

ARTICLE 4
Executive
From: County Executive
Committee

**Draft Suggested Executive language for Charter Board for
edit/deletion/addition.**

ARTICLE 4
Executive

401. Composition

The executive branch of the County government shall be comprised of the County Executive and all officers, agents, and employees under the supervision and authority of the Executive.

402. Powers and Duties

There is a County Executive, who shall be the chief executive officer of the County and shall faithfully execute the laws. All executive power vested in the County by the Constitution and laws of Maryland and this Charter shall be vested in the Executive. The Executive shall see that the affairs of the executive branch are administered properly and efficiently, and that employees of the executive branch faithfully perform their duties. The duties and responsibilities of the Executive shall include:

- (a) supervising and directing offices, agencies and divisions of the executive branch and ensuring that County employees as well as County boards and commissions faithfully perform their duties;
- (b) preparing and submitting to the Council the annual County Budget;
- (c) preparing and submitting to the Council and the public within six months after the close of the fiscal year, an annual report on the

activities and accomplishments of the County government, including a comprehensive annual financial statement;

- (d) providing the Council with any information the Executive deems necessary or, as the Council in writing may request, information concerning the executive branch which the Council may require for the exercise of its powers;
- (e) recommending to the Council such measures for legislative action that the Executive may consider to be in the best interests of the County; and
- (f) signing or causing to be signed on the County's behalf all deeds, contracts, and other instruments.

403. **Election**

An Executive shall be elected at the same time as members of the General Assembly are elected in the manner provided by law.

404. **Term of Office**

- (a) The Executive shall hold office for a term beginning at noon on the first Tuesday of December next following the election of the Executive as provided in Section 403 of this Charter and ending at noon on the first Tuesday in December in the fourth year thereafter, or until a successor is qualified.
- (b) ~~No Executive may serve more than two consecutive terms~~ are limited to two consecutive terms, but are eligible to run again after four years out of office.
- (c) For purposes of the restriction imposed by subsection (b) of this section, an Executive 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 Executive 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 Executive.

405. **Qualifications**

- (a) The Executive shall be a citizen of the United States, at least ~~21~~15 years of age and, for at least ~~one two~~ years immediately preceding election or appointment, must be a resident and one year registered voter of the County.
- (b) During the term of office, the Executive shall devote full-time to the duties of the office. The Executive may hold an interest or participate in the profits of a business enterprise, but may

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not provide services in exchange for compensation to a business enterprise or hold any other office of profit during the term of office.

406. **Compensation**

- (a) Subject to subsection (b) of this section, the Executive shall receive: (1) a Salary of \$150,000 per annum; (2) Allowances; (3) Fringe Benefits; and (4) any contributions required by State or federal law such as FICA taxes, FICA Medicare taxes and Workers Compensation. The Executive may not accrue annual leave or be entitled to any payment in lieu thereof.
- (b) The Compensation Review Commission established pursuant to Section 207 of this Charter shall review the Executive's Salary and make recommendations to the Council. The Council may not have the power to increase the recommended Salary. To reduce the Salary, the affirmative vote of not less than a Super Majority of the Council is required. In no event may the Salary be reduced to a figure lower than that provided in subsection

(a) of this section except by amendment thereto. The Salary of the Executive may not be increased or reduced during his or her current term.

407. Forfeiture of Office

An Executive shall immediately forfeit office and the office shall be deemed vacant upon:

- (1) the Executive ceasing to be a citizen of the United States or a registered voter of the County;
- (2) the Executive being convicted of or pleading guilty to a felony or a crime involving moral turpitude;
- (3) the Executive 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.

408. Removal from Office

The Executive may be removed from office by resolution of the Council, approved by an affirmative vote of not less than a Super Majority of the Council, after a public hearing and a finding of misfeasance, malfeasance, or nonfeasance in office or a finding of mental or physical disability which substantially impairs the Executive'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 office holder. 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.

409. Vacancy in Office

- (a) A vacancy occurs when the Executive, prior to the expiration of the term for which elected, dies, resigns from office, becomes disqualified to hold office as provided in Section 407 of this Charter or is removed from office pursuant to Section 408 of this Charter. A majority of the council members shall appoint, within forty-five days, a person to fill the vacancy.
- (b) An appointee, when succeeding a party member, shall be a member of the same political party as the person elected to such office and shall be a nominee of the County central committee of that party. If the County central committee fails to provide a nominee within the first thirty days of a vacancy, the Council shall appoint any person the Council deems qualified who is a member of the same political party. (Ask Attorney to explain)
- (c) If the Council has not made an appointment within the forty-five-day period provided in subsection (a) of this section, the Council shall appoint within fifteen days thereafter:

(1) the nominee of the County central committee of the political party, if any, of the person who vacated the office, provided that the political party nominee was provided to the Council within the first thirty days of a vacancy, as required by subsection (b) of this section; or (2) the Chief Administrative Officer, if the person who vacated office was not a member of a political party. (Ask Attorney to explain)

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(e) Any person appointed to fill a vacancy pursuant to this section, except the Chief Administrative Officer, shall meet the qualifications provided in Section 405 of this Charter. (Ask Attorney to explain)

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(e) In the event a vacancy occurs pursuant to subsection (a) of this section, the Chief Administrative Officer shall perform the duties of the Executive until a new Executive is appointed.

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410. **Temporary Absence**

In the event of a temporary absence in the Office of the County Executive the Chief Administrative Officer shall perform the duties of the Executive. In the absence of both the Executive and Chief Administrative Officer, the Executive, by executive order, shall appoint a designee to perform the duties of the Executive for a specified period of time as provided in the executive order.

411. **Chief Administrative Officer**

The Executive shall appoint a Chief Administrative Officer, subject to confirmation by the Council. The Chief Administrative Officer shall be selected on the basis of qualifications as a professional administrator, skill in governmental budgeting and technical training for the duties of the office. The Chief Administrative Officer shall be a (established residency for voting purposes) resident of the County within six months of appointment. The duties of the Chief Administrative Officer, which shall include supervising the departments, agencies and offices under the control of the

Executive, advising the Executive on all administrative matters and performing such other duties as may be assigned by the Executive or by this Charter, shall be subject to the direction of the Executive. The Chief Administrative Officer shall serve at the pleasure of the Executive.

412. **County Attorney**

- (a) The Executive shall appoint a County Attorney, subject to confirmation by the Council, who shall be a (established residency for voting purposes) resident of the County within six months of appointment. The County Attorney shall be the chief legal officer of the County and conduct all the law business of the County. The County Attorney shall be a legal advisor to the Executive, the Council, all County departments, agencies, offices and other instrumentalities of the Government. The County Attorney shall serve at the pleasure of the Executive.
- (b) The County Attorney, with the approval of the Executive, and as provided in the Budget, may appoint assistants to serve as members of the legal staff or employ special

legal counsel. The County Attorney shall designate a full-time staff person to assist the Council with legislative matters. The County Attorney and the full-time staff of the office shall engage in no other law practice.

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413. **Appointment and Removal of Department Heads and Others**

- (a) Within six months of each election, ~~the~~ Executive shall appoint an individual to head each principal operating department, agency or office under the control of the Executive, subject to confirmation of the Council. Individuals appointed under this subsection shall serve at the pleasure of the Executive and remove at the discretion of the Executive.
- (b) Except as provided in subsection (c) of this section or prescribed by law, the provisions of this Charter or by ordinance, the Executive shall appoint all members of boards and commissions. All members shall be subject to confirmation by the Council. Individuals appointed under this subsection shall serve at the pleasure of the Executive, unless otherwise provided by law, the provisions of this Charter or by ordinance.
- (c) The membership of boards and commissions established exclusively to advise the Council shall be appointed and removed by the Council, at the Council's discretion, unless such matters are prescribed by law, the provisions of this Charter or by ordinance.
- (d) If the Council fails to take action within thirty days upon an appointment made by the Executive pursuant to this section, the appointment shall become effective.

414. Department of Emergency Services

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Emergency Medical Services

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1. Emergency Medical Services will be provided by the

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Department of Emergency Services and the Charles County Volunteer EMS Association.

2.The Director of Emergency Services will be appointed by the County Executive. The Director of Emergency Services will appoint a Deputy Director.

3.A volunteer EMS Chief will be elected by the Charles County Volunteer EMS Association.

Fire Services

1.The Charles County Volunteer Firemen's Association will provide all fire suppression services for Charles County.

2.A Volunteer Program Administrator will be hired by the Charles County Government to serve under the Director of Emergency Services. This will be a merit position, 5-years of volunteer fire experience required.

3.A Volunteer Fire Chief will be elected by the Charles County Volunteer Firemen's Association. The Volunteer Fire Chief will be the Chief Operational Officer for the Volunteer Fire Services in Charles County.

4.The Volunteer Program Administrator is responsible for administrative duties related to county fire prevention and suppression services. The Volunteer Program Administrator holds no operational authority. (NEED TO ELABORATE ON RESPONSIBILITIES – ADD ITEMS COUNTY CHIEF PRESENTED THAT WERE ISSUES, PGM RELATIONS, COMMERCIAL/RESIDENTIAL DEVELOPMENT PLANS, BUILDING CODES, VACANT HOUSING TRACKING, “SEAT AT THE TABLE”, ETC.)

5.All departments will follow the association's by-laws and code

of conduct. Capital purchases will be approved by the Board of Fire and Rescue.

Board of Fire and Rescue membership; terms; powers and duties.

A. The Board of Fire and Rescue shall be composed of seven members, one of whom shall be a County Council Member, two shall be appointed by the County Executive, one of whom shall be elected by the Charles County Volunteer Firemen's Association, one of whom shall be elected by the Charles County Association of Emergency Medical Services and two of whom shall be appointed by the Governor. Each member of the Board of Fire and Rescue shall serve without compensation. Vacancies are to be filled in the same manner as the original membership was filled. The two gubernatorial members shall be comprised of one person not affiliated with the Firemen's Association or Emergency Medical Services of Charles County and one person who is knowledgeable of the operational functions of the Firemen's Association and Emergency Medical Services of Charles County.

B. The terms of office for the members of the Board of Fire and Rescue Commissioners are as follows:

(1) For the two members who are appointed by the Governor, four-year terms.

(2) For the one member who is a member of the Charles County Council, a term of four years, to be filled on whatever time basis the County Executive so choose, but only while the County Council Member is serving a term of office in that capacity.

(3) For the one member who is elected by the Charles County Volunteer Firemen's Association, a one-year term beginning January 1.

(4) For the one member who is elected by the Charles County Association of Emergency Medical Services, a one-year term

beginning January 1.

(5) For the two members who are appointed by the Charles County Executive, four-year terms beginning on January 1.

C. In addition to any other powers that are granted under this article, the Board of Fire and Rescue Commissioners may:

(1) Swear witnesses and take sworn testimony;

(2) Hire a Program Coordinator, a clerical or administrative assistant, or both, provided that the salary and benefits of the Program Coordinator and clerical or administrative assistant are paid out of fire, rescue, and emergency medical services taxes; and

(3) After consultation with the County Attorney:

(a) Require, as a condition of receiving tax moneys, each County Fire Department, rescue squad, mobile intensive care unit, or dive rescue unit to submit financial records or minutes of meetings to the Board;

(b) Remove from office, or bar from office, in any County fire department, rescue squad, mobile intensive care unit, or dive rescue unit any individual who refuses to submit any record as required under this chapter or otherwise deliberately violates the provisions of this chapter; and

(c) Provide for an appeal process for any individual charged with a violation under this section.

Length of Service Award Program will be utilized as established in Chapter 54 (make sure this is referenced correctly in final doc)

415. Department of the Environment

There shall be a Department of the Environment headed by a Director of the Environment. The Director of Environment shall be responsible for the overall administration and coordination of the County's

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environmental policies and programs including, but not limited to, solid waste and recycling management, water and sewer planning, sustainable, and water quality and flood management planning. The Director shall study and report on master plans, capital improvement programs, and any planning and zoning matters related to the County's environmental policies and programs which may be referred to the executive branch: The Director shall be responsible for the administration of County laws relating to Animal control.

416. Department of Permitting, Inspections, and Enforcement

Therefore, shall be a Department of Permitting, Inspections, and Enforcement headed by a Director of Permitting, Inspections, and Enforcement. The Director of Permitting, and Enforcement shall be responsible for the administration of County laws relating to business licensing and the processing of complaints against such businesses. The Director shall also be responsible for the administration and enforcement of the County's permitting functions as assigned by law. These functions shall include, but need not be limited to:

- (1) Housing regulations and Inspections;
- (2) Construction standards, including plans review and inspections, and enforcement of building of building and fire codes related to building permits;
- (3) Zoning enforcement; and
- (4) Property standards.

Additional responsibilities relating to permit granting and inspectional authority may be assigned by law.

414.417. Temporary Administrative Appointments

When a vacancy occurs in the position of the Chief Administrative Officer or the head of any principal operating department, agency or office under the control of the Executive, the Executive shall appoint an acting Chief Administrative Officer or acting head of the department, agency or office, as the case may be, to serve for a

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period not exceeding six months. This limit may be extended by the Council for a period of time not to exceed an additional four months.

415.418. **Plan of Organization**

- (a) The Executive shall make an evaluation of the structure, organization, functions, powers, and duties of each department, agency and office under the Executive's control as deemed necessary by the ~~within fourteen months of the~~ Executive's election.
- (b) The Executive shall report the results of the evaluation to the Council within the time frame established in subsection (a) of this section, along with any recommendations that require legislative authorization and which the Executive believes would increase the efficiency and effectiveness of the County government. If recommendations are made pursuant to this subsection, the Executive shall, along with the Executive's report, include a plan for implementing the recommendations.

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(c) The Council shall consider the Executive's recommendations that require legislative authorization and the plan of implementation shall become laws within 90 days after the presentation to the Council if by that time the plan has not been disapproved by the majority of the Council.

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(d) At the discretion of the Executive, the Executive at any time may alter, adjust, modify or in any manner change the structure, functions, powers and duties of any department, agency or office under the Executive's control if the alteration, adjustment, modification or change does not require legislative authorization.

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