

CHARTER BOARD COUNCIL WORK GROUP DRAFT
OCTOBER 26, 2023

ARTICLE 2.
County Council

201. Composition

There shall be a County Council of Charles County, Maryland, composed of five council members.

202. Powers

All the legislative powers which the County may exercise under the Maryland Constitution and laws of the State are vested in the Council, subject to those powers retained by the people of the County as set forth in Section 308 of this Charter.

203. Council to Act as a Body

In all functions and deliberations, the Council shall act as a body. It 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.

204. Election

(a) The County shall be divided into four~~three~~ Council Districts, which shall be designated as Council District 1, Council District 2, ~~and~~ Council District 3, and Council District 4. The boundaries of the

districts shall be as provided in Sections 215 and 705 of this Charter.

(b) From each of the four~~three~~ Council Districts, the voters of each district shall nominate and elect a council member who is a resident of the Council District.

(c) The voters of the entire County shall nominate and elect one~~two~~ at-large council members. Among the candidates so nominated, the one~~two~~ receiving the most votes shall be elected.

(d) No candidate may run for office simultaneously under the provisions of subsections (b) and (c) of this section.

(e) Council members shall be elected at the same time as members of the General Assembly are elected in the manner provided by law.

205. Qualifications

(a) Except as provided in subsection (b) of this section, each council member shall be a

citizen of the United States and, for at least one year immediately preceding election or appointment, a resident and registered voter of the County. A council member elected or

appointed to serve as a representative of a Council District shall be a resident of the district for at least one year prior to election or appointment. Any change in the boundaries of a Council district after a member is elected shall not render the member ineligible to complete the term for which the member was elected.

(b) If a candidate for the office of County Council cannot have resided and been a registered voter of the district in which he or she resides for at least one year prior to election solely because the boundaries of the district have changed as a result of redistricting as provided in Section 215 and 705 of this Charter, the candidate may be elected or appointed to represent the district if he or she meets the following criteria:

- (1) a citizen of the United States;
- (2) a resident and registered voter of the County for at least one year prior to election or appointment; and
- (3) a resident and registered voter of the district for at least six months.

If any member of the county council during their term of office shall move their residence from the councilmanic district in which they resided at the time of their election, their office shall be forthwith vacated; but no member of the County Council shall be required to vacate their office by reason of any change in the boundary lines of their councilmanic district made during their term.

(c) While serving as a council member, no council member may:

- (1) hold any other elected public office;
- (2) hold any other office of profit created by the Maryland Constitution or laws of the State, pursuant to Article 35 of the Maryland Declaration of Rights; or
- ~~(3) be employed by a department or agency of the County government, which is substantially controlled by the Executive or the Council.~~
- (4) hold office in any municipality of Charles Ccounty;
- (5) be employed in an appointed office or any non-elected position in any public agency, department, board, commission or other public body that receives funds through the budget or is involved in the pubic business of the County, except that a council member may be a paid employee of a municipal corporation or the federal or State government;
- (6) receive compensation for serving in an appointed office or any non-elected position in any public agency, department, board, commission, or other public body that receives

funds through the budget or is involved in the public business of the county, except that councilmember may be a paid employee of a municipal corporation or the federal or state government

206. Term of Office

(a) A council member shall hold office for a term beginning at noon on the first Tuesday of December next following the election of the council member and ending at noon on the first Tuesday of December in the fourth year thereafter, or until a successor is qualified.

(b) No council member may serve more than three consecutive four-year terms.

(c) For purposes of the restriction imposed by subsection (b), a council member who has been appointed to fill a vacancy and who has served two or more years of that term shall be considered to have served one full term. An appointed council member who serves less than a two-year term shall be considered, solely for purposes of the subsection (b) restriction, not to have served a term as a council member.

207. Compensation

(a) Except as provided in subsection (b) of this section, each council member shall receive: (1) a Salary of \$36,000 per annum, except the President of the Council may receive a Salary of \$40,000 per annum; (2) Allowances; and (3) any contributions required by State or federal law such as FICA taxes, FICA Medicare taxes and Workers Compensation. No council member may receive Fringe Benefits nor is a council member entitled to accrue annual leave or payment in lieu thereof.

(b) The Council shall establish by ordinance a Compensation Review Commission every four years to review the Council's compensation in accordance with the provisions of the Local Government Article, Section 10-302 of the Annotated Code of Maryland. The Council may accept, reduce or reject the Commission's recommendation, but it may not increase any recommended item.

(c) Notwithstanding the provision of subsection (b) of this section, in no event may the Salary of a council member be reduced to a figure lower than that provided in subsection (a) of this section except by amendment thereto. The Salary of a council member may not be increased or reduced during his or her current term.

208. Forfeiture of Office

A council member shall immediately forfeit office upon:

(1) the council member ceasing to be a citizen of the United States, a registered voter of the County, or a resident of the Council District to which the council member was elected or appointed to represent;

- | (2) the council member being convicted of or pleading guilty to a felony or a crime involving moral turpitude;
- | (3) the council member being granted probation before judgment for a felony or a crime involving moral turpitude; or
- | (4) acceptance by a court of a plea of nolo contendere for a felony or a crime involving moral turpitude.

209. Removal from Office

A council member may be removed from office by resolution of the Council, approved and signed by the Executive, after a public hearing and a finding of misfeasance, malfeasance, or nonfeasance in office, as those terms commonly are defined by the appellate courts of this State, or a finding of mental or physical disability which substantially impairs the council member's ability to perform the duties of office, based on a preponderance of the evidence. Within 10 days of removal, the decision may be appealed to the Circuit Court by petition of the removed council member. Upon filing the petition, the court may stay the removal pending the court's decision. Upon appeal, the court shall make de novo determinations of fact.

210. Vacancies

- (a) A vacancy occurs when a council member, prior to the expiration of the term for which elected, dies, resigns from office, becomes disqualified to hold office pursuant to Section 208 of this Charter or is removed from office pursuant to Section 209 of this Charter.
- (b) If a vacancy occurs during the first 12 months of a term, a new member shall be nominated and elected at the same time as members of the House of Representatives of the Congress of the United States are nominated and elected and in the manner provided by law. The new member shall meet the same qualifications and residency requirements provided in Section 205 of this Charter as the vacating member and be elected by the same voters who elected the vacating member. Until a new member is elected, the vacancy shall be temporarily filled as provided by subsections (c), (d) and (e) of this section.
- (c) When a vacancy occurs and is not filled by election as provided in this section, the remaining council members within forty-five days shall appoint a person to serve the unexpired term of office. The appointee shall be selected by an affirmative vote of the majority of the remaining council members. The appointee shall meet the same qualifications and residence requirements and, when succeeding a party member, shall be a member of the same political party as the person who vacated office.
- (d) When succeeding a party member, the appointee shall be selected from a list of up to

three persons submitted to the Council by the County central committee of the political party affiliated with the person vacating office, provided the list is submitted within thirty days from the date a vacancy occurs. If no such list is submitted within thirty days, or if the council member vacating office is not a member of a political party, the Council shall appoint the person it deems best qualified to hold office regardless of the person's party affiliation, if any, provided the appointee meets the qualifications and residency requirements provided in subsection (c) of this section.

(e) If the Council fails to fill a vacancy pursuant to the provisions of this section, the Executive shall appoint a person to fill the vacancy. If the County central committee submitted a list of names pursuant to subsection (d) of this section, the person appointed shall be selected from the list. If no such list has been submitted, the Executive shall appoint the person the Executive deems best qualified to hold office regardless of the person's party affiliation, if any, provided the appointee meets the same qualifications and residence requirements as the person who vacated office.

211. Officers

At the first scheduled meeting of the Council in December following an election and annually thereafter, the Council shall elect from among its members a President and Vice President of the Council. The President, or in the absence of the President, the Vice President, shall preside over meetings of the Council. The Council may provide for the selection of other officers as the Council may deem desirable for the exercise of its powers.

212. Investigations by the Council

The Council may investigate the affairs of the County and the conduct and performance of any Agency. The Council may subpoena witnesses, administer oaths, take testimony, and require the production of evidence for purposes of this section. A subpoena may be issued to any current County officer, employee, County agency or department, or contractor doing business with the County upon the affirmative vote of no less than a simple~~Super~~ Mmajority of the Council.

213. Non-interference

(a) Neither the Council nor any of its members shall appoint, dismiss, or give directions to any individual employee of the Executive Branch of the Government, except as may be provided by State law or this Charter.

(b) Notwithstanding subsection (a) of this section, it shall be the duty of the Executive to provide any information that is requested by the Council in writing for the purpose of introducing and evaluating legislation or to engage in the review and monitoring of Government programs, activities, and policy implementation.

214. Council Assistance

The Council may by resolution, at its discretion and subject to the provisions of its budget or supplementary appropriation, employ administrative employees or such legal, financial or other advisors as it deems necessary to perform its functions.

215. Redistricting

(a) The Executive shall appoint by resolution a Redistricting Commission not later than April 1 of the year following each decennial census date. The central committee of each political party shall nominate three persons to serve on the Commission if, at the time of nomination, at least 15 percent of the total number of registered voters in the County are affiliated with the political party. The Executive shall appoint all such nominees as members of the Commission as well as two or three additional members of the Commission, as the case may be, who are unaffiliated for at least two years prior to the date of appointment with any political party represented on the Redistricting Commission, to ensure that its total membership equals an odd number. The Chair of the Commission shall be elected by and from the Commission members. No person shall be eligible for appointment to the Commission who holds elective office.

(b) By November 15 of the year following each decennial census date, the Commission shall present to the Council a plan of Council Districts, together with a report explaining it. Within thirty days of receiving the plan of the Commission, the Council shall present to the public and hold a public hearing on the plan within 45 days of receipt from the Comission. If within ninety days after submission of the plan no other legislation reestablishing the boundaries of the Council Districts has been enacted, the plan as submitted shall become law.

(c) Any Council District established in accordance with this section shall be compact, contiguous and substantially equal in population.