

CHARTER BOARD COUNCIL WORK GROUP DRAFT

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 for the exclusive purposes of inquiry and fact finding.

204. Election

- (a) The County shall be divided into four Council Districts, which shall be designated as Council District 1, Council District 2, 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 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 at-large Council member. Among the candidates so nominated, the one 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 same manner as 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 both a resident and a registered voter of the County for at least one (1) year immediately preceding their election or appointment. Further, a Council member elected or appointed to serve as a representative of a Council District shall be a resident of that District for at least one (1) 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 (1) 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 (1) 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 out of the Council 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 Council 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;
- (3) hold office in any municipality of Charles County;
- (4) 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 public business of the County, ~~except that a Council member may be a paid employee of a municipal corporation or the federal or State government;~~ or
- (5) 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

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of the County, ~~except that a Council member 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 two (2) consecutive four-year terms. While the Council member is ineligible for a third consecutive term, the candidate may run for office again in the next election for Council four years after the period of ineligibility.
- (c) For purposes of the restriction imposed by subsection (b), a Council member who has who has served two (2) or more years of a term shall be considered to have served one (1) full term. An appointed Council member who serves less than a two-year term shall be considered, solely for purposes of the restriction provided for in subsection (b), not to have served that full term to which they were appointed as a Council member.
- (d) A Council member shall not have more than four (4) absences in a calendar year from regularly scheduled standing Council meetings as defined in Sections 302 and 303 of this Charter. This is not to include attendance at Special Meetings called within the calendar year.
- (e) Each Council member shall be required to host at least one (1) townhall within their respective District each quarter of each calendar year. The At-Large member shall be required to host at least one (1) townhall per District within the calendar year.
- (f) Council members shall actively participate in District advocacy and District engagement, budget formulation and appropriation, County boards, committees and commissions and other duties and responsibilities as defined by the Charter and state law.

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207. Compensation

- (a) Each member of the Council shall be paid for the performance of their duties as provided in this Charter the sum of \$XXX per annum. Such salary shall be full compensation for all services required by law or by this Charter to be performed by members of the Council. Member of the Council shall be entitled to any other allowances and ~~except as provided in subsection (b) of this Section, each Council member shall receive: (1) a salary of \$52,200 per annum, except the President of the Council may receive a salary of \$63,100 per annum; (2) allowances; and (3) any contributions required by State or federal law. No Council member may receive Fringe Benefits except as needed to execute their official duties, 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 (4) years to review the Council's compensation in accordance with the provisions of the Annotated Code of Maryland, Section 10-302 of the Local Government Article. The Council may accept, reduce or reject the Commission's recommendation, but it may not increase any recommended item.

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(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. No change in the compensation of members of the Council shall become effective during the term of office of the Council enacting the change.

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, primary resident of Charles County, or a primary 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.

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209. Removal from Office

A Council member may be removed from office by resolution adopted by a supermajority 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 ten (10) calendar 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 may make de novo determinations of fact.

210. Vacancies

A vacancy occurs when a Council member, prior to the expiration of the term for which they were 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. The Council shall provide by law for the means by which a special election shall be conducted to fill any vacancy on the Council that occurs during the first three (3) years of a term.

When a vacancy occurs in the last year of a term, an appointee shall be selected by an affirmative vote of the majority of the remaining Council members within forty-five (45) calendar days to serve the unexpired term of office. The appointee shall meet the same qualifications and residence requirements and, when succeeding a member of a political party, shall be a member of the same political party as the person who vacated office at the time of the predecessor's election.

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. Oversight 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 by the Council 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 majority 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 departments, programs, activities, and policy implementation.

214. Council Assistance

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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

The boundaries of Council Districts shall be established in 2026 according to the most recent Commissioner Districts in place before the Charter took effect. A redistricting review will take place as described below.

- (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 a 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 that 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 (2) 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 said plan. Within thirty (30) calendar days of receiving the plan from the Commission, the Council shall present the plan to the public. Within forty-five (45) calendar days of receipt from the Commission, the Council shall hold a public hearing on the plan. If, within ninety (90) calendar days after the Commission presents the plan of Council Districts to the Council together with its accompanying report, no other legislation reestablishing the boundaries of the Council Districts has been enacted, then 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.