

ARTICLE 4
Executive
From: County Executive
Committee

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

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.

- (a) The duties and responsibilities of the Executive shall include:
 - (i) 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;
 - (ii) signing or causing to be signed on the County's behalf all deeds, contracts, and other instruments;
 - (iii) preparing and submitting to the Council the annual County Budget;

- (iv) preparing and submitting to the Council and the public within six (6) 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;
- (v) 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; and
- (vi) recommending to the Council such measures for legislative action that the Executive may consider to be in the best interests of the County.

403. Plan of Organization

- (a) The Executive may 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 Executive. The Executive may, at any time, 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.
- (b) The Executive shall report the results of the evaluation to the Council along with any recommendations that require legislative authorization and a plan of how to implement the recommendations.
- (c) The Council shall consider the Executive's report, recommendations, and associated plan. If, within ninety (90) calendar days following its presentation to the

Council, the plan has not been disapproved by a majority of the Council, then said plan shall then become effective.

404. Election

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

405. 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) The Executive shall serve no more than a maximum of two (2) terms, whether served consecutively or apart.
- (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 (2) or more years of that term shall be considered to have served one (1) 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.

406. Qualifications

- (a) The Executive shall be a citizen of the United States, at least twenty-one (21) years of age and shall be, for at least one (1) year immediately preceding their election or appointment, both a primary resident and 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

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

407. 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. 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 supermajority 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 their current term.

408. 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, a primary resident of Charles County, 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.

409. 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 supermajority of the Council, after a public hearing and a finding of misfeasance, malfeasance, or nonfeasance in office, as these terms are defined by the appellate courts of this State, 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 ten (10) calendar 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 may make de novo determinations of fact.

410. 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. In the event a vacancy occurs, the Chief Administrative Officer shall perform the duties of the Executive until a new Executive is appointed.~~
- (b) ~~A majority of the council members shall appoint, within forty-five (45) calendar days, a person to fill the vacancy.~~
- (c) ~~An appointee, when succeeding a member of a political party, shall be a member of the same political party as the person~~

~~elected to such office and shall be nominated by the County Central Committee of that political party within the first thirty (30) calendar days of a vacancy. If the County Central Committee fails to provide a nominee within the first thirty (30) calendar days of a vacancy, the Council shall appoint any person the Council deems qualified who is a member of the same political party.~~

- ~~(d) If the Council has not made an appointment in accordance with subsection (b) this Section, the Council shall, within fifteen (15) calendar days thereafter, appoint:~~
 - ~~(i) the nominee of the County Central Committee of the political party of the person who vacated the office; or~~
 - ~~(ii) the Chief Administrative Officer, if the person who vacated the office was not a member of a political party.~~
- ~~(e) Any person appointed to fill a vacancy pursuant to this Section, except the Chief Administrative Officer, shall meet the qualifications provided in Section 406 of this Charter.~~

(a) A vacancy in the office of the County Executive shall exist upon the death, resignation, removal, or forfeiture of office of the County Executive. When a vacancy occurs, a majority of the County Council shall, within thirty calendar days thereafter, appoint a person qualified under Section 405 of this article to fill the vacancy from among those who apply to the County Council for the position. If an appointee is to succeed a member of a political party, that individual shall be a member of the party to which the former County Executive belonged at the time of his or her election. Except as provided in Subsection (b) of this section, an appointee shall serve for the unexpired term of the appointee's predecessor.

(b) If a vacancy filled by an appointment under Subsection (a) of this section occurred more than ninety calendar days before the next Congressional primary election, an election shall be held simultaneous to the Congressional election to elect a new County Executive to fulfill the remaining term in this article in section 403. The appointed County Executive shall serve until the newly elected County Executive takes office at noon on the first Monday in December next following election.

(c) 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.

411. 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.

412. 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, within six (6) months of their appointment, shall reside within the County and be a registered voter within the County. The County Administrator shall maintain primary residence in the

County and be a registered voter of the County for the duration of their 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.

413. County Attorney

- (a) The Executive shall appoint a County Attorney, subject to confirmation by the Council, who, within six (6) months of their appointment, shall reside within the County and be a registered voter of the County. The County Attorney shall maintain residence in the County and be a registered voter of the County for the duration of their appointment. The County Attorney shall be the chief legal officer of the County and conduct all legal business on behalf of the County. The County Attorney shall be a legal advisor to the Executive, the Council, all County departments, and other instrumentalities of the County Government. The County Attorney shall serve at the pleasure of the Executive.
- (b) The County Attorney, with the authorization 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 practice of law unless approved by the Executive.

414. Appointment and Removal of Department Heads and Others

- (a) 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 may be removed at the discretion of the Executive. Such appointments shall be made within six (6) months of each election, or within six (6) months of such position becoming vacant, subject to a time extension pursuant to Section 415 herein.
- (b) Except as provided in subsection (c) of this Section, or as 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 (30) calendar days upon an appointment made by the Executive pursuant to this Section, the appointment shall become effective.

415. Temporary Administrative Appointments

When a vacancy occurs in the position of the Chief Administrative Officer or the head / director 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

/ director of the department, agency, or office to serve for a period not exceeding six (6) months. The Council may extend this temporary appointment by an additional four (4) months at the request of the Executive.