

ARTICLE 1.
General Provisions

101. Body Corporate and Politic

Charles County as it now exists constitutes a body corporate and politic. Under this Charter it shall have all the rights and powers of local self-government and home rule as are now or may be provided or necessarily implied by this Charter, the Maryland Constitution and laws of the State of Maryland.

102. Exercise of Powers

The powers provided in Section 101 of this Charter shall be exercised only by the County Executive, the County Council and other officers, employees and agents of Charles County, acting under their respective authorities or under such other authorities as may be provided by this Charter or by law.

103. Name and Boundaries

The corporate name shall be "Charles County, Maryland," and it shall be so designated in all actions and proceedings touching its rights, powers, properties, liabilities, and duties. Its boundaries and County seat shall be and remain as they are at the Effective Date of the Charter, unless otherwise changed in accordance with law.

104. Definitions

(a) The term "Agency" means any agency, department, office, board, commission or administrative entity of the Charles County Government.

(b) The term "Allowances" means the amount of money granted to an office holder to meet the personal expenditure necessitated by the special circumstances in which a duty is performed. It includes mileage reimbursement, other travel expenses, and the cost of

attending conferences and conventions related to duties that are directly relevant to the office.

(c) The term "Bill" means any proposed act of the County Council resulting in a law or ordinance. It does not mean a Resolution.

(d) The term "Budget" means the package of materials consisting of the Operating Budget, the Capital Budget, the Capital Improvement Program, and the budget message.

(e) The term "Capital Budget" means the plan to receive and expend funds for capital projects during the next fiscal year.

(f) The term "Capital Improvement Program" means the plan to receive and expend funds for capital projects during the next fiscal year and the next succeeding four fiscal years.

(g) The term "Capital Project" means any physical betterment or improvement; any preliminary studies and surveys related to a physical betterment and improvement; and the acquisition, renovation, remodeling and construction of any property for public use of a long-term or permanent nature, including by a lease-purchase agreement.

(h) The term "Charter" means the Charter of Charles County, Maryland.

(i) The term "Council" means the County Council of Charles County, Maryland.

(j) The term "County" means Charles County, Maryland.

(k) The term "Effective Date of the Charter" means the date provided in Section 702 of this Charter.

(l) The term “Emergency” means:

(1) a situation that--

(A) requires immediate action to prevent, mitigate or respond to a threat to public security or to the loss of life or property;

(B) has the appearance of being temporary and not of permanent duration;
and

(C) is unanticipated.

(2) The term “unanticipated” means that at least one of the following traits characterizes the situation:

(A) “Sudden,” means quickly coming into being or not building up over time;

(B) “Urgent,” means a pressing and compelling need requiring immediate action; or

(C) “Unforeseen,” means not predicted or anticipated as an emerging need.

(m) The term "Executive" means the County Executive of Charles County, Maryland.

(n) The term “Charles County Government” means the officers, personnel, departments, agencies, offices, boards, commissions, and other entities that are subject collectively to the powers of local self-government and home rule as are now or may be provided or necessarily implied by this Charter, Article XI-A of the Maryland Constitution, and the Local Government Article of the Annotated Code of Maryland.

(o) The term “Fringe Benefits” means employment benefits that are generally available to all salaried County employees and that do not discriminate in favor of elected officials. Fringe Benefits may include group life, health, hospitalization or medical insurance and retirement benefits.

(p) The term “Government” means the County Government of Charles County, Maryland.

(q) The terms "includes" or "including" mean, unless the context requires otherwise, includes or including by way of illustration and not by way of limitation.

(r) The term “Majority of the Council” means 3 council members, if the number of members provided in Section 201 of this Charter is 5; 4 council members, if the number is 7; and 5 council members, if the number is 9.

(s) The term “may not” has a mandatory negative effect and establishes a prohibition.

(t) The term "Operating Budget" means the plan to receive and expend funds for charges incurred for operation, maintenance, interest, debt service payments and other charges for the next fiscal year. It includes the plan to raise and receive all manner of funds from all sources, including property taxes, for current needs and for annual appropriations for current projects.

(u) The term “resident” means a candidate, elected official, or county employee specified in the charter to have a primary domicile in the county and/or district as required in the charter. The residence is the particular permanent home of the specified individual, consistent with the Court of Appeals of Maryland decision in Jones v Anne Arundel County, Maryland et al.

~~(tv)~~ The term “Resolution” means a measure adopted by the Council having the force and effect of law but of a temporary or administrative nature.

~~(vw)~~ The term “Salary” means the fixed amount of money paid annually to an office holder for the duties performed under this Charter.

~~(wx)~~ The term “Super Majority of the Council” means one additional council member

more than the number of council members comprising the Majority of the Council.

(~~xy~~) The term "State" means the State of Maryland.