of any office or department in the event of a vacancy or temporary absence.

Section 510. ORGANIZATION STAFFING. This section provides that the department head shall be the appointing authority for all positions in his department under the provisions of the merit system. This is a change from the current practice whereby the County Commissioners or the County Business Manager appoint employees subordinate to a department head. However, it provides that the County Executive shall have the final power of determination as to the number of positions each department shall have. This section also provides that no appointments shall be made if no funds have been provided in the budget and allotted for such positions. See Section 714 "Work Programs and Allotments" and the notes thereon.

THE SERVICE OFFICES.

A. THE OFFICE OF FINANCE.

Section 511. THE CONTROLLER. This section establishes the Controller as the head of the Office of Finance and sets forth his qualifications for office.

Section 512. GENERAL POWERS AND DUTIES OF THE CONTROLLER. The Controller shall perform the duties of a number of current County officials. For example, he shall collect the monies now collected by the Clerk to the County Commissioners, the County Treasurer and the Treasurer of the Sanitary Commission. He shall be responsible for the collection and handling of all public funds of the County.

It was recommended by some citizens of the County to the Charter Board that the budgetary functions and the fiscal functions should not be separated, but it was recognized by the Charter Board that the functions of the Controller and the Budget Officer are complimentary rather than interrelated. The Budget Officer, as provided in Section 516, is responsible for the "formulation of the budget", the review of allotments, control of positions, development of annual work programs, research on economic trends and long-term fiscal plans and also for the study of organization methods and procedures for the various agencies of the County government. The budget is a financial plan for the future. The Controller is responsible for the

handling of the funds which have been duly appropriated by the County Council and allotted to the various departments by the County Executive. It is the duty of the Controller to make sure that the financial plan is carried out in accordance with law. The language of this section follows Section 515 of the Baltimore County Charter. See also Article V, Section 26 of the Westchester County, New York Charter for similar provisions.

The Office of County Treasurer is abolished, and the Controller will perform the duties of the erstwhile Treasurer. Legal authority for the abolition of the Office of Treasurer is conferred on the voters of the County in Article 25A, Section 5 (R) of the State Code. Both Montgomery and Baltimore Counties abolished the Office of Treasurer and consolidated all of the financial duties in one officer.

Section 513. SPECIFIC POWERS AND DUTIES. Because the Office of Finance is the core of the County's financial organization, the Charter Board felt it desirable to enumerate in detail its specific powers and duties. The language relating to these powers and duties follows generally Section 516 of the Baltimore County Charter and Article V, Section 27 of the Westchester County Charter.

Section 514. APPROPRIATION TO CONTROL EXPENDITURES. The first sentence provides that monies may only be drawn from the County treasury pursuant to an appropriation or allotment therefor. See Section 714 "Work Programs and Allotments" and Section 905 "Conformity with Budget Limitations and Allotments" for similar provisions for the control of County funds. Also of interest is Section 715 "Appropriation Control and Certification of Funds" which provides for criminal penalties and personal liability for violation of that section.

The second sentence of Section 514 indicates that all fees received by County officers shall be paid into the County treasury. It is the purpose of this section to provide that all public funds shall be paid into the County treasury and accounted for in one office rather than being scattered about in the various County agencies if there is to be comprehensive budgeting and control. The last sentence of this section provides the teeth for its total enforcement. Of course, this provision applies to all officers including members of the County Council and the County Executive. The enforcement of this provision would bring in a Mandamus action in the courts to test in fact whether or not the provisions of this section were actually violated.

4. THE OFFICE OF BUDGET.

Section 515. THE BUDGET OFFICER and Section 516. POWERS AND DUTIES. The Budget Officer is intended to be a full time

fiscal planning officer of the County. Basically, the budget function is one of planning, of looking ahead at the financial requirements of the years ahead. Not only will he be responsible for the formation of each department's budget and the County budget as a whole before it is presented to the County Council, he will also be responsible for the review of, and the preparation of allotments, that is, how much money each department or agency shall receive as its funds, and at what time. He is also responsible for recommending to the County Executive the actual number of positions needed in each department. He is overseer of the development of annual work programs of all departments and offices, including research on economic trends and long-term fiscal plans. He is also charged with the responsibility to study organization methods and procedures of each office, department and agency of the County government and to make periodic reports to the Director of Administration on his findings. As the County government grows in size and complexity, the functions of the Budget Officer will become increasingly important. At the present time the County government has no position comparable with that of Budget Officer. Although the present County Manager is charged with this responsibility, he is further charged with the responsibility of running the entire government--a dual task impossible without assistance of professionals.

The budget consists of several integral parts which include the operating budget, providing for the revenues and operating expenditures for the current fiscal year of the County government, and the capital budget, the capital expenditure program for the ensuing fiscal year. The capital program includes not only expenditures for the current fiscal year but plans for five years following the current fiscal year. Also considered part of the budget is the Chief Executive's fiscal plan of the County for the ensuing fiscal year. A careful reading of Article VII and the notes thereon will point up the importance of the Budget Officer.

C. THE OFFICE OF PERSONNEL.

Section 517. COMPOSITION OF OFFICE. This section provides that the Personnel Officer, his subordinates, and the Personnel Board shall compose the Office of Personnel. The Personnel Officer shall administer the office. He is appointed by and reports directly to the Director of Administration.

Section 518. QUALIFICATIONS OF THE PERSONNEL OFFICER. The qualifications of the Personnel Officer are set forth in this section. In addition to experience, the Personnel Officer must possess "a knowledge of public personnel administration". The Charter Board felt that personnel administration in industry differs considerably from that in government, and that the Personnel Officer must have knowledge of public personnel administration in order to be qualified

for the office.

Section 519. POWERS AND DUTIES OF THE PERSONNEL OFFICER. This section sets forth the duties and powers of the Personnel Officer which will enable him to execute the provisions of Article VIII. The language was derived from Section 903 of the City of Richmond, Virginia Charter.

Section 520. APPOINTMENT OF THE PERSONNEL BOARD. The Charter Board provided for confirmation of the Personnel Board because one of the main functions of the Board is to hear grievances of employees. The same branch of government should not sit in judgment on its own decisions. This section also provides that one member of the Personnel Board shall be a member of the classified service and that the members of the Board may be removed only for cause by the County Executive with the affirmative vote of four members of the Council. Appeals concerning personnel go to the Personnel Board and not to the County Board of Appeals as established in Article VI. The decision of the Personnel Board is final, except on questions of jurisdiction, which appeal goes directly to the Circuit Court of Anne Arundel County.

Section 521. POWERS AND DUTIES OF PERSONNEL BOARD. The powers and duties as set forth in this section deal with matters concerning the classified personnel system which do not affect costs. The Charter Board was of the opinion that all matters which affect costs should finally be approved by the elected representatives of the people rather than an appointed board. Historically in the United States, merit systems have been administered by a separate board or commission. A merit system is designed to cure the evils of the "Spoils System" and therefore it can not be operated entirely with the executive branch. Therefore, the Charter Board decided that there should be independent board or commission which would establish rules and regulations providing for the method for holding competitive examinations for both original and promotion appointments; to hear appeals for the allocation or reallocation of positions and for disciplinary action against employees. However, the Personnel Board does not establish the pay plan or classification plan for the hours of work, vacation, sick leave and other absences, salary steps of promoted employees, etc. These matters are left for the Executive's recommendations and the County Council's action. See Section 801 and the notes thereon.

D. THE OFFICE OF CIVIL DEFENSE.

Section 522. DUTIES OF OFFICE. The Office of Civil Defense is established and maintained by a public general law (Article IV, Section 209 of the State Code) and the Charter was powerless to change its duties and functions to a disaster planning staff service. This section did provide that in the event the State or Federal law is amended, the Council, by ordinance, may completely reorganize

the department or abolish it at their discretion at some time in the future without the necessity of an amendment to the Charter.

E. THE OFFICE OF CENTRAL SERVICES.

Section 523. CENTRAL SERVICE OFFICER and SECTION 524. DUTIES AND FUNCTIONS OF THE OFFICE OF CENTRAL SERVICES. This office was established to provide for the housekeeping duties for a large County government. Its main function shall be the administration of the purchasing policies of the County as set forth in Article IX of the Charter. The Central Service Officer is required to appoint, pursuant to the merit system provisions of Article VIII, a purchasing officer. (See Section 902). The other main functions assigned to the office are the operation and management of the County lands and buildings, and housekeeping functions performed by the Superintendent of Buildings and Grounds. The County garage, now operated by the Public Works Department is transferred to this section. Since the garage services all departments of the County government, it should be run by the Central Services Office and not one of the operating departments.

The Charter Board discussed at length the feasibility of assigning the data processing and machine billing services to the Department of Finance rather than the Office of Central Services. In deciding to assign this section to the Office of Central Services, the Board believed that as new and more useful electronic data machines are made available to the County, their scope and usefulness to the County will include all of the County departments rather than just the Department of Finance. While the Board realizes that initially the main use for the data processing machines will be for the processing of tax bills and other items for the Finance Department, the Board has been informed that one of the most effective uses of modern electronic data processing is in the gathering of statistical data. With this statistical data available, methods and procedures of the various offices will be more effective and, hence, the taxpayer shall receive more value for his tax dollar.

Under the present County Commissioner system the functions performed by the Office of Central Services are scattered throughout the various departments and sections of the County government. For example, the data processing unit is in "limbo". The Treasurer and the County Commissioners each claim jurisdiction over this unit. Buildings and Grounds and Purchasing are separate departments, while the County garage is part of one of the operating departments, Public Works.

F. THE OFFICE OF LAW.

Section 525. THE COUNTY SOLICITOR. The Office of Law

is headed by the County Solicitor. The current Law Department was formed in 1959 and the law was codified in the Anne Arundel County Code, Sections 2-62 through 2-71. The County Solicitor in the current Law Department is required by Section 2-63 of the County Code to have "engaged in the general practice of his profession in Anne Arundel County for at least five years prior to his appointment." The Charter Board felt that this requirement was too restrictive, and therefore provided in Section 525 that the County Solicitor shall have actively engaged in the general practice of his profession in the State of Maryland for five years prior to his appointment. The Charter provisions still require the attorney to be a resident of the County, although he may have engaged in the practice of law elsewhere in the State.

Section 526. POWERS AND DUTIES OF THE COUNTY SOLICITOR.

The scope of the powers and duties of the County Solicitor are greatly expanded from those set forth in the present Code. This section is intended to prohibit the current practice of each board and commission employing its own counsel. Consistent with the pattern of the Charter to centralize common services in properly staffed offices, agencies and departments of the County government will receive legal information from one single source. However, under the Charter provisions, all requests for opinions from the County Solicitor must be approved by the Executive. As the County Executive is responsible to the people for the entire operation of the executive branch, he should be cognizant of the legal problems of the various departments and should, therefore, approve all requests for opinions from the Solicitor's office.

Section 527. ASSISTANTS TO THE COUNTY SOLICITOR.

This section changes the existing law by requiring the assistant County Solicitors to be full time employees and also covered by the merit system. Under the present Code provision 2-69, the law provides for a Deputy County Solicitor and an Assistant County Solicitor. Section 2-70 also provides that the County Solicitor shall receive \$10,000 per annum, the Deputy, \$7,000 and the Assistant, \$5,000. Since the assistants to the County Solicitor are placed in the merit system, their pay shall be governed by the classified pay plan for the classified service as set forth in Section 801 of the Charter; Section 2-70 in regard to salaries is repealed as being inconsistent with this provision of the Charter. The County Solicitor's compensation is set by the executive pay plan as provided in Section 508 and, therefore, Section 2-70 of the County Code is repealed as to the salary for the County Solicitor. The Charter Board intended that the assistants to the County Solicitor be treated in the same manner as other employees of the classified service, but since there were detailed provisions of existing local law, the Charter was required to cover the same subject matter, so that provisions of the existing law will be repealed by the adoption of the Charter.

Section 528. TEMPORARY ADDITIONAL LEGAL ASSISTANCE. Section 1007 requires the County Council to provide for the compilation and codification of all public local laws, ordinances, resolutions formerly adopted by the County Commissioners, having the force and effect of law together with the Charter, Article 25A of the State Code, index, appropriate notes, citations, annotations and appendices. Each year the Office of Law is required to publish a cumulative supplement. The Charter Board realized that the initial codification of laws immediately after the adoption of the Charter is a job of such magnitude that it would be impossible for the present staff of the County Solicitor's Office to complete it by the second annual legislative session. Therefore, the Office of Law will be required to have temporary additional legal assistance to perform this function. In this regard, see also Section 314 which provides that the County Council may engage experts to aid in the codification of legislation. However, the Charter Board believed that the Office of Law should be charged with the responsibility of preparing the codification of the laws.

Section 529. PROHIBITIONS. The language of this section was taken substantially from Section 2-71(a) of the County Cod

G. THE OFFICE OF PLANNING AND ZONING.

Section 530. ORGANIZATION OF OFFICE. The Charter Board deliberated many hours on the problem of the proper handling of planning and zoning functions in Anne Arundel County. Currently the County Commissioners operate under Article 66 of the State Code which provides for a five man Board of Appeals to hear in the first instance and decide finally, variances and special exceptions from the zoning map. This Board of Appeals may either grant or deny these variances or special exceptions, and an aggrieved party may appeal to the courts. Reclassifications both of multiple tracts and individual parcels of ground are heard in a joint hearing by the Planning and Zoning Commission and the Board of County Commissioners. The system for processing variances and special exceptions and reclassifications of individual pieces of property has been changed through the provisions of Article 25A, Section 5 (x) and Article 66B, Section 9 (A).

Section 531. DUTIES OF THE OFFICE. The Planning and Zoning Officer is responsible for the planning of the physical development and growth of the County, and he has under his direct charge the responsibility for the preparation, administration and enforcement of the zoning map, zoning rules and regulations. He is endowed with the responsibility of zoning enforcement, similar to the present Office of Planning and Zoning. Note Section 536 provides for appeals from the order of the Zoning Hearing Officer. If the Planning and Zoning Officer "is aggrieved" by any decision of the Zoning Hearing Officer, he shall have the right to appeal therefrom to the County Board of Appeals.

Section 532. THE PLANNING ADVISORY BOARD. This section creates the Planning Advisory Board and provides advisory powers to the County Executive and the Planning and Zoning Officer. The Charter Board contemplated that service on the Advisory Board established in the Charter would be an honorary duty and so decided that the members should receive no compensation. It should be noted that the Advisory Board has no administrative duties or functions. The Charter Board believed that members of the Advisory Board, and of similar boards, should receive no salary. This reasoning was based on the principle that this would assure the public that persons appointed would serve on the basis of dedicated public service and not desire for monetary gain.

Section 533. DUTIES AND FUNCTIONS OF THE PLANNING ADVISORY BOARD. Subsection (a) provides that the Board must hold at least ten meetings per year and requires that it keep a record of its transactions. The main duty of the Planning Advisory Board is to make advisory recommendations to the Planning and Zoning Officer and the County Council relating to the Master Plan, zoning maps, etc. However, it must be noted that the Master Plan is the responsibility of the County Executive and his subordinates and the Planning and Zoning Officer, and the voters of the County shall be in a position to hold the County Executive responsible for an improper Master Plan or the lack of one altogether.

In preparation of the capital budget as provided in Section 705, it is stipulated that each office, department or agency of the County government shall submit to the Budget Officer an itemized list of the capital projects which each agency proposes to undertake in the ensuing fiscal year and the next succeeding five fiscal years thereafter. The Budget Officer will submit all of these programs to the Planning and Zoning Officer and to the Planning Advisory Board. The Planning Advisory Board will then submit its recommendations on the various plans to the Planning and Zoning Officer. Subsequently, the Planning and Zoning Officer may make such recommendations as he may deem pertinent, and transmit to the Budget Officer the Board's recommendations and his. Although these recommendations are advisory only and can be completely disregarded by the County Executive, if the said recommendations are sound in planning principle and financial responsibility, the County Executive will be hard pressed to disregard them completely. After receiving the recommendations of the Planning Advisory Board and the Planning and Zoning Officer, the County Executive, with the aid of the Director of Administration and the Budget Officer, prepares the capital budget and the capital program and submits them to the County Council, where the County Council adopts as much of the program as it in its wisdom deems to be in the best interests of the County. See the requirement of Section 706(c) that if the County Executive changes the program presented by the Planning Advisory Board or the Planning and Zoning Officer, it must be fully explained in the budget message.

Subsection (c) provides for the amendment of the capital budget after its adoption. Section 716 restricts amendment of the capital budget for the current fiscal year by providing that the County Executive, the Planning Advisory Board and the County Council must all concur in the proposed amendment. The last sentence of subsection (c) stating that "such recommendation shall be advisory only" applies to the recommendation to the County Executive from the Planning Advisory Board. However, in the event the County Executive does not concur in the recommendation, the amendment to the capital budget may not be cited upon by the Council. The Charter Board believed that the capital projects for any fiscal year should be studied at the time when the entire financial plan is being considered. Since most capital projects are financed by the sale of bonds, the capital improvement program should be based on long term works and fiscal plans. Thus, under these two provisions the County Executive is restrained, for example, from using money appropriated to build police headquarters for the construction of swimming pools without the reconsideration by the planning officials and the County Council.

It should be noted that under the current County Commissioner system there is no capital program whatsoever. There also is no capital budget, and in most instances, the planning and zoning officials of the County government are not consulted concerning any of the capital improvements for the County.

H. OFFICE OF ZONING HEARINGS.

Section 534. ORGANIZATION OF OFFICE and Section 535. GENERAL POWERS AND DUTIES. The Charter established a completely new concept in the establishment of this office for the handling of zoning matters in Anne Arundel County. The language in Section 534 was derived from Section 23-11(c) of the Baltimore County Code, 1962 Supplement. Because of this job being similar to that of judge, the Charter Board believed that it was more important to require qualifications for a judicial temperament for the Zoning Hearing Officer. Section 535 provides he shall be a full time judge of all hearings in the first instance on variances and special exceptions from the zoning map, and the reclassification of individual or particular parcels of property. At first blush one would think that in order to make a change in a zoning map by reclassification that the County Council would be required to act. However, the Court of Appeals has held in the case of Baltimore County v. Missouri Realty, Inc. 219 Md. 155, 148 A. (2d) 424 that the power to reclassify particular parcels of property may be validly delegated to the County Board of Appeals and the Zoning Commissioner of Baltimore County. The Baltimore County practice has been accepted by planning authorities as a unique device for relieving the Council of an onerous and technical chore.

(a) DELEGATION OF POWER TO ZONING HEARING OFFICER FOR RECLASSIFICATION OF PROPERTY. This subsection provides that before the Zoning Hearing Officer may grant a reclassification of a particular piece of property, the Zoning Hearing Officer must make an affirmative finding that there was a mistake in the zoning map at the time of its inception or that the character of the neighborhood has changed to such an extent that the zoning map should be changed. This is the same test that the County Commissioners must apply and satisfy before they can reclassify a particular parcel of property.

(b) OTHER AUTHORITY OF ZONING HEARING OFFICER. This subsection rests the authority to grant variances and special exceptions to the zoning code in the Zoning Hearing Officer. He shall be governed by the same substantive law which provides the standards to the Board of Appeals for granting or denying variances or exceptions.

(c) ORDERS AND NOTIFICATION. The purpose of this subsection is self-evident.

(d) ORDERS FINAL UNLESS APPEALED. This subsection provides that the orders granting or denying reclassifications, variances or special exceptions to the zoning map of the Zoning Hearing Officer are final unless appealed. See Section 23-22 (e) of the Baltimore County Code.

Section 536. APPEALS FROM ORDERS OF THE ZONING HEARING OFFICER. This section provides that any decision of the Zoning Hearing Officer may be appealed to the County Board of Appeals. Section 604 provides for appeals from the County Board of Appeals to the Circuit Court for Anne Arundel County. Under the commissioner form of government there is only one hearing before the County Commissioners or the Board of Appeals and the "aggrieved person" must appeal to the Circuit Court. Such appeal is on the record made at the hearing before the County Commissioners. Under the Charter the appeals to the County Board of Appeals are granted completely new hearings. See Section 603 and the notes thereon.

THE OPERATING DEPARTMENTS

A. DEPARTMENT OF PUBLIC WORKS.

Section 537. DIRECTOR OF PUBLIC WORKS. Additional qualifications were added to the tentative draft requiring the Director of Public Works to be an engineering graduate of a college or university of recognized standing. Upon reconsideration the Board believed that the Director of Public Works was one of the most important positions in the County government. Not only would he be responsible for the construction and operation of the streets and roads of the County but also the utility functions now being performed by the Sanitary Commission. The Charter Board believed that the head of this department should not only have considerable experience in both road construction and utility fields, but,

in addition, he should also have the technical schooling which would more fully qualify him for the job. The Charter Board believed that the man who fills this position must have demonstrated, previous to his appointment, executive administrative ability in addition to his engineering qualifications.

Section 538. FUNCTIONS OF THE DEPARTMENT OF PUBLIC WORKS. The functions of the Public Works Department are outlined in this section. In general they shall perform all functions concerning public improvements, except schools, in Anne Arundel County which are constructed by County employees and not on a contract basis. The present so-called Public Works Department is not a truly integrated department but is, in reality, a street and roads bureau. In fact, there is no statutory authority for the current Department of Public Works.

Section 539. THE SANITARY COMMISSION. This section abolished the Sanitary Commission as of June 30, 1965. It also abolished the positions of Secretary, Treasurer, Chief Engineer and General Counsel as they are now constituted. The Office of Executive Director was created by law passed by the General Assembly in the 1963 session of the Legislature, and this position was also abolished. The majority of the duties and functions of the Sanitary Commission will be integrated into the new Department of Public Works. However, some of these functions are integrated into other departments and offices of the County government. For example, the Office of Law will do the legal work previously performed by the Sanitary Commission's general counsel. The Finance Office will perform the duties of the Treasurer of the Commission in collecting the utility charges. The employees of the Sanitary Commission will, of course, continue in their jobs. At the meeting with the Sanitary Commission the Charter Board was informed that the employees of the Sanitary Commission are not covered by the present County merit system law, although the law does not exempt them. The employees of the Sanitary Commission, upon the adoption of the Charter, will be included in the merit system, as provided in Article VIII.

In order that the operating budget, capital program and capital budget for the next fiscal year beginning July 1, 1965 may be orderly adopted, the Board established the date of June 30, 1965 for the abolition of the Commission. This should make the transfer of the funds and operating procedures easier for the County employees involved. The Charter Board believed that the entire law affecting sewer and water services in Anne Arundel County should be completely rewritten. However the Board did not believe that it should be made a part of the Charter. Nevertheless, this section does lay down guide lines within which the legislation must be enacted. The most important provision concerning this legislation is the requirement that the utility must be self-sustaining. That is, the charges for utility services must at least equal all

expenses of operation. According to the consultant's report, the Sanitary Commission is losing money, and in order to make up the deficit an ad valorum tax on the taxpayers of the County, both those who receive utility services and those who do not receive utility services, will be a reality in the near future. The Board firmly believed that people who receive utility services should be required to pay for the services and the people who do not receive utility services should not be required to pay for them. The Board believed that sewer and water services are similar to electric and gas services and it is unthinkable that nonusers of electricity be charged for services provided to other people of the County.

This section provides that the elected representatives of the people, the County Council, shall finally approve the district boundaries, the determination for extensions within subdistricts. This extension of sewer and water service within an existing Sanitary district will be included in the capital budget and capital program, and this budget and five year program shall be submitted by the County Executive to the County Council. The Charter Board firmly believed that expenditures of the tax dollar should be firmly controlled by the elected representatives of the people. Similarly, the Charter Board firmly believed that the execution of the program and policies of the County Council should be left to professionals for a speedy and efficient execution of such policies.

At the present time appeals from denial for extension of service by the Sanitary Commission are heard by the Board of County Commissioners. Appeals from and after the operative date of the Charter (the time the first elected officers take office) will not be heard by the County Council but will be heard by the County Board of Appeals. Thus, there will be a period of approximately five months where appeals from the Sanitary Commission rulings will be heard by the County Board of Appeals. Thereafter, the appeals shall be from the order of the Director of Public Works. The Charter Board contemplated that the County officials will execute the general plan of the detailed recommendations of John A. Donaho and Associates concerning the integration of the Sanitary Commission functions into the Public Works Department and other offices and departments of the County government.

B. DEPARTMENT OF INSPECTIONS AND PERMITS.

Section 540. DIRECTOR OF INSPECTIONS AND PERMITS. This section established a Department of Inspections and Permits and a Director as its head.

Section 541. FUNCTIONS AND DUTIES OF THE DEPARTMENT. This section was completely rewritten after the release of the tentative draft. It was the purpose to provide one department which would handle all County licenses and permits of every kind. The fact that this agency will issue licenses and permits

which are now issued by a host of unrelated agencies in the existing County government is, in the belief of the Charter Board, a step forward in the interests of good departmental organization.

As a general matter, licenses and permits are issued by an agency of the executive branch pursuant to certain standards set forth in a legislative act. This section provides that licenses and permits to be issued by the Department shall be approved by such other offices and agencies of the County government as may be required from time to time by law. For example, a building permit would receive prior approval of the Planning and Zoning Officer. The issuance should simplify the process a great deal and should improve the efficiency and dispatch with which licenses and permits are issued.

Section 542. LICENSING AND EXAMINING BOARDS. Chapter 15 of the Anne Arundel County Code provides for a Plumbing Commission. House Bill 838 which will become effective June 1, 1963 provides that the Plumbing Commission shall be composed of a Chief Sanitary Engineer of the Health Department or other representative as may be appointed by the Health Officer, the Chief Engineer of the Sanitary Commission or other representative appointed by the Sanitary Commission and three master plumbers appointed by the County Commissioners appointed from a list of six names submitted by the Master Plumbers' Association. The bill, in effect, increased the number of master plumbers from one to three. It is the duty of this Commission to promulgate rules and regulations, appoint plumbing inspectors and to issue licenses for journeymen and master plumbers to apply their trade in Anne Arundel County. However, the Plumbing Commission does not give examinations to applicants for master plumber and journeyman licenses. These examinations are given by a State board and any applicant who successfully passes the State examination may, upon paying a license fee, practice in any of the Counties. The main function of the Commission is to inspect plumbing installations. The Commission hires and fires plumbing inspectors. The inspectors are paid from fees collected by the Commission. It is interesting to note that the Anne Arundel County budget contains no provisions for the Plumbing Commission and no accounting is required to be made by the Plumbing Commission to the County for its income and disbursements. Under the Charter the employees of the Plumbing Commission shall become employees of the Department of Inspections and Permits and subject to the merit system. All of the administrative duties, including the inspections, will be performed by the Department of Inspections and Permits. The current rules and regulations which are not in conflict with the Charter will stay in effect. Under the provisions of Section 405(m) the Department and the County Executive will have the power to propose amendments to these rules and regulations. However, before the rules and regulations may take effect, they shall be approved by the County Council by ordinance.

The Plumbing Commission shall continue to exist as an examining board only. That is, the Commission shall examine applicants for licenses for master plumber and journeyman and issue a certificate that they are qualified. The actual licenses shall be issued by the Department.

The existence of this Department does not preclude the County Executive by directive or the County Council by ordinance by requiring that permits issued by the Central Bureau be first cleared with or approved by other appropriate agencies of the County government.

House Bill 601 amended Chapter 8 of the Anne Arundel County Code to provide for a Board of Electrical Examiners and Supervisors for Anne Arundel County composed of five master electricians. The old Board had three members. Chapter 8 of the Anne Arundel County Code provides, in substance, that the Board examine the qualifications and capabilities of all persons who desire to engage in the business of master electrician. The Chapter further provides that the Board shall have inspectors to inspect the work done by master electricians throughout the County and no electrical work may be done on any building in the County without a permit from the Board. The Board hires and fires its own employees, collects its fees for permits and licenses, and the current law does not require that they account for their funds to the County government in any way.

Under the Charter, the Board will continue to examine applicants for master electrician licenses and shall certify to the Department of Inspections and Permits those who are qualified. However, the Board shall have no other function. All the employees shall be transferred to the Department of Inspections and Permits and, similar to the Plumbing Commission, the personnel shall be covered by the merit system. The funds held by the existing Electrical Board shall be paid into the County treasury. It should also be noted that the receipts and expenditures of the Plumbing Commission and the Electrical Board are not covered in the County budget, and, in fact, the County government has no knowledge what funds are received and expended. Under provisions of Section 703 it is required that the budget show these receipts and expenses. Section 718 requires that they be paid into the County treasury.

House Bill 835 of the 1963 session of the General Assembly established a Board of Bail Bond License Commissioners for Anne Arundel County. The Board shall consist of "three persons of integrity and experience appointed by the County Commissioners of Anne Arundel County." The law provides that the individuals desiring to engage in the business of providing bail bonds in Anne Arundel County must obtain a license from the Commission. The statute further provides that, upon receiving an application, the Commission shall forward the application to the police for investigation,

and after investigation, the Police Chief shall submit his report along with his recommendations to the Board. Thereafter, the law provides that the Board shall "refuse to issue a license to any applicant where it finds that the moral character of the applicant is such that the issuance of a license would harm the administration of criminal justice in Anne Arundel County or would be prejudicial to the general welfare of the residents of Anne Arundel County."

The bill further provides for the hiring of employees, assistants and investigators. Under the Charter, this Board is integrated into the Department of Inspections and Permits, as is the Plumbing Commission and Electrical Board. The Board of Bail Bond Commissioners shall have examining function only. The ministerial functions, such as the issuing of the licenses and the receiving of reports from bail bondsmen, shall be conducted by the employees of the Department. The provision of the bill providing that the Board shall appoint such employees, assistants and investigators such compensation as may be provided in the budget from time to time, is inconsistent with this Section and Article VIII and, therefore, it will be repealed upon the adoption of the Charter.

This section also provides that the County Council may reconstitute or abolish any of these examining boards. Some of the various boards existing now receive compensation, but this section also provides that the members of the Board shall not receive "compensation for their services".

C. POLICE DEPARTMENT

Section 543. CHIEF OF POLICE. Chapter 16 of the Anne Arundel County Code provides for a Board of Police Examiners appointed by the Governor. Under the existing law, the Police Department consists of the County police force, the Board of Police Examiners and such other employees and agencies as shall be authorized by law. The Board of Police Examiners examines and recommends for initial appointment and promotion all persons to the police force. Section 16-14 provides that the Chief of Police shall be appointed by the Board of Police Examiners and Section 16-15 provides that the Chief of Police shall make all promotions within the Department subject to the approval of the Board of Police Examiners. Currently the members of the Police Department are exempt from the County merit system.

Under the provisions of this section and Section 1110 the Board of Police Examiners is abolished and consistent with Home Rule, the head of this Department is to be appointed by the County Executive. The Chief of Police shall be the department head. All of the employees in the Department, with the exception of the Chief, shall be in the merit system and subject to the provisions of Article VIII of the Charter. The qualifications set forth in this section require the

County Executive to appoint a Chief of Police who is experienced in not only the uniformed patrol but also criminal investigation and detection work.

D. FIRE DEPARTMENT.

Section 545. FIRE ADMINISTRATOR. This section establishes a Fire Department which shall be responsible for the administration of the affairs of the County in fire suppression, fire prevention, fire training, and fire communications.

Under the existing law, there is no Fire Department in Anne Arundel County. Section 30-5 of the Anne Arundel County Code provides for a Chief of the Fire Prevention Bureau who is charged with the responsibility of enforcing the fire prevention code. As the title implies, fire prevention applies to inspection and correction of fire hazards in structures in Anne Arundel County and not to fire fighting. Section 30-13 of the County Code provides for a 12 man Fire Prevention Committee which is charged with the responsibility of making recommendations to the Board of County Commissioners for "amendment, revisions and additions" to the fire prevention code.

The most important function of a fire department is fire suppression, that is, the fighting of fires. At the present time the Anne Arundel County government does not concern itself with fighting fires and there is no governmental agency which is charged with the responsibility of fire suppression. Fire suppression service is supplied to the residents of the County by 23 volunteer fire companies. The volunteer fire companies are completely independent of each other and of the County. In addition to the voluntary contributions and proceeds from fairs, bazaars, raffles, etc. the volunteer fire companies receive the benefit of an appropriation from the County Commissioners of the taxpayer's money in excess of \$900,000 annually. These monies are raised by special tax levies and by the dedication of certain State received revenues. See Section 718 and the notes thereon for further comment on special taxes and the dedication of State shared revenues.

After careful study and lengthy deliberations, the Charter Board is firmly convinced that fire suppression is a governmental function. Although the Board is cognizant of some of the fears of the members of the volunteer companies concerning the establishing of a Fire Department, the Charter Board is firmly convinced that in order to provide better and more efficient fire suppression to Anne Arundel County citizens, the County government must include fire suppression in the Fire Department.

According to a report of the Charter Board's consultants, there is room for improvement in fire suppression service in Anne Arundel County. For example, there is a serious need for a central alarm system whereby a person attempting to report a fire would have one phone number to call in the County to report the fire, rather than a choice of the 21 volunteer fire companies listed on the back of the front cover

of the Anne Arundel telephone directory. In this regard there was enacted in the 1957 Session of the General Assembly, Section 10-23 of the Anne Arundel County Code authorizing and directing the County Commissioners to levy a tax "for the purpose of providing, constructing and maintaining adequate training facilities and a central alarm system for the volunteer firemen within the County." At the same time there was established a Firemen's Training Tax Committee consisting of seven members the County Business Manager, a County Commissioner, four members from the Volunteer Firemen's Association and one member selected by the Fire Marshall of the City of Annapolis, subject to the approval of the Mayor and City Council of Annapolis. It is the duty of this Committee to approve vouchers for the payment of funds received from the special tax mentioned above. Although money is available for a central alarm system, as provided by this tax, no such alarm system has been built. This Committee is abolished and its duties shall be performed by the Fire Department, the Office of Finance and the Office of the Budget.

Under current law (Article II of Chapter 10 of the Anne Arundel County Code) there has been established a Board of Fire Commissioners consisting of three members. It is the duty of the Board of Fire Commissioners to examine and inspect, approve or disapprove any volunteer fire department in the County according to certain minimum requirements before the County Commissioners will provide funds to such volunteer fire company. Upon the adoption of the Charter, this Board will be abolished and its duties shall be performed by the Fire Administrator.

E. DEPARTMENT OF RECREATION AND PARKS.

Section 548. DIRECTOR OF RECREATION AND PARKS. This section establishes a Department of Recreation and Parks which shall be administered by a Director. The Director shall be responsible directly to the County Executive.

Under current law the present Recreation and Parks Department is administered by a Recreation and Parks Commission of seven members. See Section 550 "Recreation Advisory Board" and the notes thereon.

Section 549. FUNCTIONS OF THE DEPARTMENT. This section is self-explanatory and needs no further comment.

Section 550. RECREATION ADVISORY BOARD. This section reconstitutes the present Recreation Commission as the Recreation Advisory Board. Section 2-43 of the County Code provides that there shall be a Recreation Commission. The current law provides that the County Superintendent of Schools shall be an ex officio member. Section 550 does not provide for ex officio members and therefore the Superintendent of Schools will not serve on the Advisory Board.

A provision was added in the tentative draft to this section to provide that the members of the Recreation Advisory Board shall receive no compensation for their services but may receive such reimbursement for reasonable and necessary expenses as may be provided in the budget. Section 2-48 of the County Code provides that each member and the Chairman shall receive an expense allowance not to exceed \$250 per annum. The code provision is inconsistent with this section of the Charter and thereby repealed. Similarly, Section 2-49 of the County Code fixing the wages and salaries of personnel in the Recreation Department is also repealed. The employees of the Recreation Department shall be covered by the merit system and, therefore, subject to the provisions of Article VIII.

F. DEPARTMENT OF EDUCATION.

Section 551. COMPOSITION; ADMINISTRATION UNDER STATE LAW. Under provisions of Article 77 of the State Code the Board of Education of Anne Arundel County is established as a separate unit of the County government. As a practical matter the only control vested in the County Commissioners over the affairs of the Board of Education stems from the Commissioners' power over financial matters. In this and all other respects the Department of Education will continue after the adoption of the Charter to be administered as heretofore under State law.

G. DEPARTMENT OF LIBRARIES.

Section 552. COMPOSITION; ADMINISTRATION UNDER STATE LAW. The State law controlling public libraries is contained in Article 77 of the State Code, Chapter 15, Sections 173-195, inclusive. Since libraries are controlled by these provisions of public general law, the Charter makes no changes in the operation of the libraries.

H. DEPARTMENT OF HEALTH.

Section 553. COMPOSITION; FUNCTIONS; ADMINISTRATION UNDER STATE AND COUNTY LAW. Unlike the Department of Education and Libraries, the Department of Health is not exclusively controlled by State law. Under the provisions of Article 43 of the State Code the County Commissioners under a County Commissioner form of government and the County Council under the Charter form of government have definite powers in relation to health matters under their police powers.

Under the Charter the County Council will constitute the County Board of Health in lieu of the County Commissioners as heretofore. In that capacity, the Council will be empowered to enact rules and regulations and discharge other functions and duties conferred upon the County Commissioners in the existing law.

Under Article 43, Section 46 of the State Code the local Board of Health is required to appoint for a full year term a "Health Officer who shall be a well educated physician and

who, by virtue of his appointment, shall be a Secretary and Executive Officer of the local Board of Health". This appointment must be made with "the advice and consent of the State Board of Health". In view of these provisions, the Charter Board considered it desirable to require the County Executive to confer with the State Board of Health in regard to the appointment of a Health Officer and then to submit this recommendation to the County Council for its approval.

Similar to the Departments of Welfare, Libraries and Education, the clause in this section expressly provides that its provisions shall not be construed as affecting or in any way changing the administration of the affairs of this Department in accordance with the requirements of State law.

I. DEPARTMENT OF WELFARE.

Section 554. COMPOSITION; FUNCTIONS; ADMINISTRATION UNDER STATE AND COUNTY LAW. Similar to the Department of Health, the affairs of the Department of Welfare are controlled by State law.

Under Article 88A, Section 13(a) of the State Code, the State Department of Public Welfare is empowered to create in each County a local welfare board "which board shall be an administrative department of the local government". Under Section 14(a) of the same Article a County Commissioner is required to serve ex officio on the local welfare board. Under the Charter, therefore, the County Executive will serve on the Anne Arundel County Board of Welfare in this capacity. (See also: Section 405(j), supra.)

Under Article 88A, Section 14(c) of the State Code six lay members of the local Welfare Board are appointed for six year terms by the County Commissioners from a list submitted by the State Department of Public Welfare and containing twice the number of persons to be selected. Under the Charter, the same procedure will be followed, except the selection of the board members will be made jointly by the County Executive and the County Council rather than by the County Commissioners as heretofore. This joint responsibility stems from the provisions of Article XI-A, Section 3 of the Constitution, whereunder all references in the Constitutional laws of this State to the County Commissioners are to be construed, in the case of a chartered county, to refer to the County Council and the Chief Executive Officer of the County, whenever such construction would be reasonable.

This section also transfers the operation and maintenance of the County Home as provided in Chapter 5 of the Anne Arundel County Code from the trustees of the poor of Anne Arundel County to the Welfare Department and the office of trustees is abolished. Under Article 25A, Section 5(c) of the State Code, the chartered county has full power to "erect, establish and maintain and control hospitals, alms houses, pest houses, or other similar institutions". The body politic "the trustees

of the Anne Arundel County Home" as provided in Section 5-12 of the Anne Arundel County Code, is specifically abolished in Section 1110 and the rules and the regulations which the trustees adopted under the authority of Section 5-14 of the County Code shall remain in effect until changed by ordinance.

REORGANIZATION OF DEPARTMENTS
UNDER STATE LAW.

Section 555. FURTHERING LEGISLATION. The purpose of this section is to grant an express power to the County Council to reorganize the affairs of any of the departments under State law to the extent that authority hereafter be granted by the public general laws of this State. Such action would be consistent with the concept of Home Rule.

ARTICLE VI

COUNTY BOARD OF APPEALS

Section 601. COUNTY BOARD OF APPEALS; APPOINTMENT; TERM; COMPENSATION. The legal authority for the creation of a County Board of Appeals is contained in Article 25A, Section 5(b) of the State Code. This section of the State Code expressly authorizes chartered counties to enact local laws providing for the establishment of a County Board of Appeals "whose members shall be appointed by the County Council". Therefore, the County Board of Appeals is strictly the creature of the County Council.

The primary function of the County Board of Appeals will be to decide zoning matters. As provided in Sections 534 through 536, initial zoning hearings for individual reclassifications, special exceptions and variances shall be heard by the Zoning Hearing Officer who is appointed by and responsible to the County Executive. An aggrieved person may appeal from his decision to the County Board of Appeals, which is in the legislative branch of the County government. The language of the various sections follows closely Article 25A, Section 5(V) of the State Code and also Sections 601 through 606 of the Baltimore County Charter.

In regard to the appointments of the members of the County Board of Appeals by the County Council, the Charter Board believed that the fixing of overlapping terms for Board members tended to lessen the responsibility of the elected representatives for the quality of its appointments to the Board. The Board further recognized that since appointments to boards such as the County Board of Appeals in many cases have been made for political reasons, Section 601 provides that no more than three members of the five man Board shall be of the same political party. This requirement provides a further check on the powers of the Board.

The compensation of the Board members is set at \$1,200 per annum. The Charter Board believed that members of the County Board of Appeals should be selected for their judicial temperament and dedication to service in the community. However, if this compensation for services rendered is insufficient, then the Council may increase the salary under the provisions of Section 605. But, as provided in Section 605, any member's compensation may not be increased during his term of office.

Section 602. POWERS AND FUNCTIONS OF COUNTY BOARD OF APPEALS. The purpose of this section is to outline the various appeals to be heard by the newly created Board. Subsections (a), (b), (c) and (e) refer specifically to appeals from orders now heard by other administrative agencies. Subsection (d) is a "catch-all" provision designed to transfer to the County Board of Appeals the right to

hear and decide appeals from all other administrative and adjudicatory orders "other than those affecting the internal operation of the executive branch" as now or hereafter be provided by law.

(a) APPEALS FROM ORDERS RELATING TO ZONING. Express authority for the transfer of this function from the Board of Appeals to the County Board of Appeals is derived from the language in Article 25A, Section 5(V). This statute authorizes the County Board of Appeals to hear and decide questions relating to "an application for a zoning variation or exception or amendment to a zoning ordinance map. See Montgomery County v. Merlands Club, 202 Md. 279, 96 A. 2d 261 (1952).

As to the authority of the County Board of Appeals to hear and decide cases concerning reclassification of particular parcels of property, see Baltimore County v. Missouri Realty, Inc., 219 Md. 155, 148 A. 2d 424. Although the procedure for the handling of zoning cases in Anne Arundel County is changed in the Charter, the substantive law as to what constitutes a mistake in the original classification or what constitutes a change in the neighborhood to justify a reclassification for a change in the use of the property remains unchanged.

(b) APPEALS FROM ORDERS RELATING TO LICENSES AND PERMITS. This section seems self-explanatory in that the denial of any license or permit is reviewed by the County Board of Appeals, although some of the licenses and permits now issued by the County Commissioners provide for no appeal in the event of a denial. The Charter Board believed that a right of appeal should be provided for all licenses and permits.

(c) APPEALS FROM ORDERS RELATING TO BUILDING. This section provides for appeals from any orders in regard to enforcement of the building code.

(d) APPEALS FROM EXECUTIVE, ADMINISTRATIVE AND ADJUDICATORY ORDERS. As hereinbefore stated this subsection is the "catch-all" appeals section. It is designed particularly to include within the jurisdiction of the County Board of Appeals all matters now or hereinafter covered by Article 25A, Section 5 (V) of the Code. In addition to zoning matters, this section of the Code refers to the following cases to be heard by the County Board of Appeals; ". . . the issuance, removal, denial, revocation, suspension, annulment or modification of any license, permit, approval, exemption, waiver, certificate, registration, or other form of permission or any adjudicatory order; and the assessment of any special benefit tax . . ."

The language of this section is similar to that of the Baltimore County Charter, Section 602(d). However, the phrase "other than those affecting the internal operation of the executive branch" was added because the Charter Board did not

want the government to come to a complete standstill while orders are being appealed. For example, an order to fix the time the floors in the Court House should be swept and waxed should not be subject to appeal to the County Board of Appeals.

(e) APPEALS FROM DECISIONS ON UTILITY EXTENSIONS. Currently the utility extensions are granted and denied initially by the Sanitary Commission and an aggrieved party may appeal to the County Commissioners. See Section 22-25 and 22-26 of the Anne Arundel County Code. Under subsection (e) utility extension appeals will be heard by the County Board of Appeals with the limitation that the Board may not grant an extension previously denied by the Director of Public Works in the event that the extension shall be in "excess of appropriation or allotment therefor".

Section 603. RULES OF PRACTICE AND PROCEDURE. This section is derived from Section 603 of the Baltimore County Charter for the express authority for the establishment of special rules of practice and procedure for the County Board of Appeals as contained in Article 25A, Section 5(V) (3) of the State Code. That last sentence was added to the tentative draft to require that all parties or their attorneys receive a copy of the decision of the Board.

Section 604. APPEALS FROM DECISIONS OF THE BOARD. This section follows closely the language of Article 25A, Section 5(V) and Section 604 of the Baltimore County Charter.

Clarifying language was added to the tentative draft which would require that the hearings on all matters held by the County Board of Appeals shall be de novo which, in lay terms, means a completely new hearing and not an appeal on a record made at a previous hearing.

Section 605. FURTHERING LEGISLATION. This section will permit the County Council to increase the compensation for members of the County Board of Appeals but not during their current term and must apply to the Board appointed by succeeding Councils. This section also provides that the Council may in the future prescribe other appeals to be heard by this Board in addition to those specified by the Article.

Section 606. COMPOSITION AND FUNCTIONS OF APPEAL TAX COURT. The County Commissioners have the authority to appoint an Appeals Tax Court under the provisions of Article 81 of the State Code. However, the Commissioners hear the assessment appeals themselves and have not seen fit to create an Appeals Tax Court. Since the work in the area of assessment equalization will increase over the coming years, the Charter Board believed that as a matter of governmental philosophy, the legislative body should not handle an administrative and judicial matter such as the equalization of assessments. Therefore, the Charter established an Appeals Tax Court.

Under this section if and when the General Assembly expressly authorizes a transfer of its duties and functions to the County Board of Appeals, then to the extent of such authority the County Council must, under Section 607, so provide by ordinance.

ARTICLE VII

BUDGETARY AND FISCAL PROCEDURES

Section 701. FISCAL YEAR AND TAX YEARS. This section sets the tax and fiscal year July 1 through June 30. This provision is in conformity with a public general law enacted by the General Assembly in the 1963 Session requiring all counties and municipalities to have uniform fiscal and tax years.

Section 702. DEFINITION OF TERMS USED IN THIS ARTICLE. The manifest purpose of this section is to define various terms used in Article VII about which there might otherwise be some doubt.

Section 703. COMPREHENSIVE SCOPE OF BUDGET. This section sets forth the four items which when integrated into one document represent a complete financial plan to be known as the County budget. Provisions of this sort are common in almost all modern municipal charters and budget law. See for examples, Section 703 of the Baltimore County Charter, and Westchester County Charter, Article XIV, Section 78.

The budget is required to show all disbursements and receipts of every kind and description in order that the Council shall have complete information to enable them to make their judgments. For example, the Sanitary Commission budget shows income and receipts of less than \$3 million; while expenditures total to almost \$8 million including bond funds. It should be self-evident that if revenues and expenditures are omitted from the proposed budget, neither the County Commissioners nor the taxpayers can make an intelligent decision concerning the planning of the finances of the County government.

Section 704. FORMULATION OF CURRENT EXPENSE BUDGET. This section sets forth the procedure of the various County offices and departments in the budget process by which the budget is formulated in the executive branch.

Section 705. FORMULATION OF CAPITAL BUDGET AND CAPITAL PROGRAM. This will be a completely new feature in the government of Anne Arundel County. At this time there is no capital budget or capital program. This section provides that the various capital programs and projects of each agency shall be submitted to the Planning Advisory Board for its consideration. Although the County Executive is not required to adhere to the recommendations of the Planning Advisory Board in submitting a proposed capital budget and capital program to the County Council, note Section 716 concerning changes once the capital budget is adopted. If the County Executive makes changes in the program recommended by the Planning Advisory Board, the County Executive must explain his reasons for such changes. See Section 706(c). The Charter Board was of the opinion that since the capital budget is financed mainly through the sale of bonds, the entire program should be examined and set once each year, rather than a piecemeal legislation which

results in a hodge podge of plans and proposals. It should also be noted that the sewer and water extensions currently handled by the Sanitary Commission will be included in the capital budget for the County.

Section 706. SUBMISSION AND CONTENTS OF THE COUNTY BUDGET. This section provides that the County Council will receive the budget May 1 of each year.

(a) CONTENTS OF THE CURRENT EXPENSE BUDGET. This section requires that the current expense budget be complete. The present budget does not include all receipts and expenditures.

(b) CONTENTS OF THE CAPITAL BUDGET AND CAPITAL PROGRAM. This subsection provides for a six year program of capital improvements in the County. The first year of the program is the capital budget. Under the present form of government there is no program for capital improvements and no capital budget.

(c) CONTENTS OF THE BUDGET MESSAGE. The budget message is more than a letter of transmittal. It is a detailed explanation of the other budget documents, i.e., the current expense budget, capital program and the capital budget. It is a full explanation in laymen's terms of the contents of the budget, the fiscal policy and the revenue required. The budget message shall include an explanation for changes made by the County Executive and the capital program presented by the Office of Planning and Zoning.

In the current expense budget, the budget message must set forth any major changes in financial policies and expenditures, appropriations and revenues as compared to the current fiscal year. The budget message, therefore, will in clearly understood terms provide for the members of the Council and the taxpayers of the County a thumbnail sketch of the fiscal planning of the County for the ensuing fiscal year. Under current law there is no such document as a budget message.

Section 707. FILING OF PROPOSED BUDGET; COPIES. This section goes further than the current provisions of the County law, wherein one copy of the proposed County budget is made available for public inspection. The County Commissioners do not give copies of the proposed budget to any taxpayer. Under the Charter three copies of the complete budget must be made available for public inspection in the Court House, and each library and newspaper will receive one full copy. A limited number of additional copies will be printed for distribution to the public. However, the budget message and supporting tables are required to be printed for general distribution to the public.

Section 708. PUBLIC HEARING. This section requires a public hearing on the budget as a whole. In addition to

this hearing, it is contemplated that the County Council will hold additional public hearings at which the department heads and other interested citizens will testify concerning the budgets of particular departments. Under the provisions of Section 307(a) these meetings or hearings shall be required to be public.

Section 709. ACTION ON THE BUDGET BY THE COUNTY COUNCIL. Under the existing commissioner form of government, there is no separation of powers and, in effect, therefore, the County Commissioners present their proposed budget to themselves for action, and approve or disapprove what they themselves have proposed. The Commissioners, are, of course, free to increase or decrease any item. Under the Charter, however, based on the separation of powers doctrine, the proposed County budget will be prepared by the executive branch and submitted to the legislative branch for action thereon. The Charter Board felt it essential to prohibit the County Council from increasing any item in the current expense or capital budget submitted to that legislative body for action. It would be ludicrous for the County Executive to spend more than he originally estimated was the most he needed to do the job. This is in accordance with the procedure followed at State level, where the General Assembly is prohibited from increasing any item in the operating budget recommended by the Governor, except those relating to the General Assembly and the judiciary. See: Constitution of Maryland, Article 3, Section 52 (6).

Section 709 provides for the adoption of the budget which shall be by an ordinance known as the "Annual Budget and Appropriation Ordinance of Anne Arundel County". This ordinance is specifically exempted from the provisions of 307(e) and (i) which subsections provide for the passage and effective date of ordinances.

Section 709 further provides that the budget as presented will go into effect in the event the Council fails to act on the budget. This provision, which is common in most modern charters and budget laws, will obviate the possibility of a stalemate between the County Executive and the County Council on budgetary matters.

The annual budget and appropriation ordinance will constitute formal legislative approval of the entire County budget, including the capital budget and the capital program. Items in the capital budget to be financed by borrowing are, however, subject to further legislative action to be taken in the bond issue authorization ordinances, the minimum contents of which are prescribed in Section 721.

Section 710. REPRODUCTION OF BUDGET; EFFECTIVE DATE; TAX LEVY; APPROPRIATIONS.

(a) REPRODUCTION OF BUDGET. This section provides that

the adopted budget shall be reproduced and distributed free of charge to the press and to each office and agency of the County government. Copies of the adopted budget are also made available to interested citizens. However, in order to discourage waste, the County may charge the actual cost of reproduction for the budgets. See Section 707 for the distribution of the copies of the proposed budget. Section 710(a) refers to the budget which is finally adopted by the County Council.

(b) EFFECTIVE DATE. As set forth in Section 701, July 1 will be the first day of the fiscal year. Note that the effective date of other ordinances is provided for in Section 307(i). See also 712(c) and the notes thereon.

(c) TAX LEVY AND BALANCED BUDGET. The purpose of this section is self-evident. The subsection was rewritten after the tentative draft to provide that the budget shall be balanced as to proposed income and expenditures to assure fiscal responsibility.

Section 711. TRANSFER OF APPROPRIATIONS. This section provides for transfers of funds between general classification of expenditures within the same office or department and between the agencies. The Charter Board realized that a budget is a plan for financial spending for the next fiscal year and even the most expertly conceived plan cannot provide for all contingencies and adjustments which may occur during the year. The Charter Board believed that the transfer of funds from one function to another within the same office should be within the control of the Executive and the Charter in this section so provides. However, the transfer of funds from one department to another is of more importance and will increase the importance and functions of one department, while decreasing the importance of the functions of the department losing the funds. Therefore, the Charter provides that the Council must approve any such transfer. However, the transfer between agencies of the County government may only be made during the last quarter of the fiscal year. Section 307(e) provides for the procedure for the passage of the ordinance which requires a public hearing. If it became necessary to transfer funds between departments in the last quarter, the Council probably would declare such an ordinance an emergency ordinance in order that it would be effective on the date it becomes law, rather 45 days thereafter. See Section 307(i) and the notes thereon.

(b) This subsection pertains to transfer of appropriation between capital projects in the capital budget. Note the requirement of Section 716 in regard to this transfer.

(c) This subsection provides for cash borrowing between the various funds to meet cash requirements. The language in this subsection is self-explanatory and needs no comment.

Section 712. SUPPLEMENTARY AND EMERGENCY APPROPRIATIONS.

(a) SUPPLEMENTARY. The current so-called "budget law" makes inadequate provision for supplementary appropriations, although the County Commissioners in practice may make supplementary appropriations and transfer funds almost at will. Under the Charter subsection (a) will require that supplementary appropriations may be made from unexpended and unencumbered funds set aside for contingencies in the County budget. See subsection (c) of this section.

(b) EMERGENCY. This section provides for an actual emergency appropriation of funds. The limit on the amount of emergency appropriations in any fiscal year is 5% of all operating appropriations including those for debt service. It is similar to Section 712 in the Baltimore County Charter.

(c) SUPPLEMENTARY AND EMERGENCY APPROPRIATION ORDINANCES. When considered in the light of the requirements in Section 307(e) and Section 307(i), this section will hasten the effective date of such ordinances to allow the use of the funds. However, the County Council must hold a public hearing on the proposed supplemental or emergency appropriation.

Section 713. LAPSED APPROPRIATIONS. In accordance with modern fiscal laws, all money not expended by any department shall lapse into the general fund. However, this provision will not apply to the Board of Education, as Article 77, Section 65 of the State Code will exempt it from this provision.

This section also provides that capital projects shall stand abandoned if three fiscal years elapse without any expenditure for the project or an encumbrance of the appropriation therefor. This will prohibit the practice found prevalent in some municipal governments of starting capital projects which were approved many years prior thereto, and then finding that funds were not available to finish the project.

Section 714. WORK PROGRAMS AND ALLOTMENTS. Provisions of this sort are typical in good budget laws and modern charters. By use of the work program and allotment, each agency of the County government is required to plan its needs for funds in relation to the work it proposes to do. The first section provides, in effect, that during the month of June the head of each agency shall submit to the Director of Administration a work program for the ensuing fiscal year. This work program will probably differ somewhat from a work program submitted a few months before for the proposed budget, since in recent years most legislative bodies reduce the amount of expenditures proposed by the executive branch of the government. Therefore, the department head will probably be required to re-examine the work program in relation to the amount of money available and provisions attached thereto by the County Council. The Director of Administration, with the approval of the County Executive, maintains control over the work programs and the allotment of money therefor.

The allotment, when approved by the Director of Administration, is filed with the Controller, and County funds may only be withdrawn from the County treasury pursuant to this allotment.

The last provisions of this section provide that, in the event the revenues do not materialize as expected, the Director of Administration shall reconsider the work program and allotments and upon his recommendation the County Executive may reduce the work program and allotments.

The use of the work program and allotment system of controlling public funds will be a new feature in Anne Arundel County. Currently, the County Commissioners must approve each departmental expenditure in excess of \$100 by signing a voucher. However, any department may spend all of its budgeted money in the first six months of the year and leave nothing for the last six months. For example, the December 31, 1961 County financial report stated that of the ten accounts in the Department of Public Works six were overspent. A work program and allotment system in Anne Arundel County to control the expenditure of public funds is, in the opinion of the Charter Board, sorely needed. It is essential if estimated revenues should not be realized to keep the budget in balance.

Section 715. APPROPRIATION CONTROL AND CERTIFICATION OF FUNDS. This provision is designed to prohibit unequivocally the making of any expenditure in excess of amounts appropriated or allotted therefor. Provisions such as these are found in almost all modern charters. See Section 715 of the Baltimore County Charter. Considering the work programs and allotments, as provided in Section 714, Section 715 adds teeth and purpose to the procedures and systems of the County government.

Under the provisions of this section, in the event that County funds are spent in excess of the amounts appropriated or allotted, any officer, agent or employee of the County, who knowingly violates this provision, shall be personally liable to the County for the amount so expended and such violation shall be cause for dismissal by the County Executive or a majority of the County Council. In addition, the contract so made in violation of this section shall be null and void. With these severe penalties all County employees, who are in a position to authorize expenditure of funds, should examine the proposed expenditures in detail before signing such authorization.

This section further provides that no contract for the purchase of real leasehold property shall be made unless the funds therefor are included in the capital budget. This position further checks the power of the executive branch to enter into long-term contracts without approval of the County Council.

Section 716. RESTRICTIONS ON CAPITAL PROJECTS; AMENDMENT TO CAPITAL BUDGET AFTER ADOPTION OF BUDGET. The Charter Board

believed that, since most of the funds for capital projects are derived from the sale of bonds, all the capital projects for any given fiscal year should be firmly fixed at one particular time. However, the Board also recognized the necessity of providing authority so that changes can be made to meet some unexpected problem. Therefore, the capital budget may be amended by providing that funds may be appropriated for a new project and bonds sold to cover the cost thereof, if the Executive, the Planning Advisory Board and the County Council agree that this should be done. However, the total amount of the appropriation for capital projects may not be increased.

Section 717. ENTERPRISE ACCOUNTING.

(a) The provisions of this section cover the duties now performed by the Sanitary Commission. See Section 539 for the Charter provision concerning the transfer of the engineering functions of the Sanitary Commission to the Department of Public Works. Other functions of the Sanitary Commission shall be assigned to the various offices and departments of the County government. For example, the Budget Officer shall be responsible for the preparation of the utility budgets for water and sewers and the Controller shall be responsible for the accounting, collection and billing of the charges for these services.

Provisions such as Section 717 are found in contemporary charters or budget laws. For example, see the City of Richmond Charter, Chapter 13, Section 13.06, subparagraph (c).

Subsection (b) of Section 717 provides that each individual utility shall be placed on a modern utility accounting system. Subsection (c) provides that, in the event the utility operates for three consecutive fiscal years and the utility operates at a net loss, then it shall be the duty of the County Executive and the County Council to adopt by ordinance the utility schedule of rates, whereby expenditures and revenues will at least be equal. This section, of course, does not prohibit the County Executive and County Council from providing a rate change in the event the utility is operating at a loss at anytime. However, they are required to do it after three successive years in which the profit and loss statement shows an annual loss.

Section 718. COMPOSITION AND LIMITATION UPON COUNTY FUNDS AND LEVIES; SPECIAL TAXES; BOND OBLIGATION. The drafting of this section caused the Charter Board and its staff many days and nights of deliberation, discussion and research. In general, the Charter Board believed that all County revenues should be paid into and appropriated out of one fund. It further believed in the principle that there should be no dedication of tax revenues at the source. Such dedication of such tax limits inhibits and destroys the

concept of the budget process. The budget function is one of planning, of looking ahead at the financial requirements of the coming year and the years ahead. It is the assigning of dollar signs to programs of work and the balancing of competing demands for money. If there is no work to be done, there is obviously no need for money. The basis of the budget is first, therefore, to determine what work is to be done, how much work is to be done, when it is to be done, how it is to be done and by whom. In Anne Arundel County the enactment of special tax laws and the dedication of State received funds has completely destroyed the budget making process as it is known in modern municipal government. A dedication of receipts to specific functions from the State in advance of receipts thereof and the establishment of special taxes for specific purposes do not take into consideration the work program needs of that particular function. In the case of a special tax year after year, the function receives special tax receipts and the County Commissioners do not have the power in most cases to examine into the actual needs of a particular function. The Charter Board felt compelled to abolish the district road taxes in order to provide a more efficient system of road construction and planning. The basic problem confronting the Board concerning special taxes is the existence of incorporated municipalities within Anne Arundel County. Historically, the City of Annapolis has not participated in some of the funds received from the State which have been dedicated mainly for the maintenance and construction of the County road system, nor have the residents of the City of Annapolis been required to pay the special tax for roads in the County. Ergo, the Charter Board was impaled on the dilemma that, because of the existence of the municipalities in Anne Arundel County and the historical background of the taxing patterns, all revenues could not be paid into and appropriated from one fund. Therefore, Section 718 attempts to maintain historical taxing policies between the City of Annapolis and the County, but at the same time attempts to limit or abolish some of the evils of the special taxes and the dedication of the State shared revenues.

(a) SPECIAL FUNDS; REVENUE AND RECEIPTS; APPROPRIATIONS. This section makes provision that certain special funds, revenue and receipts from utility assessments now collected by the Sanitary Commission shall be paid into special funds established therefor. Similarly, revenues from special benefit charges such as trash collection shall be paid into special funds.

The phrase all revenues and receipts "from special taxes or assessments imposed upon special taxing areas for special or particular services, purposes or benefits" is intended to include the special tax levies for various independent volunteer fire companies as provided in Chapter 10, Article IV of the County Code. However, the district road taxes as set forth in Section 17-3 of the County Code do not

provide particular service to a particular area as the roads are used by all the residents of Anne Arundel County. Also included in this category are the various special taxes which are set forth in Chapter 28 of the Anne Arundel County Code.

(b) GENERAL REVENUE AND RECEIPTS; APPROPRIATIONS. This section provides and defines the general fund by providing that all other funds except subparagraph (a) supra shall be paid into and appropriated from the general fund which shall be the primary fund for the financing of the current expenses of the County. The last sentence of this section provides that a tax on all property outside of municipal corporations in the County shall not be deemed or construed a special tax for the purpose of this section. As provided in subsection (c) the Board did not wish to limit the use of general revenue funds for the purposes of supplementing such a tax.

The County receives the following funds from the State:

State income tax - Article 81, Section 323 of the State Code requires the Comptroller to pay to each County of the State and Baltimore City a percentage of the tax so collected.

The County Commissioners have divided and allocated the County share of the State income tax for the year 1963 and have dedicated those funds for the following purposes: general 18%, public safety 27%, general County roads 24% and volunteer fire departments 20%.

The volunteer fire departments' funds are distributed to the district fire companies in proportion to the number of companies in the district as related to the total companies in the County. Percentages of each district of the 20% allocation of State income tax funds is as follows: First District 13%, Second District 9%, Third District 43%, Fourth District 9%, Fifth District 17%, Seventh District 6% and Eighth District 3%.

The district roads receive 11% of the State income tax receipts. It is distributed to the districts in proportion to the number of road miles in the district in relation to the total road mileage in the County. Their percentage is as follows: First District 12.05%, Second District 13.79%, Third District 32.98%, Fourth District 14.48%, Fifth District 16.74%, Seventh District 15.33% and the Eighth District 4.64%. The total amount of revenues estimated to be received in 1963 on the income tax is \$1,100,000.

Article 81, Section 410 of the State Code provides for distribution of money collected from an admissions and amusement tax. The State Comptroller collects the tax and after deducting administrative charges, pays the proceeds to the counties and incorporated towns in proportion to the amount of tax collected from the County or the incorporated town as related to the entire proceeds of the taxes. The

County Commissioners have dedicated 40% of the proceeds of the amusement tax to public safety, 57% to district roads and 3% to special taxes. The dedication of these funds to the special taxing districts is prohibited by subsection (c) of this section.

The gasoline tax fund, as set forth in Article 89 (B), Section 34 of the State Code, is distributed to the Counties by the State Roads Commission. The State Roads Commission shall allocate to the account of each County a share determined by the proportion which the total mileage of the County roads in that County bears to the total County roads in all the Counties. This section also requires a deduction of a share of said County funds to be paid directly to any incorporated municipalities which lie within the County. In 1963 the County Commissioners dedicated to general roads 40% and to district roads 60%. The estimated revenue from the gasoline tax for the year 1963 is \$293,079.

The State tobacco tax, as provided in Article 81, Sections 431 et al of the State Code, distributes to Counties a certain percentage of the cigarette tax collected. Article 81, Section 460 of the State Code provides an "amount to be paid to each political subdivision shall be a pro rata share of the remainder (one-half of the tax collected) in the same ratio from time to time as the population of the political subdivision is to the population of the State." For 1963 the cigarette tax revenue for Anne Arundel County is estimated to be \$645,000. This law was effective June 1, 1958. Prior to that time, in 1945, the General Assembly enacted a local law for Anne Arundel County which provides for mandatory distribution of State revenue from new sources. It is codified in the Anne Arundel County Code as Section 17-2. This section provides that six-sevenths shall be placed in the district roads funds and shall be divided among such election districts in proportion to the assessable basis of each of such other election district. The remaining six-sevenths is to be paid to the City of Annapolis. In accordance with the statutory mandate these funds are required to be dedicated to the district roads in a set proportion. However, subsection (b) of 718 repeals Section 17-2 of the County Code because of the obvious inconsistency.

The receipts from trailer licenses is dedicated 50% to public safety and 50% to district roads. It is distributed among the eight districts in proportion of the number of road miles in the district to the total road mileage in the County.

The proceeds from the State for beer, wine and liquor is dedicated 60% to public safety and 40% to the volunteer fire departments. This is distributed to the district fire departments in proportion to the number of companies in the district to the total number of companies in the County.

The receipts from the State motor vehicle licensing law (known as the "A to J funds") are distributed 100% to the

district roads. These funds are distributed among the districts in proportion to the district assessable wealth to the total County assessable wealth.

In 1963 the revenue estimate of State shared taxes amounted to \$3,277,500. All of these taxes are dedicated to a particular fund or function of County government without regard to the planning of any work programs and balancing the work programs against each other to determine what amount should be spent on what functions. In addition to the State shared taxes, funds from licenses and permits which were collected by the State and distributed to the County amount to over \$1,200,000 per year. These funds are also dedicated in the same manner as the State shared taxes.

(c) PROHIBITIONS. This subsection prohibits the use of general funds to supplement special taxing areas. This is a common practice in the County at the present time, and the Charter Board intends by this section to prohibit appropriation of funds for the same purposes to supplement a special tax. The Board did this for the following reasons: The taxpayers believe that when they are paying a special tax, that tax covers the entire cost of that particular function. For example, in 1963, the district fire rate in the First Election District was 6¢ which will raise \$19,999. Also district fire companies in the First District received a dedication from the State received income tax of \$28,600, a dedication from the beer, wine and liquor tax received by the County of \$14,560, and a surplus allocation of \$14,725 for a total of \$77,884. Therefore, the special tax raised approximately \$20,000 and the total amount spent was \$77,000 or \$57,000 in addition to the special tax. The Charter Board hopes that the County will see fit to revise the entire tax structure of the County and adopt modern budget procedures. The Charter Board fails to see the relationship between State income tax money, beer, wine and liquor money, tax receipts and fire protection in Anne Arundel County.

(d) LEVY FOR ROADS. This section specifically abolishes the district road tax which is codified in Section 17-3 of the County Code. It further provides that the County Council levy a tax on all taxable property outside of municipalities in Anne Arundel County for the construction and maintenance of public roads. This section refers to a type of special tax which is earmarked for the construction and maintenance of roads. The Charter Board believes the better approach is to appropriate and expend from the general fund the necessary monies for the maintenance and construction of roads. It has been suggested that in lieu of providing for the construction and maintenance of roads in the City of Annapolis, that the Council could appropriate funds for the use by the Mayor and Aldermen of the City of Annapolis for the construction and maintenance of roads in the City, and, therefore, providing for one general tax rate throughout the entire County.

(e) SPECIAL TAXING DISTRICTS; EXISTING LAW. This section leaves the bulk of the special taxes in existence, but, however, provides that the Council may repeal or amend these sections of the County Code.

(f) BOND INTEREST AND REDEMPTION OBLIGATIONS. This section refers to the outstanding district road bonds. According to the law, the primary source of revenue to pay the interest and redemption of the bonds is the district road tax. Since some of these bonds have been issued, the Charter could in no way affect the contract rights of the bond holders. Of course, the interest on the bonds is now paid out of other funds. See, for example, the 1963 budget provisions which set the debt service required for the Fifth District road bonds to be \$115,400, while the aforesaid district road tax amounts to \$61,968.

The Acts of 1959, Chapter 790 provide that "such bonds shall be paid primarily from special taxes authorized to be levied in each of the Anne Arundel County road taxing districts as provided for herein, provided, however, if such taxes are insufficient for such purposes, such bonds shall be payable from unlimited ad valorem taxes levied upon all the assessable property within the County without limitation as to rate or amount."

In connection with subsection (a) section 17-6 is repealed for future bond issues. The eight special taxing districts, so created, are abolished as they are in conflict with subsections (a), (b) and (d) above.

Section 719. BORROWING LIMITATIONS. The language of this section was taken substantially from Article 25A, Section 5 (Q) of the State Code and the Baltimore County Charter, Section 717. This section places an overall indebtedness of limitation of 10% of the assessable base of the County. At the current time the County indebtedness is near this 10% limitation. The County is growing at a rate which under this provision will allow the sale of an additional \$5 million of general obligation bonds each year. This section, in effect, reduces the current limit of 14% to 10%. It should be noted, however, that bonds sold for utility, i.e. water and sewer installations are not limited by this section. However, they are limited by Section 22-82 of the County Code to a debt limit of 14% of the assessable base within the sanitary district.

Section 720. FORM AND TERM OF BONDS. The purpose of this section is to specify the minimum requirements of the form of County bonds and a maximum term. Within these limits the County Council is fully empowered in Section 722 to enact fiscal laws to implement these provisions of the Charter.

Section 721. CONTENTS OF BOND ISSUE AUTHORIZATION ORDINANCES. Like Section 720 this section establishes

a minimum standard which can and undoubtedly will be supplemented by the County by the adoption of the fiscal law referred to in Section 722. This section is substantially the same as Section 720 of the Baltimore County Charter.

Section 722. SUPPLEMENTAL LEGISLATION BY COUNTY COUNCIL. This section empowers the County to enact legislation and amend the same from time to time, to regulate in greater detail the expenditure of the public funds. However, it should be noted that the provisions of Article VII of the Charter regulate the expenditure of public funds in Anne Arundel County and protect the public interest to a greater degree of control than is now provided either by public local law of the County or by resolution of the County Commissioners.

ARTICLE VIII

MERIT SYSTEM

Section 801. CLASSIFICATION AND PAY PLAN AND RULES AFFECTING COSTS. The Acts of 1959, Chapter 740 established a merit system for some of the County employees. Article 25A, Section 5 (R) expressly empowers a chartered County to establish a merit system. The merit system as provided in Article VIII shall supersede the existing statute and resolutions 62-21 of the County Commissioners which implemented the classified service act.

Section 801 requires the County Executive to submit before May 1, 1965 a classification and pay plan for all positions of the classified service. Since the formulation of a pay plan and a classification plan are technical in nature, the Charter Board believed that the County Executive should be required to recommend a proposed plan to the County Council. Of course, the County Council may follow the recommendations of the County Executive or may amend the plan. By May 31, 1965 the Council is required to enact an ordinance establishing the classification and pay plan together with rules affecting pay roll costs, etc.

Classification and pay plans are the heart of any merit system. It is the current practice of the County Commissioners at budget making time to set salaries of individual jobs, and the practice has been to give increases without regard to performance. Under the Charter the Council by the adoption of a classification and pay plan will set the salary scale of each job classification, and by this section the Council is prohibited from increasing or decreasing the salaries of individual members of the classified service except through amendment to the classification and pay plan. By the adoption of a pay and classification plan, persons employed by the County should receive equal pay for equal work.

The last sentence was added to the tentative draft to require the County Executive and the County Council to take into consideration prevailing salaries and wages of similar jobs paid by competing public and private employers. The Charter Board realizes that this section is not binding on the Council or Executive, but it should serve as a guide to them in establishing a fair pay scale for County employees.

Section 802. EXEMPT POSITIONS. This section enumerates the exempt positions, most of which are of a policy making or of a temporary character.

Subsection (f) provides that the County Executive and Director of Administration may each have one confidential secretary. The confidential secretary to the County Executive should not be confused with the Secretary to the County Executive provided in Section 405(n) who has certain duties to perform.

Subsection (h) of this section limits the exemption of temporary or seasonal help to such persons who are not compensated for more than 500 hours of work per 12 month period. It has been reported to the Charter Board that an exemption of temporary or seasonal help classification with no hourly restriction is used in some jurisdictions to avoid the provisions of a merit system and the jobs so classified are actually full time employees. For this reason the Charter Board limited temporary or seasonal help for hourly rate positions to approximately one quarter of a year for each such employee. All persons who are employed for more than this period of time shall be required to take examinations, etc. the same as other permanent employees.

Section 2-55 (b) of the Anne Arundel County Code provides for exemptions from the current classified service. This section shall be repealed in its entirety because of its obvious conflict with Section 802. Under the current law the Police Department employees are exempted from the classified service. The employees of the police force are not exempt under the provisions of Section 802 and, therefore, fall within Section 803 which will include the police officers in the merit system. House Bill 122 (Acts of 1963, Chapter 788) which was passed by the General Assembly in the 1963 Session exempts the enginemen for the volunteer fire companies from the provisions of the merit system. Under the provisions of this section of the Charter, they will not be exempted when the Charter is adopted. The nature of the jobs of Police and Fire Department employees will require special rules and regulations covering, for example, hours, vacation and retirement program. The classified service is intended to cover all employees in the career service.

Section 803. CLASSIFIED POSITIONS. This section brings in all employees of the County except those enumerated in Section 802 into the County service. This, of course, will apply to existing positions and positions which are created after the adoption of the Charter by ordinance of the County Council.

Section 804. APPOINTING AUTHORITY. This section provides that the appointing authority shall be the department head of the department in which the employee shall work. Under the current system the County Manager or the County Commissioners appoint the employees of the various departments, and it has been reported that sometimes the appointments are made without consultation with the department head. The Charter Board believed that in order to hold the department head responsible for the efficient operation of his department, it was necessary that he be given the authority to appoint the employees in that department. However, the department head is restricted to the appointment from a list of three names as provided on the eligibility list submitted by the Personnel Officer. See Section 805 and the notes thereon.

Section 805. ELIGIBILITY LISTS. The first sentence of this section provides an eligibility list must be prepared by the Personnel Officer within four months after notification that a vacancy exists in the classified service. Examinations are required to be given as prescribed by the Personnel Board for a class or position to which the list applies. The candidates are graded and the top three names (in the event of one vacancy) are submitted to the department head. The department head has discretion to appoint one of the three applicants to the position. If more than one vacancy exists, the number of eligible names to be submitted to the appointing authority shall equal the number of vacancies plus two. To insure that the eligibility lists do not become "stale", this section provides that the lists shall expire one year after their formulation and new examinations must be given.

Section 806. PROBATIONARY PERIOD. Provisions such as these are standard in most merit systems. For the first six months after appointment, the employee in the classified service shall be on probation, that is, he shall not have tenure or permanent status, and an employee during this probationary period may be discharged permanently from his position without the privilege of appeal to the Personnel Board.

Under the provisions of Section 807, when an employee receives permanent status, he may only be fired for certain specific causes outlined in Section 808. Therefore, the first six months should be a training period for all new County employees. This section also requires that a department head, 15 days prior to the expiration date of the probationary period, must submit to the Personnel Officer notice of his decision to retain or dismiss the employee. If he retains the employee, that employee becomes a permanent employee of the County and shall retain the status provided in Section 807 and may not be dismissed except for the grounds provided in Section 808.

Section 807. PERMANENT STATUS. A person who is retained past the probationary period shall have tenure. Under the provisions of Section 2-60, paragraph (c) of the County Code "no employee who has completed his or her probation may have his position abolished". At first glance this appears to be a valid provision. However, on the advice of its consultants, the Charter Board was of the opinion that it may cause inefficiency and waste in the future. For example, if the County employed elevator operators and later moved to a new office building and installed automatic elevators, the elevator operators would still be on the payroll and could not be transferred to another position. This provision in effect "seals and casts in concrete" the classifications of positions for all times. See Section 810 and the notes thereon for further discussion of this subject.

Section 808. GROUNDS FOR REMOVAL OF PERMANENT EMPLOYEES. This section provides for the removal by the appointing authority of a permanent employee for the enumerated causes. Appeal from the decision of the appointing authority is to the Personnel Board which is the final authority on such appeals. See Section 521. The decision of the Personnel Board is final and it may not be reviewed by the County Board of Appeals or by the courts. Of course, the jurisdiction of the Personnel Board may always be reviewed by the Circuit Court as provided in Section 521(e).

Section 809. METHOD OF REMOVAL OR SUSPENSION. This section enumerates the procedural steps for the removal of a permanent status employee.

Under the current law there is no Personnel Board and appeals are heard by the State of Maryland Commissioner of Personnel.

Section 810. ABOLITION OF POSITION IN BUDGET. This section should be related to Section 519(i) which requires the Personnel Officer to certify all payrolls for all the County employees in the classified service and to withhold authorization for the payment of personnel services in the event the person has not been employed in accordance with the provisions of the Charter. See Section 813 for personal liability and penalty for a violation of this section.

Section 810 repeals Section 2-60, subparagraph (c) of the County Code concerning the abolition of a position in the budget. However, in the event a position is abolished, this section provides that he shall be placed upon an eligibility list for positions for which he is qualified under the procedures to be set forth by the Personnel Board.

Section 811. PRESENT EMPLOYEES IN CLASSIFIED POSITIONS. This section protects the present permanent status of County employees under the present merit system, who shall, upon the adoption of the Charter, fill their same position. However, the last sentence provides that, if an incumbent is not qualified under the classification plan adopted by the County Council, then, of course, the position will be considered vacant.

Section 812. REALLOCATION OF POSITION. This section pertains to the relating of actual work performed by an employee to a particular job classification. In the event an existing position is reallocated to a higher class, the Personnel Officer shall recommend such reallocation to the Director of Administration for his approval. The Controller must also certify the availability of funds and the Director of Administration approves the allocation and the allotment of funds. Thereafter, the Personnel Officer shall submit to the appointing authority the names of persons on the appropriate eligibility list. See Section 805.

Under the Charter the employee holding the reallocated job must at the time of its reallocation be on the eligibility list in order to be appointed by the department head. It was reported to the Charter Board that, in other jurisdictions, in order to avoid the principles of the merit system, some employees would have their jobs reallocated to a higher pay grade and thereby receive a promotion without taking an examination. Under the Charter, if a job is reallocated to a higher grade, then the appointing authority must appoint to such a position from an eligibility list on which the present incumbent's name may or may not appear.

Section 813. PROHIBITED PRACTICES. This section provides penalties for violating any of the provisions of Article VIII by a County officer or employee. It further provides penalties for persons not employed by the County who willfully or corruptly make false statements or certificates or attempt to commit or commit fraud for the impartial execution of not only the personnel provisions of the Charter, but also the rules of the Personnel Board made under the provisions of the merit system.

This section further provides that no person seeking appointment to or promotion in the classified service will seek or attempt to use any political endorsement of any elected official to secure an appointment or benefit in the classified service. The Charter Board believed that the basic principle of a merit system is to provide equal pay for equal work and equal opportunity for employment and advancement in the County career service. It is obvious the use of political influence to obtain jobs is not in the best interests of efficient and impartial operation of the merit system. The Charter Board believed that the provisions of Section 813 were absolutely necessary because of the unfortunate experience with the current merit system. The current classified service merit system was created on January 1, 1960 by acts of the General Assembly, 1959, Chapter 740. The law provided that "the County Commissioners shall promptly after January 1, 1960 adopt rules and regulations governing the following subjects:" (1) classification plan, (2) pay plan and (3) the rules and regulations concerning employment and the method of selecting new employees by competitive examinations. The County Commissioners failed to act until 1962 in adopting rules and regulations concerning the merit system. The County Commissioners have yet to adopt a complete classification plan or a pay plan, the heart of any merit system. It has been reported to the Charter Board that, although Resolution 62-21, entitled "Implementation of Classified Service Act", requires examinations for original appointment to the career service, very few are given and no examinations are given for promotion. The Charter Board believes the facts show that the merit system has been ignored in Anne Arundel County and positions covered by the merit system are disbursed on the basis of political patronage.

The act passed by the General Assembly and the resolution adopted by the County Commissioners do not provide for penalties for the violation of the act.

The Charter Board in drafting Section 813 intended this section to cover all violations of the personnel system and attempted to remove the persons in the classified service from the political arena of Anne Arundel County. It should be self-evident that County employees should serve all the citizens of the County and not the Democratic or Republican party. Prohibition against political activities includes the members of advisory boards, since their expenses are payable from County funds. It is the job of a municipal government to provide services for the citizens of the County. There is no Democratic or Republican way to lay a water pipe. The decision of where and at what time to lay the water pipe should be the responsibility of the elected representatives. However, once the decision is made, the members of the classified service should execute the decision, that is, dig the ditch and make the pipe connections.

Section 814. PENSIONS OF PERSONS NOT A PART OF THE STATE RETIREMENT SYSTEM. Under the current system, County employees, with the exception of police and fire, are a part of the State retirement system. After discussion with both the leaders of the police and fire services of the County, the Charter Board was of the opinion that a provision requiring that a pension system be established on an actuarial reserve pension plan system should be required by the Charter. At the present time appropriations are made in the budget for retirement benefits to be paid in each fiscal year. Although the amount of money needed at the present time is not great, it has been estimated that the contingent liability for each policeman on the police force is \$90,000. Quick mathematical calculations can show the pension retirement benefits in the police and fire aggregate amount in the future will increase substantially. The Charter Board is of the opinion that the policemen and firemen should have an adequate pension system and it should be established at the present time to insure, that when the time comes for their retirement after faithful service to the County, their rights should be protected.

ARTICLE IX

CENTRALIZED PURCHASING

Section 901. RESPONSIBILITY FOR PURCHASING. This section imposes on the Central Service Officer the responsibility for the execution of the County purchasing policies.

Section 902. COUNTY PURCHASING POLICIES AND PRACTICES. This section provides that the Central Service Officer shall appoint a County Purchasing Agent. The Purchasing Agent shall be included in the classified service and subject to the provisions of Article VIII of the Charter. Subsections (a) through (h) enumerate in detail the purchasing policies and practices. The consultants for the Charter Board, John A. Donaho and Associates, reported that the purchasing provisions of the current law are completely inadequate and, that as a matter of practice, the Purchasing Department does not participate in the purchasing of a large number of items that the County uses.

Under subsection (a) the Purchasing Agent shall supervise and be responsible for the making of all purchases, leases and contracts for each and every public works and also for all supplies. The only exceptions to this provision are contained in Section 903. This section also provides for the establishment of a store revolving fund, whereby the Purchasing Agent can purchase in large quantities, take delivery and store the goods and charge the different using agencies as from time to time they need specific items.

Section 903. APPLICATION OF THIS ARTICLE TO DEPARTMENTS AND AGENCIES UNDER STATE LAW. Under Article 77, Section 62 of the State Code, the Board of Education is empowered to make its own purchases of supplies and equipment. The Charter cannot and does not purport to change this situation. At the same time, the Charter Board did believe that some materials and equipment needed by the Department of Education might well, in the interest of economy, be purchased through the Office of Central Services. The policy of preserving the independence of the school system has little relation to the purchase of office supplies, furniture, automobile tires and other similar articles which must be purchased in bulk for other County agencies. This section is designed to encourage the Department of Education and other departments under State law to use the facilities of the Office of Central Services where savings will result. A similar provision is found in both the Montgomery and Baltimore County Charters.

Section 904. COMPETITIVE BIDDING. This section of the Charter provides that the Purchasing Agent or his authorized deputy let sealed bids or proposals after public notice for such a period and in such manner as he may determine. The Charter Board believed that the period of time should be left

within the discretion of the Purchasing Agent. However, after the bids are received, the contract may not be awarded within the period of one week from the date of the opening of bids. The manifest purpose of this provision is to prevent a quick opening of bids and award of a contract before the unsuccessful bidders, the public and the press have had a chance to appraise the situation.

Section 905. CONFORMITY WITH BUDGET LIMITATIONS AND ALLOTMENTS. This section corresponds with Sections 514, 714 and 715 and has been fully discussed in the notes to those sections.

Section 906. SERVICE CONTRACTS. This section shall apply particularly to the hiring of an independent audit firm for the independent audit every four years as provided in Section 312. The certified public accountants, who belong to the national association, are prohibited from bidding for jobs by their code of professional ethics. Similarly the canons of professional ethics prohibit attorneys, consulting engineers and management consultants from submitting competitive bids for specified jobs. Exceptions for professional services from competitive bidding in modern purchasing acts are almost universal. However, the Purchasing Agent shall supervise the making of such contract for professional services.

Section 907. UNIFORM BIDDING. In order to encourage full and open competition for all purchases and sales, this section requires each bidder to accompany his bid with a statement made under oath that he has not agreed to bid a fixed or uniform price or that he has not shared price bid information with other bidders. This section also provides that sealed bids shall remain sealed until the date of opening. Any "leaks" shall render the entire bidding process void.

Section 908. CONTRACT EXECUTION. This section provides that the County Executive may execute contracts on behalf of the County, but he is empowered to delegate this duty to subordinates. However, the County Solicitor must approve the contract for formal legality before it is signed. A copy of the executed contract is sent to the Controller in order that it may be filed and checked against the vouchers and allotments. See Section 714 and the notes thereon.

Section 909. COOPERATIVE PURCHASING. This section permits cooperation with other public jurisdictions to make large purchases together, thus stretching the taxpayer's dollar.

Section 910. NEGOTIATIONS WITH VENDORS. This section is intended to prevent the personnel in the various operating departments and offices from negotiating a contract and then taking it to the Purchasing Agent for his approval. All negotiations for purchases should be coordinated in one office.

Section 911. FURTHERING LEGISLATION. This section provides that the County Council must enact furthering legislation to implement the purchasing policies established in Article IX. A purchasing manual will have to be adopted by the County Council to provide the details of purchasing procedures.

Section 912. EFFECTIVE DATE OF THIS ARTICLE. This section delays the effective date of the provisions of the centralized purchasing until such time as the new legislation has become effective.

ARTICLE X

MISCELLANEOUS

Section 1001. PROHIBITED ACTIVITIES; CONFLICT OF INTEREST.

(a) PROHIBITIONS. The manifest object of this section is to prohibit in the most positive terms the personal interest of any officer or employee in any County contract or business. Whether or not such abuses are practiced today, (and the Charter Board was presented with no evidence that they are), it seemed essential to include in the Charter such a prohibition against insurance premium "kickbacks" forwarding fees involving proceedings before County agencies, split commissions on real estate transactions and other public contracts, and a host of other practices which history has established as the basis of much governmental corruption. The language of subsection (a) was substantially derived from Section 1001 of the Baltimore County Charter and Section 10-102 of the Philadelphia Home Rule Charter.

(b) RULES OF CONSTRUCTION; EXCEPTIONS BY RESOLUTION OF COUNTY COUNCIL. The first sentence in this subsection provides that the provisions of Section 1001 shall be broadly construed and strictly enforced. However, a disclosure of ownership in a corporation doing business with the County may be excused by the County Council if such stock ownership does not violate the public interests. However, it is pertinent to note that full public disclosure and permission from the Council for the County employee to own stock in a corporation must come prior to the time the corporation does business with the County.

(c) PENALTIES. The first sentence of this subsection provides that if any officer willfully conceals any such interest in a business referred to in subsection (b) supra or violates any other provisions of (b) or (a), such officer shall forfeit his office. The term "officer" will not only include the County Executive and other officers of the executive branch, but pursuant to the definition in Section 1010 (f), the term also includes the Councilmen. For similar provisions, see Section 1001(c) of the Baltimore County Charter.

Section 1002. IMPROPER INFLUENCE. The Charter Board believed that public employment requires separation of politics from such employment. This principle presupposes employment upon merit, and not because of political connections power or pressure. They also presuppose that governmental employment will not serve as a means of political tribute to maintain political parties and regimes. Prohibitions with this section are intended to sustain these basic principles and precepts.

The first sentence of this section flatly prohibits any person from promising a County job or any official authority or influence, whether actually possessed or anticipated in the future, to secure an appointment in a position in the civil service. This refers not only to people in the County service, but also to "influence peddlers" behind the scenes. For similar section, see Section 10-107 of the Philadelphia Home Rule Charter.

Section 1003. This section is self-explanatory and needs no additional comment.

Section 1004. COPIES OF BOOKS AND PAPERS ON DEMAND and Section 1005. INSPECTION OF BOOKS, ACCOUNTS AND PAPERS. These sections are closely related and should be considered together. They insure the right of public inspection of public business. They are similar to Article VIII, Sections 2 and 3 of the Montgomery County Charter and Sections 1003 and 1004 of the Baltimore County Charter.

The clause, "police books and papers", upon reconsideration by the Charter Board after the release of the tentative draft, was deleted and the phrase, "criminal investigation reports", inserted in its place. The Charter Board felt that the public should have the right to inspect docket entries and blotter entries, but the actual investigation reports should not be opened to public inspection. The Charter Board believed that if a private citizen were denied the right guaranteed by these sections, he could readily enforce his rights by Mandamus proceedings.

Section 1006. SURETY BONDS. This section was completely rewritten after the release of the tentative draft at the suggestion of several interested citizens. The final draft of this section provides that the Controller shall be bonded for \$100,000 for the faithful performance of his duties. The Treasurer is required to carry a bond for the collection of County funds and also a bond for the collection of State funds. Since the bond for the collection of State funds is prescribed by public general law, the section provides that the \$100,000 bond shall be for the collection of County funds and that the State bond will be in addition thereto.

The County Executive and all other officers and employees of the executive branch shall be bonded for the faithful performance of their duties which blanket bond shall not be less than \$100,000. The blanket bond for all employees will protect the employees of the County at little increase in cost.

Section 1007. COMPILATION OF LAWS. If the voters of the County assume the responsibility of Home Rule by adopting the Charter, the Charter Board believed it essential that the Bench and Bar of the County be provided with a modern code of law. Section 1007 is intended to accomplish this result.

The Charter Board recognized that the preparation of the first County Code after the adoption of the Charter would be a task of some magnitude. Under the Commissioner form of government, the resolutions and ordinances of the County Commissioners are filed in voluminous minute books, and in some cases it is extremely difficult, if not impossible, for the private citizen to determine what actions of the Commissioners still have the force and effect of law. It will be extremely time consuming and onerous to check the old minute books to compile resolutions and ordinances which should be included in the new Code, but the Charter Board believed this work to be essential to the administration of good government. Under the provisions of Section 528, the County Solicitor is authorized, subject to the availability of funds, to hire additional help. See also Section 314 which enables the County Council to engage the services of experts for the drafting of codification of legislation.

The Montgomery County Charter requires codification of the County Code every five years and Baltimore County every ten years with an accumulative supplement each year. The Charter Board believed that ten years was sufficient time for complete recodification of the Anne Arundel County Code in light of the accumulative supplement every year.

Section 1008. COUNTY SEAL. A chartered County has the right to "have, use and alter at pleasure a common seal." (Section 1, Article 25A of the State Code). The purpose of Section 1008 was to exercise this power and to set initially what officers shall have the right to attest to the Seal. The details of the Seal and what additional officers shall have the right to use it are left to the County Council.

Section 1009. SUBPOENA POWER. The object granting the subpoena power to various County officials seems obvious and needs no further explanatory comment.

Section 1010. DEFINITIONS AND RULES OF CONSTRUCTION. The purpose of Section 1010 is simply to remove questions of construction which might otherwise arrive as to the meaning of various terms used throughout the Charter.

Section 1011. CUSTODY OF PAPERS AND RECORDS. The purpose of this section is to provide for the safekeeping of important papers not specifically entrusted to the Controller under Section 512 and Section 513.

Section 1012. SEPARABILITY. The separability clause is, of course, a standard provision in all modern charters or legislative acts of this complexity.

Section 1013. The purpose of this section is self-evident.

ARTICLE XI

TRANSITORY PROVISIONS

Section 1101. NATURE OF THIS ARTICLE. As the title implies, this Article applies to the period between the adoption of the Charter and the operative date of its provisions. This Article relates to delicate questions of constitutional law and a number of its sections follows closely the corresponding provisions of the Montgomery County Charter and Baltimore County Charter which have been considered by the Maryland Court of Appeals.

Section 1102. EFFECTIVE DATE OF THIS CHARTER. Article XI-A, Section 1 of the State Constitution, provides "the said charter from and after thirty days from the date of such election shall become the law of said city or county".

Section 1103. SPECIAL ELECTION FOR FIRST COUNTY EXECUTIVE AND FIRST COUNTY COUNCIL. This section provides for a special election and a provision similar to the legal effect of Section 1003 was sustained by the Court of Appeals and County Commissioners v. Supervisors of Elections, 192 Md. 196, 63 A. 2d 735 (1949), a case involving Article IX, Section 3(a) of the Montgomery County Charter.

In County Commissioners v. Supervisors of Elections, supra, the Court of Appeals held that in providing for its first elective Council, the chartered county has "implied power" to prescribe "the means and conditions under which such election shall be held." However, this implied power applies only to the first special election. In Ames v. Supervisors of Elections 195 Md. 543 (1949) the Court held in effect that after the first special election under a Charter, subsequent elections must be held pursuant to the statewide election laws.

Section 1104. TERMS OF OFFICE OF THE FIRST COUNTY EXECUTIVE AND MEMBERS OF THE FIRST COUNTY COUNCIL. This section is derived from Article IX, Section 3(b) of the Montgomery County Charter and Section 1104 of the Baltimore County Charter. When the first elected County Executive and County Council take office, "on the Monday following their election", they shall hold office until their successors qualify for office after the quadrennial election in November of 1966. Therefore, the first County Executive and the members of the County Council shall hold office for approximately 21 months.

Section 1105. TIME CERTAIN ARTICLES BECOME OPERATIVE. As provided in Section 1102, the effective date of the Charter is 30 days after its adoption, that is 30 days after Tuesday, November 3, 1964. Until the newly elected Executive and members of the County Council take office, (the Monday following Tuesday, January 26, 1965), the County Commissioners during this intervening period under Section 1106 will hold

over with their existing powers and duties and constitute the County Council. To avoid any misunderstanding as to the powers of the Commissioners in this transition period, Section 1105 postpones the operative date of Articles I through XII, inclusive, until the first County Executive and members of the first County Council are elected and the first County Executive and a majority of the first County Council have qualified for office. During this transitory period, therefore, the County Commissioners will by Charter mandate possess the powers and duties which they had prior to the adoption of the Charter.

It should be noted, however, that the centralized procedures of Article IX and the reorganization of the Public Works Department and the Sanitary Commission will not go into effect until after the first annual legislative session.

Article IX, Section 5 of the Montgomery County Charter and Section 1110 of the Baltimore County Charter are similar in substance and effect to Section 1105 of the Anne Arundel County Charter. It is one of the sections referred to and approved in County Commissioners v. Supervisors of Elections 192 Md. 196, 63 A. 2d 735 (1949).

Section 1106. THE EXISTING COUNTY COMMISSIONERS. This section avoids an "inter regnum" until the first County Executive and the first County Council are elected and the County Executive and a majority of the first members of the County Council qualify. This section is quite similar to Section 1106 of the Baltimore County Charter and Article IX, Section 4(a) of the Montgomery County Charter, a provision of which was referred and upheld by the Court of Appeals in County Commissioners v. Supervisors of Elections, 192 Md. 196, 63 A. 2d 735 (1949). After the County Executive and a majority of the members of the first County Council take office, the office of County Commissioners is abolished.

Section 1107. EXISTING LAWS. Article XI-A, Section 1 of the State Constitution, provides, that upon the adoption of a Charter, "any public local laws inconsistent with the provisions of said Charter, shall be thereby repealed. The Charter Board determined that the Charter did not have to specifically refer to a particular existing public local law in order to repeal it, but by covering the same subject matter, the prior law would be repealed. The Charter Board believed that, since the Charter is a constitutional document, it should not be cluttered with references to particular statutes or resolutions. The placement of "repealers" for the various sections of the existing local law in the Charter would certainly transform the Charter into a hodge podge of unrelated numbers. The Charter Board approached the problem in a positive manner by providing for a complete structure of government leaving very few provisions of the existing law in effect.

Section 1108. REFERENCE IN STATE CONSTITUTION AND LAWS TO COUNTY COMMISSIONERS. This section was derived from Article XI-A, Section 3 of the State Constitution, which provides in the case of a chartered County, that all references in the Constitution and the laws to the County Commissioners shall be taken to mean the County Council and the Chief Executive Officer whenever such construction would be reasonable. The Charter Board believed that the Council should succeed only to the legislative powers of the County Commissioners and that the executive powers should be vested in the County Executive. This is in accordance with the basic concept of the Charter, i.e. the separation of powers.

Section 1109. EXISTING OFFICERS AND EMPLOYEES. This section should be read in conjunction with Section 811. After the adoption of the classification and pay plan by the Council at its first annual legislative session as provided in Section 801, and the Executive has allotted the positions, the person filling such position must meet the minimum qualifications as set forth in the classification plan. If the present employees meet the minimum qualifications, they will not be required to take an examination for the original appointment.

Section 1110. ABOLITION OF CERTAIN BOARDS, COMMISSIONS AND OFFICES. Since the Charter completely reorganizes the structure of the executive branch of government, the Charter Board believed it desirable to specifically abolish the boards, commissions and offices which conflict with the Charter. Some of the offices such as the Office of Zoning Commissioner are authorized by the County Code, but that office has not been filled or utilized for sometime. The offices of Police Commissioner, Deputy Police Commissioner and Police Physician and the Board of Amusement License Commissioners were created during the 1963 Session of the General Assembly. At the time of preparing the final draft of the Charter, the Charter Board was not aware that the bills would be petitioned to referendum which suspends the effective date of the bills until after the November election in 1964. If the Charter is adopted by the people in the 1964 election, then these offices will be abolished regardless of the vote on the particular bills.

Section 1111. EXISTING COUNTY SEAL. The purpose of this section is merely to insure the legality of the current seal until a new seal is adopted under the provisions of Section 1008.

ARTICLE XII

MANNER OF TERMINATING THIS CHARTER
AND MAKING AMENDMENTS THERETO

Section 1201. TERMINATION. The Charter Board felt it essential to provide in the Charter itself the means for effecting its termination. This section accomplishes this objective. Termination of the Charter can only be accomplished by submitting the question to referendum of the qualified voters of the County. A proposal for termination can be instituted by either: (1) legislative act of the County Council or (2) a petition signed by not less than 10,000 voters.

Section 1202. AMENDMENT. The Charter Board believed that amendments to the Charter should be facilitated rather than discouraged. Despite all efforts which have been taken to make the Charter adaptable to changing conditions over the years, amendments will inevitably be required. The language in this section is the same that appears in Section 1202 of the Baltimore County Charter. See also Article XI-A, Section 5 of the State Constitutions, setting forth the procedures for amendment to any Charter.

Section 1203. DECENNIAL CHARTER REVISION COMMISSION. During the consideration of the tentative draft, the Charter Board completely revised this section to consolidate the Decennial Charter Revision Commission, the committee originally proposed in Section 207, to study and make recommendations on the rearrangement of the councilmanic district lines after every decennial census. This section, in effect, will provide for a study commission to make a "comprehensive study" of the County government. It also provides for an appropriation of funds to the Commission to aid it in its work. The Charter Board realizes that a job of this magnitude requires professional consultants and staff.

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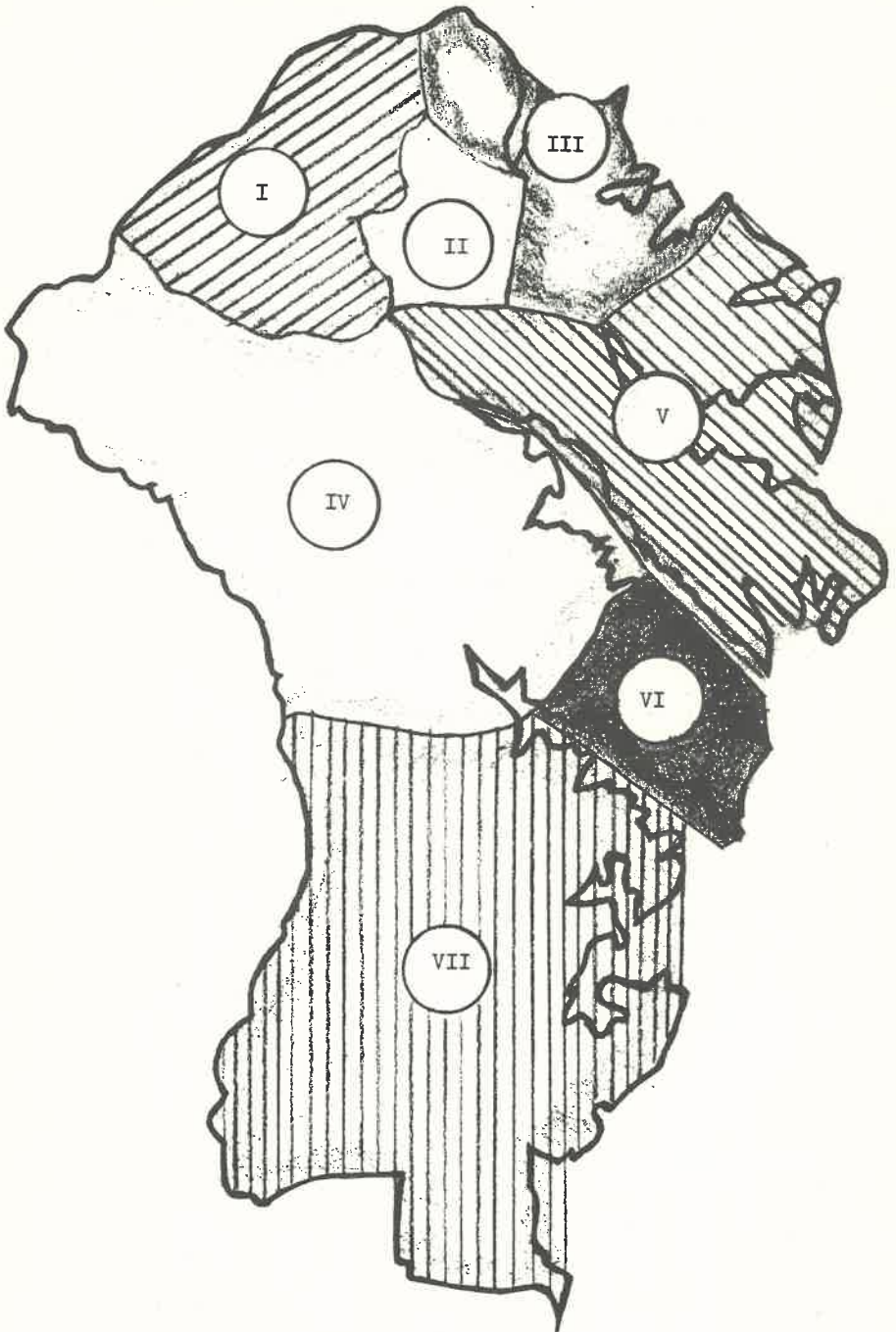
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PROPOSED COUNCILMANIC DISTRICTS

(Residence requirement only)



ANNE ARUNDEL COUNTY
STATE OF MARYLAND

Anne Arundel County - State of Maryland

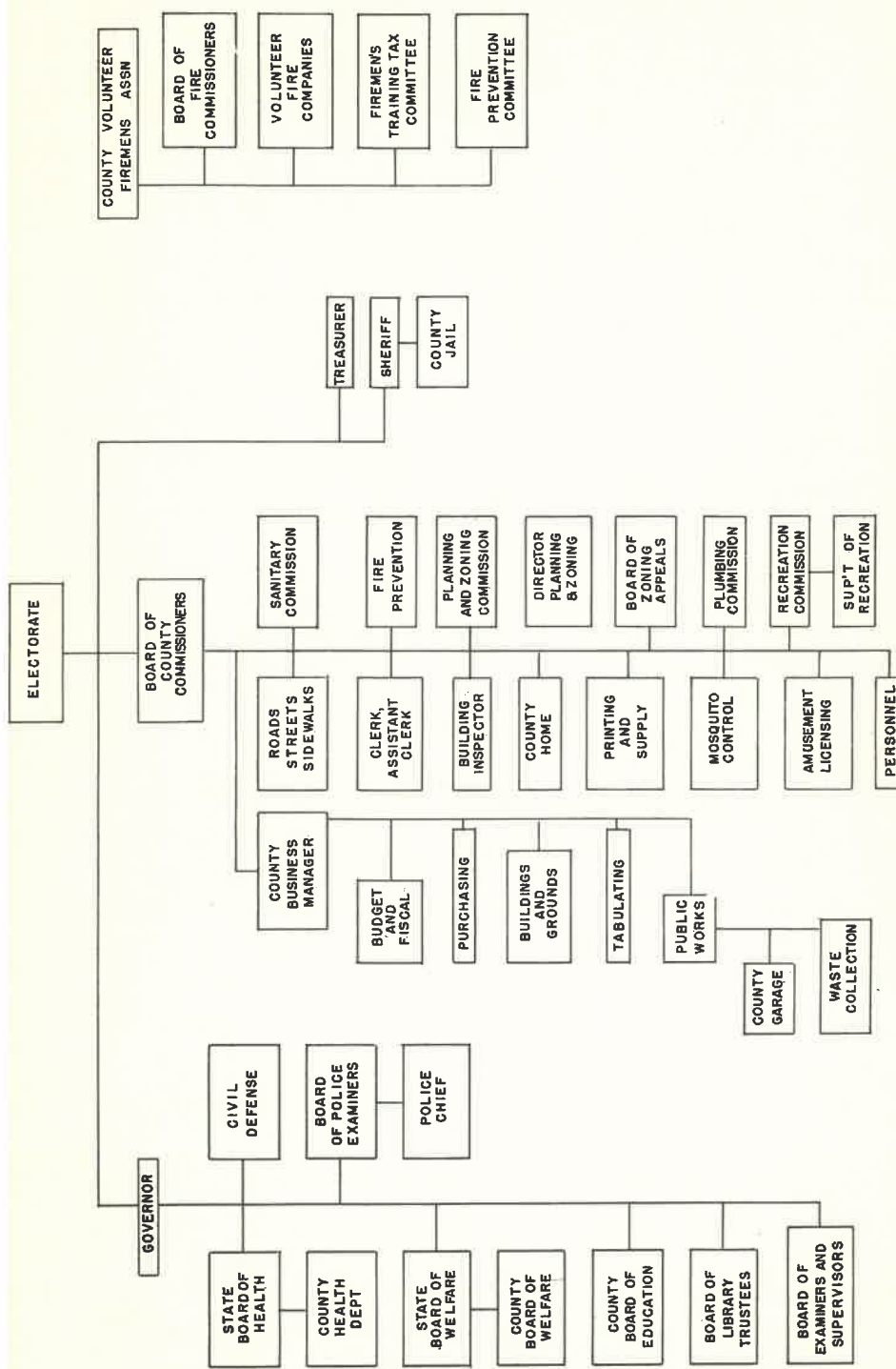
Council- manic District Number	Composition Election District - Precinct	Estimated Acreage In Thousands	Estimated Population In Thousands	Per Cent of Total County		Weighted Per Cent	Weighted Comparison* Deviation From Avg.
				Acreage	Population		
I	4-2,5-2,5-4	26	26	10	13	13	-1
II	5-3,3-3,4-3 Upper	8	30	3	15	12	-2
III	5-1,5-1A,3-1	19	35	8	18	15	+1
IV	4-1,2-2	63	23	25	12	15	+1
V	3-2,3-4,3-5, 4-3 Lower	41	30	16	15	15	+1
VI	6, 2-1	12	32	5	17	14	-
VII	1,7,8	83	19	33	10	16	+2
Total County		252	195	100	100	100	X
Average, or "Theoretically Perfect" District		36	28	14	14	14	

Source: Acreage & Population estimates compiled from 1960 Census Data

* This is an effort to recognize both area and population in comparing proposed district sizes to determine if they are equitable.

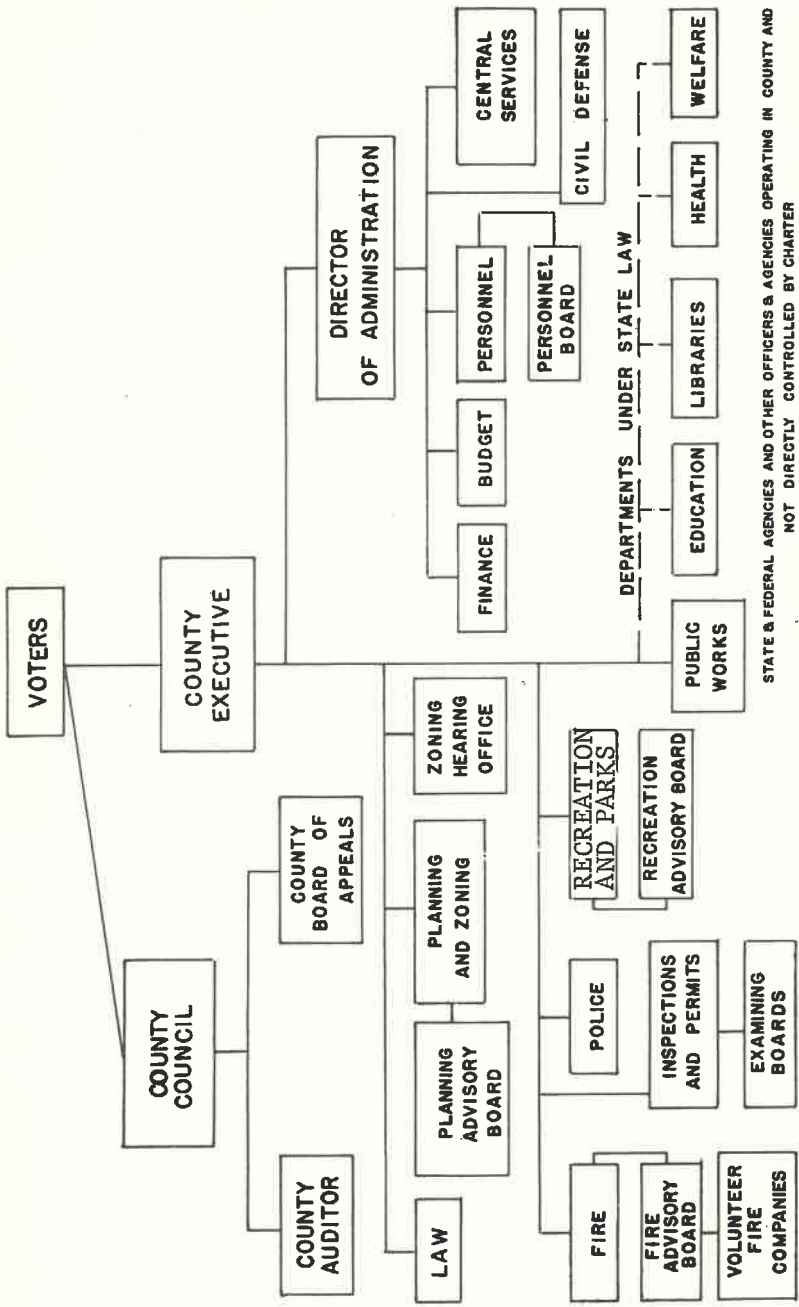
Weighted per cent is determined by weighing acreage at 25 per cent and population at 75 per cent. Under this concept, districting is considered equitable if weighted per cent figures are roughly comparable.

Deviation from average is calculated by subtracting the Average or "Perfect District" figure from the weighted per cent and gives some indication of the relative range of each district about the average and therefore, under this concept, the relative equity in districting.



EXCLUDES STATE AND FEDERAL AGENCIES
 NOT CONTROLLED BY CHARTER
 MARCH 31, 1963

UNDER PROPOSED HOME RULE CHARTER



STATE & FEDERAL AGENCIES AND OTHER OFFICERS & AGENCIES OPERATING IN COUNTY AND NOT DIRECTLY CONTROLLED BY CHARTER

BOARD OF SUPERVISORS OF ELECTIONS
 SUPERVISOR OF ASSESSMENTS
 COUNTY SURVEYOR

BOARD OF LIQUOR LICENCE COMMISSIONERS

AGRICULTURE & HOME EXTENSION

COUNTY JUDICIAL SYSTEM

CIRCUIT COURT, ORPHANS COURT, CLERK OF CIRCUIT COURT, REGISTER OF WILLS,
 STATES ATTORNEY, COUNTY SHERIFF, TRIAL MAGISTRATE