

**SIXTH DECENNIAL  
CHARTER REVISION COMMISSION  
REPORT ON THE CHARTER**

\_\_\_\_\_, 2022

*Members*

Andrea Mansfield, Chair  
Steven Waddy  
Thomas Fleckenstein  
Torrey Snow  
Larry Telford  
David Kauffman  
Ashley Hangliter  
Patrick Enright

## Introduction

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

Resolution No. 50-21 of the Anne Arundel County Council, passed on October 4, 2021, appointed the following individuals to serve as the Charter Revision Commission: Steven Waddy, Thomas Fleckenstein, Torrey Snow, Andrea Mansfield, Larry Telford, David Kauffman, and Ashley Hangliter. The Resolution directs the CRC to issue a report of its findings and recommendations on redistricting by December 31, 2021. This Commission submitted a preliminary statement on redistricting on \_\_\_\_\_, 2021, and a final report with recommendations on redistricting on \_\_\_\_\_, 2022. Subsequent to his appointment and the issuance of the redistricting report, Mr. Kauffman moved out of the County, and, by Resolution 8-22 adopted on April 18, 2022, the Council appointed Patrick Enright to serve on the Commission in his stead.

The Council passed Resolution 54-21 on October 18, 2021, which requested that the Commission include 16 issues on its agenda “for in-depth study and to make recommendations”. During \_\_ meetings, including meetings on \_\_\_\_\_ and \_\_\_\_\_, at which public testimony was received, the Commission has reviewed the entire County Charter, with particular attention to the 16 issues identified by the Council Resolution. This report includes the Commission’s position on each of the 16 issues and drafts of recommended Charter amendments.

### Comments and Recommendations on Issues Presented in Resolution 54-21

**Issue 1:       Examine the benefits of increasing the number of Councilmanic districts.  
(Charter Sections 201 and 206.)**

**Recommendation:   No change.**

This Commission reviewed data from other Maryland counties that included total population, number of councilmanic districts, and population in each councilmanic district, and compared it to the same data for Anne Arundel County. A copy of the chart prepared and provided by the Office of Law is attached to this Report. This Commission concluded that, when compared to other Maryland jurisdictions, the number of citizens in each district is as good as, if not better than, the number of citizens in other counties’ councilmanic districts. Therefore, the Commission concludes there does not appear to be an urgent need for change to the number of councilmanic districts at this time.

**Issue 2: Examine allowing members of the County Council to serve in office for three full consecutive four-year terms. (Charter Section 203.)**

**Recommendation: Change, but note pension implications.**

The Commission reviewed this issue and determined that three full consecutive terms should be permitted and would be consistent with other jurisdictions. Of the Charter counties, Baltimore, Cecil, Dorchester, Harford, Talbot, and Wicomico have no term limits. Howard and Montgomery County have limits of three full terms or two full terms and part of a third term. Frederick County has a three term limit. The only other Charter county with a two term limit is Prince George's County. All terms for the Charter counties are 4 years.

The Commission did note, however, that increasing term limits may result in implications for the pension system and eligibility for retiree health benefits. Councilmembers are participants in the Employees' Retirement Plan. (See County Code, §§ 5-3-101, et seq.) A Councilmember whose first term begins after December 1, 2014, vests in the plan upon completion of actual plus transferred service totaling 10 years. (§ 5-3-301(a)(3)). A Councilmember who serves two 4-year terms and does not have transferred service would not vest in the plan after completion of those two terms. Upon leaving County service at the end of the second term, the Councilmember would receive the Councilmember's contributions into the plan (§ 5-3-301(e)(1)), and would not be entitled to a retirement benefit or retiree health benefits.

If Councilmembers become eligible to serve three 4-year terms, then a Councilmember who serves all three terms (or at least 10 years over three terms) would be eligible to retire under the plan and to receive a pension benefit upon retirement, and may be entitled to retiree health benefits as described in § 6-1-308 of the County Code. The Commission takes no position on this pension and benefit eligibility, but it wanted to bring it to the attention of the Council for its consideration.

Suggested language to change Charter Section 203 is attached as part of Appendix A.

**Issue 3: Evaluate salaries and retirement benefits for members of the County Council. (Charter Section 204.) (See § 2-2-101, 2-2-102, and 3-9-101 of the County Code.)**

**Issue 4: Examine whether the role of members of the County Council should be considered full-time and if the salaries of members of the County Council should be increased to reflect actual hours worked. (No corresponding Charter Section.)**

**Issue 5: Evaluate, if members of the County Council were full-time, whether they should be allowed to maintain secondary employment.**

**(No corresponding Charter Section, but see Charter Section 204, Article 35 of the State Constitution, and §§ 7-5-102 through 7-5-104 of the County Code.)**

**Recommendation: No change other than a modification of Charter Section 204 to remove the outdated reference to the dollar amount of Councilmember salaries.**

The Commission considered these issues but felt that they were outside the scope of a review of the Charter. Charter Section 204, as adopted in 1964, set the initial compensation for the members of the County Council at \$2,100 per year. It is interesting to note that, at that time, compensation for the General Assembly was \$1,800 per year, and for Baltimore County Councilmembers was \$3,000 per year. Initiatives to increase salaries for members of those two bodies had been defeated in 1962.

The State later enacted §10-302 of the Local Government Article of the State Code, which provides for the establishment by ordinance of a commission to recommend compensation and allowances for the members of a county legislative body. If such a commission is created, then it is required to submit a recommendation for salary and allowances to the County Council within 15 days after the beginning of the fourth year of a term. The Council may accept, reject, or reduce the commission's recommendation, but it may not increase any recommendation. The compensation or allowances may not be less than provided for in the county's Charter. The Salary Standards Commission was created by County ordinance (see § 3-9-101 of the County Code), and fulfills the function of recommending salary and allowance changes for Councilmembers as contemplated under State law. The Commission does recommend that the outdated reference to \$2,100 per annum be replaced with more general language recognizing that the salary shall be in accordance with the recommendations of the Salary Standard Commission that are adopted by the County Council. The suggested language is included in Appendix A.

It should be noted that there is no provision in the Charter that discusses whether being a Councilmember is a full-time position. However, the Charter Board of Anne Arundel County did state that "members of the Council will not devote full time to their duties". It noted the approximate 30-day annual session in May, as well as the monthly meetings, both described in Charter Section 208. That being said, the Salary Standards Commission may take into consideration the demands of the position and the number of hours that are required to fulfill the function of the position into consideration in making its salary and allowance recommendations.

Currently, the Charter does not generally address the ability of Councilmembers to hold secondary employment, regardless of their status as full-time or part-time. The State Constitution, Article 35 prevents a councilmember from holding "more than one "office of profit". An "office of profit" generally requires an oath, and involves an exercise of some portion of the sovereignty of the state. Similarly, the Charter prohibits a Councilmember from "holding any other office, position, or employment for compensation or profit of or under the County government, or any State or Federal government office, except for service with a reserve component of the United States Armed Forces."

Otherwise, secondary employment is an ethics issue. See §§ 7-5-102 through 7-5-104 of the County Code. These provisions of the County’s ethics law describe employment relationships that are prohibited. These are based on the secondary employer’s relationship with the employee and the County and not the full- or part-time nature of employment. The Commission does not feel that secondary employment of Councilmembers is an issue that needs to be further addressed in the Charter.

**Issue 6:** Evaluate allowing the County Council to increase or amend items in the budget. (Charter Section 709 (can decrease but not increase budget items); see also Charter Section 812 (must fund arbitration awards), § 5-102(c) of the Education Article of the State Code (may restore County Executive’s cuts to the budget requested by the Board of Education), and Maryland Constitution, Article 2, § 17 and Article 3, § 52(c) of the State Constitution (similar provisions of the State budget process).)

**Issue 7:** Evaluate allowing the County Council to introduce bond initiatives to be placed on the ballot. (No corresponding Charter Section, but see Charter Section 705 as to formulation of the capital budget and capital program, and Charter Sections 719 through 721 as to County-issued bonds.)

**Recommendation:** No change.

The Commission reviewed these issues and concluded that the budget should continue to be a collaborative effort. Therefore, it recommends no changes to the Charter.

The County has what is known as an “executive budget system”. The County Executive proposes the budget, and the County Council may amend the budget by decreasing proposed items, but it cannot increase any items with two exceptions. First, Charter Section 812 requires the County to fund binding arbitration awards for law enforcement and uniformed firefighter bargaining units. Thus, if the County Executive fails to do so, the Council could amend the budget to comply with this requirement.

Second, under State law, if the County Executive proposes a budget that does not include the full funding requested by the Board of Education, the Council may fully fund those requests to the extent not funded by the County Executive. The Council may not increase the budget of the Board of Education beyond those funding requests. (See § 5-102(c) of the Education Article of the State Code).

The Commission reviewed information about the budget systems in other Maryland Charter counties, as well as the State. Baltimore, Cecil, Frederick, Harford, Howard, and Wicomico Counties have similar provisions to Anne Arundel County and do not permit their Councils to increase budget items recommended by their County Executives. Montgomery, Prince George’s, and Talbot Counties allow budget item increases by their Councils.

The State has a similar executive budget system. Currently, the General Assembly may increase items in the budget proposed by the Governor only if they relate to the General Assembly or the judiciary. They can decrease any item in the proposed budget. Beginning in fiscal 2024, the General Assembly may also decrease items proposed for the executive branch so long as the total appropriation for the executive branch does not exceed the total appropriation for the executive branch that has been proposed by the Governor. (Maryland Constitution, Article 3, § 52(6), as amended by 2020 Maryland Laws Ch. 645 (Senate Bill 1028).).

The framers of the County Charter “felt it essential to prohibit the County Council from increasing any item in the current expense or capital budget submitted to the legislative body for action. It would ludicrous for the County Executive to spend more than . . . originally estimated was the most . . . needed to do the job.” After reviewing the historic information and the information related to the State and other counties, the Commission concludes that there should be no change to this aspect of the budget process.

Issue 7 appears to be related to Issue 6 in that it seems to seek exploration of allowing the County Council to add projects to the budget that would require the issuance of County bonds. Charter Section 705 describes the multi-step process required to formulate the capital budget and capital program, which includes review and recommendations by the Office of Planning and Zoning and the Planning Advisory Board. Charter Sections 719 through 721 relate to County-issued bonds, including a borrowing limitation of 10% of the assessable base of the County. The capital budget and program is part of the budget presented to the Council, and the Council may cut funds from proposed capital projects. The Commission feels that the collaborative executive budget system should continue as it applies to the capital budget and bond funded projects.

**Issue 8: Examine the benefit of allowing Councilmanic districts to be eligible for grants under the Community Benefit Program. (No corresponding Charter Section.)**

**Recommendation: No change.**

There is no Charter provision relating to grants under the Community Benefit Program. This program is authorized and described under § 4-11-109 of the County Code. Its purpose is “assisting incorporated nonprofit community associations and other incorporated nonprofit organizations to upgrade or improve their subdivisions or communities”. The community associations and other organizations must be active in certain defined areas of the County. The Commission concluded that this was not a Charter issue, but that any change to the program to expand its scope or to include Council input could be achieved through legislation.

**Issue 9: Evaluate placing a limit on the local income tax rate in Anne Arundel County. (No corresponding Charter Section.)**

**Recommendation: No change.**

After looking at income tax rates in other counties and the State enabling legislation for local income taxes, the Commission recommends no change.

Section 10-106 of the Maryland Tax-General Article sets minimum and maximum rates for a county income tax imposed on an individual's Maryland taxable income. The minimum rate is 2.25%, and the maximum rate is 3.20%. The County rate as set in § 4-4-101 of the County Code is 2.81%.<sup>1</sup> Because maximum and minimum rates are set by State law, the Commission found no reason for the Charter to be modified to impose a maximum rate.

**Issue 10: Examine the powers of the Fire Chief to oversee and regulate riding members of volunteer fire companies in Anne Arundel County. (Charter Sections 545 and 547.)**

**Issue 11: Evaluate Section 547 of the Charter as it applies to volunteer fire companies and any entities under which they operate.**

**Recommendation: No changes.**

The Commission spent significant time gathering information on and evaluating these two issues. They heard from the Fire Chief and from representatives of the County Volunteer Firefighters' Association. They reviewed § 12-1-203 of the County Code that provides that the County shall reimburse a volunteer fire company for operational expenses consistent with a budget adopted by the company and approved by the County if the company has executed a reciprocity agreement. That section also provides that the agreement shall delineate the County's authority in matters concerning command and control, staffing, operational readiness, and dispute resolution. The Commission also reviewed the reciprocity agreement forms that are utilized by the County.

The major area of discussion was this sentence in Section 547: "Nothing herein shall permit the Fire Chief to participate in the corporate affairs of any volunteer fire company." Specifically, the Commission looked at the issue of what constitutes "corporate affairs" of a volunteer company. This sentence was included in the original Charter adopted for the County. Before the Charter was adopted, there was no County Fire Department, and all fire suppression services were provided by 23 volunteer fire companies.

After consideration of these issues, the Commission concludes that the matters raised by Issues 10 and 11 are best addressed through legislation or operating agreements, or both, and not in the Charter.

<sup>1</sup> Effective January 5, 2022, a change to § 10-106 of the Tax-General Article of the State Code permits counties to apply their tax rates on a bracket basis. Pending County Bill 47-22 would apply a rate of 2.70% to income between \$1 and \$50,000, and 2.81% to income over \$50,000.

**Issue 12: Evaluate the benefit of authorizing a local fire tax for funding the Fire Department. (No corresponding Charter Section, but see Charter Section 718.)**

**Recommendation: No change.**

There is no Charter provision relating to a “fire tax”. However, the Commission was directed to and considered the comments of the framers of the Charter relating to Section 718 of the Charter, “Composition and limitation upon county funds and levies; special taxes; bond obligation.”. The framers indicated that this was the section that was the most researched, discussed, and deliberated. The framers passionately and steadfastly concluded that “all County revenues should be paid into and appropriated out of one fund and that tax revenues should not be dedicated at their 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 for 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 fo[r] specific functions from the State in advance of receipts therefor and the establishment of special taxes for specific purposes do not take into consideration the work program needs of that particular function.

This statement of policy resulted in an identification of permissible special funds, such as utility assessments, special taxing district assessments, funds held by the County as trustee, and bond proceeds, and the further instruction that all other revenues and receipts of the County be paid into and appropriated out of a general fund “which shall be the primary fund for the financing of current expenses for the conduct of County business.” (Charter Section 718(b)).

Based on this history, the Commission concludes that no Charter change should be made to allow a fire tax.

**Issue 13: Examine allowing the use of an emergency ordinance to address a situation that needs immediate action. (Charter Sections 208(d) and 307(i)).**

**Issue 14: Evaluate Sections 208 and 307 as they apply to emergency ordinances and what could be done to improve the procedures for passing emergency ordinances. (Charter Sections 208(d) and 307(i)).**

**Recommendation: Suggesting change to Charter Section 307(i) to eliminate confusion between the two types of emergency ordinance currently described in Charter Sections 208(d) and 307(i).**

Charter Sections 208(d) and 307(i) describe two types of “emergency ordinances” that can be passed by the Council. There has been confusion, and the Commission considered the background of these two provisions.

Section 10-206(A)(2) of the Local Government Article of the State Code provides that:

a County Council may pass any ordinance, resolution, or bylaw not inconsistent with State law that may aid in maintaining the peace, good government, health and welfare of the County.

This is referred to as the police power, the general welfare clause, or the general grant of power. Tyma v. Montgomery County, 253 Md. 151 (2002); Montgomery Citizens League v. Greenhalgh, 253 Md. 151 (1969).

Based on this grant of power to legislate, Article III of County Charter sets forth a legislative process. Generally, ordinances require at least four affirmative votes and become effective 45 days after they become law. An ordinance becomes law when signed by the County Executive. See Charter § 307(j).

Subsection 307(i) of the Charter sets forth an exception to the general rule, providing that an ordinance “declared by the County Council to be an emergency ordinance necessary for the immediate preservation of the public peace, health, safety and welfare” takes effect from the date it becomes law. As per § 307(f), such an emergency ordinance requires the affirmative vote of at least five members of the County Council.

Subsection 307(i) distinguishes the emergency ordinances addressed in § 307 from emergency ordinances defined in § 208(d) of the Charter. The emergency ordinances defined in Charter Section 208(d) are required to deal with “**an actual acute emergency** necessary for the immediate preservation of the public peace, health, safety and welfare” (emphasis added) and which necessitate an emergency legislative session. An example would be an ordinance affirming the County Executive’s declaration of a civil emergency under Article 1, Title 6 of the County Code.

While the language is similar, it is clear that § 307 is addressing “emergency” ordinances that may be needed to be expedited but that are not required to deal with acute emergencies. The two types of emergency ordinances are distinguished by the degree of the emergency at issue. The framers of the Charter recognized that, while not rising to the level of an actual acute emergency, there may be instances in which it would not be feasible, prudent, or desirable to delay the enactment of an ordinance for the 45 days after it becomes law. The procedure set forth in § 307(f) and the effective date provided for in § 307(i) are intended to provide that flexibility. As stated by The

Charter Board of Anne Arundel County in 1963 in the publication, “The Proposed Charter for Anne Arundel County” as to the distinction between the emergencies addressed in § 307(i):

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, 78A.(2d) [sic] 638 [to] mean that there must be an actual acute emergency to render the ordinance valid. . . . 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 [(“The Referendum”)].

The only real practical effect of enacting an emergency ordinance under § 307 is this more immediate effective date. The safeguard against abuse is the requirement of more than a mere majority of affirmative votes.

The Commission recommends changes to Charter Section 307(i) to better distinguish the two types of emergency ordinance. The suggested change is included in Appendix A.

**Issue 15: Evaluate the need to update or amend Title 6 of Article 1 [of the County Code] pertaining to civil emergencies. (No corresponding Charter Section.)**

**Recommendation: No change.**

The Commission considered this issue, which involves provisions in the County Code and not the County Charter. The Commission concludes that it is not within the scope of the Charter and recommends no change.

**Issue 16: Consider making the language of the Charter more gender neutral. (Various Charter provisions, including Charter Section 302.)**

**Recommendation: Make change to affected Charter Sections.**

The Commission reviewed the Charter as a whole, and agreed that references to “he”, “him”, and “his” should be modified. The Law Office is exploring a way in which to make these global changes without having to include all affected Charter Sections in the legislation.

The Commission also looked at Section 302 of the Charter, which relates to the “Chairman”

of the County Council, and recommends that “Chairman” be changed to “Chair”. Suggested language to make this change is attached as part of Appendix A.

### **Other Comments and Recommendations**

There was several other issues that the Commission reviewed on its own, and it decided to make recommendations as follows.

**Charter Section 307(h):** The Commission recommends that the outdated reference to posting bills on a bulletin board when introduced be amended to allow posting on the County’s website. Suggested language is included in Appendix A.

**Charter Section 311(c):** The Auditor appeared before the Commission and discussed Charter Section 311, which outlines the Auditor’s duties. One of the issues raised by the Auditor was the scope of the “additional duties” that may be assigned by the Council under Charter Section 311(c). The Auditor felt that these duties should be related to the finances and financial affairs of the County. Based on that discussion, the Commission agreed and recommends that Charter Section 311(c) be modified. The suggested language is included in Appendix A.

**Charter Section 1202:** This section addresses appointment of the Charter Review Commission, and ties the timing of the appointment to the publication of the decennial census data. An issue arose with respect to the 2020 census because the data was late in being released due to the COVID pandemic and other issues. As such, the Commission was seated later than usual, and this resulted in issues of timing in considering redistricting of the County’s councilmanic districts as it related to candidate filing deadlines. Therefore, the Commission recommends that Charter Section 1202 be amended to tie the appointment of the Commission to the census itself and not to the release of the results of the census. Suggested language is included in Appendix A and would result in the Commission being appointed on or before the first day of the Council’s annual legislative (generally May 1) in a census year.

It should be noted that the Commission also considered whether there should be two separate commissions appointed for redistricting and Charter revision. The Commission looked at other County Charters that provide for the appointment of two separate commissions, and concluded that there should no recommendation to change that provision of the Charter.

**Public Campaign Finance:** The Commission discussed a local system of public campaign finance as permitted by § 13-505 of the Election Law Article of the State Code. The Commission noted that a Resolution proposing an amendment to the Charter to require the establishment of such a system (Resolution No. 1-22) was recently defeated, and, therefore, the Commission decided not to recommend it at this time.

## **Conclusion**

[To be inserted by the Commission.]

## APPENDIX A

### ARTICLE II. THE COUNTY COUNCIL

#### Sec. 203. Term of office.

Each member of the County Council shall hold office for a term of four years commencing on the first Monday in December following election, or as soon thereafter as practicable, and shall enter upon the duties of the office immediately upon qualification and serve until a successor shall qualify. No person elected or appointed to the office of County Councilmember shall be eligible to succeed himself or herself in the office if he or she has served in the office for ~~two~~ THREE full consecutive four-year terms at or after ~~January 1, 1994~~ 2026.

#### Sec. 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 ACCORDANCE WITH THE RECOMMENDATIONS OF THE SALARY STANDARD COMMISSION ADOPTED BY ORDINANCE OF THE COUNTY COUNCIL 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.

### ARTICLE III. THE LEGISLATIVE BRANCH

#### Sec. 302. Officers.

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

### **Sec. 307. Legislative Procedure.**

(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 Administrative Officer to the County Council as soon as practicable ~~[[on an official bulletin board to be set up by the County Council in a public place]]~~ ON THE COUNTY'S WEBSITE, and ~~[[additional]]~~ PRINTED 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]]~~ EACH BILL shall receive such publication as may from time to time be required by law.

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(i) **Effective Date of Ordinances.** Except as provided in Section 710 of this Charter for the Annual Budget and Appropriation Ordinance and ordinances levying taxes or assessments to support the budget, and except for any ordinance related to transfers of appropriations under Charter Section 711, supplementary appropriations under Charter Section 712, and amendments of the capital budget under Charter Section 716, 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. Ordinances related to transfers of appropriations under Charter Section 711, supplementary appropriations under Charter Section 712, and amendments of the capital budget under Charter Section 716 shall take effect from the date they become law. If an ordinance is an emergency ordinance as defined in Section 208(d) IT SHALL TAKE EFFECT FROM THE DATE IT BECOMES LAW. ~~[[or if]]~~ THE COUNTY COUNCIL MAY DECLARE 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, AND it shall take effect from the date it becomes law. An emergency ordinance UNDER SUBSECTION 208(E) OR THIS SUBSECTION 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 or create or expand any Capital Project, or increase the funding thereof (except in cases where the increase in funding is required solely to meet cost escalation and does not affect the scope of the project as originally budgeted).

### **Sec. 311. Duties of the County Auditor.**

(c) **County Council – power to assign additional duties.** 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]]~~ RELATED TO THE FINANCES AND FINANCIAL AFFAIRS OF THE COUNTY. 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.

## **ARTICLE XII.**

### **Sec. 1202. Decennial Charter Revision Commission.**

[[At or before]] ON the first DAY OF THE annual legislative session of the County Council [[after the publication]] IN THE YEAR of each decennial census of the population of the United States, 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 a number of representative citizens of the County equal to the number of councilmanic districts in the County, with each member of the County Council making one appointment, who shall report to the Council their findings and recommendations, together with drafts of any recommended revisions 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.