

## Charter of Charles County, Maryland - Fiscal Note

Article	Estimated Impact	
	Range	
Article 1 General Provisions	\$0	\$0
Article 2 County Council*	\$84,500	\$423,700
Article 3 Inspector General*	\$550,900	\$653,900
Article 4 Legislative Process	\$0	\$0
Article 5 Executive*	\$369,000	\$369,000
Article 6 Budget and Finance	\$2,500	\$2,500
Article 7 Miscellaneous Provisions	\$0	\$0
Article 8 Transitional Provisions**	\$150,000	\$150,500
<b>Total Estimated Impact</b>	<b>\$1,156,900</b>	<b>\$1,599,600</b>

**NOTE:** Impact is in today's dollars. Actual costs will be updated when the funds are needed to support these Articles.

\*Costs could be greater if major renovations to the County Government Building are needed to support additional staffing for the County Executive's Office, County Council, and Inspector General.

\*\*One time cost that will occur prior to 2026. Estimate does not include any impact that may result in the Planning & Growth Management consultant's recommendations that will "improve the organization, mission-based outcomes, and engagement with the constituency of Charles County.

# **Article 1 General Provisions**

# CHARLES COUNTY GOVERNMENT

## INTEROFFICE MEMORANDUM

Equal Opportunity Employer



TO:	Deborah E. Hall, CPA, Acting County Administrator <u><i>Deborah Hall</i></u> <small>Deborah Hall (May 28, 2024 11:44 EDT)</small> <i>Department of Human Resources</i>	05/28/2024
THRU:	Danielle Mitchell, Assistant Deputy County Attorney <u><i>[Signature]</i></u> <small>Danielle Mitchell (May 24, 2024 16:32 EDT)</small> <i>County Attorney's Office</i>	05/24/2024
FROM:	Jacob Dyer, Acting Director of Fiscal & Administrative Services <u><i>Jacob Dyer</i></u> <small>Jacob Dyer (May 24, 2024 16:31 EDT)</small> <i>Department of Fiscal &amp; Administrative Services</i>	05/24/2024
SUBJECT:	Charter Government – General Provisions Fiscal Note	
DATE:	May 21, 2024	

Fiscal & Administrative Services has analyzed the drafted General Provisions Article (version two) that was reviewed by the Charter Board on May 9, 2024. The drafted article should cause no fiscal impact to Charles County.

Cc: Jesse Bungcayao  
Jenifer Ellin  
Wesley Adams  
Marc Potter

**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.

~~(vv)~~ 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.

# **Article 2 County Council**

# INTEROFFICE MEMORANDUM

Equal Opportunity Employer



TO:	Deborah E. Hall, CPA, Acting County Administrator <u>Deborah E. Hall</u> Deborah E. Hall (Jun 27, 2024 10:21 EDT) Department of Human Resources	06/27/2024
THRU:	Danielle Mitchell, Assistant Deputy County Attorney <u>Danielle Mitchell</u> Danielle Mitchell (Jun 24, 2024 17:43 EDT) County Attorney's Office	06/24/2024
FROM:	Jacob Dyer, Acting Director of Fiscal & Administrative Services <u>Jacob Dyer</u> Jacob Dyer (Jun 24, 2024 16:34 EDT) Department of Fiscal & Administrative Services	06/24/2024
SUBJECT:	Charter Government – Article 2, County Council	
DATE:	June 24, 2024	

Since the beginning of April, County Government staff has met with the Charter Board Chairman to discuss the fiscal impact of the drafted Charter. Based on these discussions and from staff's review of the drafted Article 2 County Council, it was determined that this article will have a fiscal impact. **The total impact of this article ranges from \$84,500 to \$423,700.**

## Reason for the fiscal impact:

1. The drafted article under section 207 details the starting annual salary for the Council Chair (\$75,000) and the four remaining elected Council members (\$65,000).
  - a. These starting salaries are higher than the current annual salary structure under the County Commissioners.
    - i. Per County Code, the Commissioner President annual salary is scheduled to receive \$63,159 for calendar year 2026 and each subsequent year.
    - ii. The other County Commissioners are scheduled to receive \$51,957 for calendar year 2026 and each subsequent year.
  - b. Section 207 also allows for each Council member to be eligible for "(2) allowances; (3) fringe benefits; and (4) any contributions required by State of federal law."
  - c. Factoring in these additional costs, the impact of section 207 is approximately \$84,500.
2. Section 214 gives the Council the ability to "employ administrative employees of such legal, financial, or other advisors as it deems necessary to perform its functions." Having staff to assist any elected body is standard in all forms of governments. From reviewing other Maryland Charter Government's Council Support staffing, the number of positions supporting the Council can range from two positions (Cecil County) to forty positions (Howard County). *Because the make-up of these employees can vary from County to County, the fiscal impact is unknown. The fiscal impact will ultimately be determined by the 2026 County Council to meet their specific needs.*
  - a. However, it is reasonable to believe that the staffing for the Charles County Council Support staff would at least be the number of positions currently supporting the Charles County Board of County Commissioners. The County Commissioners Support Staff budget consists of nine full-time positions and the County Administrator's Office includes two full-time positions (Clerk and Assistant Clerk) that support the Commissioners. The current budget for these eleven positions is approximately \$1.2 million.

- i. These eleven professionals do more than just support the County Commissioners. Their duties also expand in supporting other boards and commissions, managing, and supporting the Citizens Response Office, and handling administrative duties that falls under the County Commissioner President’s responsibilities that will transition to the County Executive if the Charter passes. These responsibilities may need to be moved to other areas of County Government to support these duties which may cause a fiscal impact in other areas.
- b. Based on our discussions with the Charter Chairman, the makeup and type of positions that supports the County Council could be different under the current County Commissioner structure.
- c. The fiscal note is currently estimating that three additional positions may also be needed.
  - i. Another support position may be needed to support all council members.
    - 1. Currently, administrative support for the Commissioner President is being performed by the Chief of Staff position. The fiscal note assumes the Chief of Staff position is transformed into the Council Manager position and administrative support to the Council President will fall under a new Council Specialist position.
  - ii. A Program Support Specialist/Budget Analyst position to assist the Council on all budget and program related analysis.
  - iii. The County Executive Article under section 514 requires the County Attorney to designate a full-time staff person to assist the Council with legislative matters.
    - 1. The County Attorney’s Office does currently assist the Commissioners with legislative matters but does not designate a full-time person. The current Associate County Attorney who assists the Commissioners with legislative matters also performs other duties for the County Attorney’s Office.
    - 2. *If the County Attorney must designate a full-time Council Attorney/Legislative Analyst position to the Council without the flexibility of assigning other non-council duties to this employee, this will create a fiscal impact.*
- d. If the makeup of staff does become different and three additional positions as described above are needed, along with office space and furniture to support these positions, the fiscal impact is approximately \$339,200.
  - i. This cost could be greater if major office renovations to the County Government building were required to expand the County Council Office.

Cc: Jesse Bungcayao  
Jenifer Ellin  
Wesley Adams  
Marc Potter

# County Council - Fiscal Note

## Elected Officials:

Position	FTE	Salary	Fringe @ 30%	Annual Operating	Total
Council Chair	1.0	\$76,000	\$22,800	\$5,700	\$104,500
Council Member #1	1.0	65,000	19,500	5,700	90,200
Council Member #2	1.0	65,000	19,500	5,700	90,200
Council Member #3	1.0	65,000	19,500	5,700	90,200
Council Member #4	1.0	65,000	19,500	5,700	90,200
<b>Subtotal</b>	<b>5.0</b>	<b>\$336,000</b>	<b>\$100,800</b>	<b>\$28,500</b>	<b>\$465,300</b>
Less County Commissioners	-5.0	(271,000)	(81,300)	(28,500)	(380,800)
<b>Net Total</b>	<b>0.0</b>	<b>\$65,000</b>	<b>\$19,500</b>	<b>\$0</b>	<b>\$84,500</b>

## County Council Support Staff:

Position	FTE	Salary	Fringe @ 30%	Annual Operating	Total
Council Manager	1.0	\$155,100	\$46,500	\$5,700	\$207,300
Assistant Council Manager	1.0	102,700	30,800	5,700	139,200
(5) Council Member Administrative Staff	5.0	360,800	108,200	63,400	532,400
Administrative Associate	2.0	115,200	34,600	11,400	161,200
Clerk to the Council	1.0	92,800	27,800	5,700	126,300
Assistant Clerk to the Council	1.0	65,500	19,700	5,700	90,900
Council Attorney/Legislative Analyst	1.0	73,500	22,100	5,700	101,300
Communications Coordinator	1.0	63,200	19,000	5,700	87,900
Program Support Specialist/Budget Analyst	1.0	63,200	19,000	5,700	87,900
<b>Subtotal (14 FTES)</b>	<b>14.0</b>	<b>\$1,092,000</b>	<b>\$327,700</b>	<b>\$114,700</b>	<b>\$1,534,400</b>
Less Current Staffing (11 FTES)	-11.0	(883,100)	(264,900)	(94,200)	(1,242,200)
<b>Total Impact</b>	<b>3.0</b>	<b>\$208,900</b>	<b>\$62,800</b>	<b>\$20,500</b>	<b>\$292,200</b>

## Operating Impact - County Council Support Staff

Item	Impact
CCG Building Modifications - to support 3 new offices	\$24,900
Office Furniture / Office Accommodations for 3 new offices	22,100
<b>Subtotal</b>	<b>\$47,000</b>

## Total Impact - County Council

**\$423,700**

### Notes:

- The Salary is based on current scale & current positions.
  - Annual Operating Costs include Training, Dues, Office Supplies, and IT related equipment/items per position.
- County Executive includes fuel, insurance & debt service cost for a County vehicle.

## **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 408 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. Within the first thirty (30) days of any term, the Council shall approve Council rules of procedure, that includes a provision for adopting an annual calendar of standing Council meeting dates.

#### **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 805 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 805 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 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) A Council member may serve multiple terms, provided that a maximum of two (2) four-year terms may be served consecutively.
- (c) For purposes of Subsection (b) of this Section, 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 Subsection (b) of this Section, 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 standing Council meetings that are scheduled pursuant to the Council's rules of procedure as required by Section 203. 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 pertaining to the office.

## **207. Compensation**

- (a) Each member of the Council shall be paid for the performance of their duties as provided this Charter: (1) \$65,000 per annum, except that the Council Chair shall be paid \$76,000 per annum; (2) allowances; (3) fringe benefits; and (4) any contributions required by State or federal law. A Council member may not accrue annual leave or be entitled to any 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.
- (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:

- (a) the Council member ceasing to be a citizen of the United States, a registered voter of the County, a resident of Charles County, or a resident of the Council District to which the Council member was elected or appointed to represent;
- (b) the Council member being convicted of or pleading guilty to a felony or a crime involving moral turpitude;
- (c) the Council member being granted probation before judgment for a felony or a crime involving moral turpitude; or

- (d) 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 adopted by a supermajority of the Council, approved and signed by the Executive, after a public hearing and a finding of the Council of misfeasance, malfeasance, or nonfeasance in office, the definitions of which shall be consistent with jurisprudence of the State of Maryland, 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 Chair and Vice Chair. The Chair, or in the absence of the Chair, the Vice Chair 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**

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**

Upon the effective date of the Charter, the boundaries of Council Districts shall be the same as the Commissioner Districts in effect in 2022. A redistricting review shall 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.

# **Article 3 Inspector General**

# INTEROFFICE MEMORANDUM

Equal Opportunity Employer



<b>TO:</b>	Deborah E. Hall, CPA, Acting County Administrator <i>Deborah E. Hall</i> Department of Human Resources 06/24/2024
<b>THRU:</b>	Danielle Mitchell, Assistant Deputy County Attorney <i>Danielle Mitchell</i> County Attorney's Office 06/24/2024
<b>FROM:</b>	Jacob Dyer, Acting Director of Fiscal & Administrative Services <i>Jacob Dyer</i> Department of Fiscal & Administrative Services 06/24/2024
<b>SUBJECT:</b>	Charter Government – Article 3, Inspector General Fiscal Note UPDATE
<b>DATE:</b>	June 24, 2024

*The April 2024 fiscal note on the Inspector General has been updated to account for the Deputy Inspector General position that is included under Section 303. It is assumed that the previously listed Auditor Position would also hold the Deputy Inspector General title but at a Deputy level pay.*

On April 11<sup>th</sup>, County Government staff met with the Charter Board Chairman to discuss the fiscal impact of Article 3, Inspector General. Based on these discussions it was determined that this article will have a fiscal impact. The Office of the Inspector General will create a new section of the County's general governmental structure that currently does not exist.

## **Reason for the fiscal impact:**

1. The drafted article requires that the County Council appoints an Inspector General for a term of four (4) years on the third year after an Executive and Council are elected.
  - a. It states that the Inspector General must be professionally qualified in auditing, government operations and financial management. This language indicates that the Inspector General's pay will be similar to a Charles County Government Director grade. The current salary range for Director is \$121,945 to \$197,551.
2. Section 306 states that the appointed Inspector General shall present to the County Council a projected budget for the Office of Inspector General for their entire 4-year term at the beginning of their term.
  - a. By resolution, the operating budget for the next fiscal year will be approved and the following 3 years will be a projected budget.
  - b. The Council will need to ensure that the operating budget is funded in the County Executive's annual operating budget.
3. Section 307 allows the appointed Inspector General to determine the staffing size of this Office.
  - a. Based on feedback from our April 11<sup>th</sup> meeting, it was estimated that the Office will initially consist of four professionals:
    - i. Inspector General (appointed by County Council)
    - ii. Deputy Inspector General/Auditor (appointed by the Inspector General)
    - iii. Attorney (appointed by the Inspector General)
    - iv. Administrative Associate (appointed by the Inspector General)

- b. This section requires that if the Inspector General does not retain their own independent legal services, the County Attorney's Office will provide legal services. Therefore, the Attorney position may be funded under the County Attorney's Office if not funded under the Inspector General's budget.
4. Section 310 requires that the Inspector General submits an annual report to the County Council and Executive by October 1<sup>st</sup>.
5. Section 311 gives the Office of Inspector General subpoena powers.
6. There is no available office space in the County Government Building to house the Office of the Inspector General.
  - a. If the employees do not have the opportunity to telework, rental space or expanding a County own building will be needed.
  - b. The fiscal note assumes renting office space is the option selected.

**The fiscal note is broken into two key components: Impact of new positions and Other possible impacts.**

- The estimated cost of the four new positions due to the creation of this Office, in today's dollars, is estimated to be \$550,900.
  - The per person breakout is included on page three.
- The other possible operating increases because of the addition of the Office of the Inspector General, in today's dollars, are approximately \$103,000.
  - These costs include rental of office space, office furniture and other office accommodations, and contractual services to hire outside legal counsel and to serve subpoenas if staff are unable.
- **The total estimated fiscal impact is \$653,900.**

**Side Note:**

During our April 11<sup>th</sup> discussion, it was noted that the Inspector General article was drafted like Montgomery County's Inspector General Office. Based on FAS's research, the FY2025 proposed budget in Montgomery County provides \$316.6 million for their General Government type of operations. The size of the Inspector General's Office budget is \$3.6 million, and their Office consists of 21 positions. The Montgomery County Inspector General budget equates to 1.14% of their total General Government operating budget and 1.5% of their total full-time position equivalent for General Government.

Applying these same percentages to Charles County's General Government operations for FY2025, this would equate to a Charles County Office of the Inspector General budget of \$571,300 with a staff of 3.3 FTEs. Based on these numbers, the estimated fiscal impact of \$653,900 which includes 4.0 additional full-time positions is a reasonable cost estimate for a Charles County Office of Inspector General.

Cc: Jesse Bungcayao  
Jenifer Ellin  
Wesley Adams  
Marc Potter

# Inspector General Fiscal Note

## Impact of positions:

Title	FTE	Salary	Fringe @ 30%	Annual		Total
				Operating	Debt Service	
Inspector General	1.0	\$159,700	\$47,900	\$8,200	\$13,800	\$229,600
Auditor/Deputy Inspector General	1.0	113,400	34,000	5,700	0	153,100
Attorney	1.0	73,500	22,100	5,700	0	101,300
Administrative Associate	1.0	47,500	14,300	5,100	0	66,900
<b>Subtotal</b>	<b>4.0</b>	<b>\$394,100</b>	<b>\$118,300</b>	<b>\$24,700</b>	<b>\$13,800</b>	<b>\$550,900</b>

### Positions Notes:

- Assumes Office will originally consist of 4 positions. Actual positions will be determined by appointed Inspector General.
- The Salary is based on current scale. Assumes the Inspector General is hired at a midpoint of current grade. Remaining positions are hired at starting salary.
- Annual Operating Costs include Training, Dues, Office Supplies, and IT related equipment/items per position. Inspector General includes fuel & insurance for a County vehicle.
- Debt Service assumes the Inspector General will have a County vehicle.

## Inspector General Office - Other Possible Impacts:

Item	Impact
Rent - If a physical location needs to be established.	\$49,800
Office Furniture / Office Accommodations	33,200
Contract Services/Miscellaneous - for serving of subpoenas & additional legal services (as needed)	20,000
<b>Subtotal</b>	<b>\$103,000</b>

### Other Possible Impacts - Notes:

- Assumes 2,000 square feet @ \$24.89. Square footage allows for office growth for two additional positions.
- Office Furniture/ Office Accommodations includes one time costs for furniture plus monthly office services such as phone, internet, cable, etc.

<b>Total Fiscal Impact - Inspector General</b>	<b>\$653,900</b>
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## **ARTICLE 3**

### **Inspector General**

#### **301. Goals**

The goals of the Office of the Inspector General (“Office”) are to:

- (a) review the effectiveness and efficiency of programs and operations of County departments and other instrumentalities of County government;
- (b) prevent and detect fraud, waste, and abuse in government activities; and
- (c) propose ways to increase the legal, fiscal, and ethical accountability of County departments, instrumentalities of County government, and County-funded agencies.

#### **302. Appointment**

The County Council shall appoint an Inspector General for a term of four (4) years, as provided in Section 303. Unless the Council reappoints the incumbent, the Council shall select the Inspector General from a list of at least three (3) qualified persons submitted by an Inspector General nominating panel. A nominating panel shall consist of five (5) County residents appointed by the Council by resolution. If the Council does not select one of the persons submitted by the nominating panel, the Council shall instruct the panel to submit another list of at least three (3) other qualified persons. The members of the nominating panel shall not be employed by any department, office, or other instrumentality of County government subject to the charge of the Office of the Inspector General during their appointment to the nominating panel.

#### **303. Term**

The term of each Inspector General begins on July 1 of the third year after an Executive and Council are elected, and ends on June 30 of the third year after the next Executive and Council are elected. An Inspector General shall not serve more than two (2) full terms of four (4) years each; any time served for a partial term shall not be included in such calculation. If the Inspector General resigns, dies, or is removed from office, the Council shall appoint an Inspector General to complete the unexpired portion of the recently-vacated term. If the term of the Inspector General expires or the position is otherwise vacant, the Deputy Inspector General, if any, shall serve as acting Inspector General until an Inspector General is appointed.

#### **304. Qualifications**

The Inspector General shall be professionally qualified, by experience or education, in auditing, government operations, and financial management, and shall be selected solely on the basis of professional ability and personal integrity, without regard to political affiliation.

#### **305. Removal**

The Council may remove the Inspector General by resolution adopted by the affirmative vote of a supermajority of the Council for neglect of duty, malfeasance, conviction of a

felony, or other good cause. Before the Council adopts a resolution of removal, the Council or its designee shall hold a public hearing if the Inspector General requests a hearing within ten (10) calendar days after receiving notice of proposed removal from the Council.

### **306. Budget**

- (a) The Inspector General shall, within six (6) months after their appointment to a full term, submit to the Executive and Council a projected budget for the Office of the Inspector General for the entire 4-year term. In the resolution approving the operating budget for the next fiscal year, the Council shall also recommend a projected budget for the Office of the Inspector General for the following three (3) fiscal years. The Council shall specify in any later budget resolution how the approved Office budget for that fiscal year differs from the projected budget the Council previously recommended.

- (b) **Council Responsibility**

The Council shall ensure that the operating budget for the Office of the Inspector General is sufficient to provide the services required by this Article. A public hearing and adequate written notice are required to communicate any proposed decrease to the operating budget of this Office.

### **307. Staff; Legal Counsel**

- (a) The Inspector General may, subject to appropriation and all applicable merit system laws and regulations, appoint one or more deputies as an Appointed Position, employ other staff as merit employee(s), and retain project staff or other consultants. The Inspector General may, with the agreement of the head of any other government department or agency, temporarily assign an employee of that department or agency to the Office of the Inspector General.
- (b) The County Attorney shall provide legal services to the Inspector General, and may employ special legal counsel for the Inspector General pursuant to Section 213.
- (c) The Inspector General may retain independent legal services not subject to the authority of the County Attorney, without the approval of the County Attorney, if:
  - (i) the Inspector General finds that obtaining independent legal services is necessary to effectively perform their duties; and
  - (ii) the County Council approves the Inspector General's decision to obtain independent legal services and appropriates sufficient funds to cover the cost of the legal services.

### **308. Powers and Duties**

- (a) The Inspector General shall attempt to identify actions which would enhance the productivity, effectiveness, or efficiency of programs and operations of County departments and other instrumentalities of County government. In developing recommendations, the Inspector General may:
  - (i) conduct investigations, budgetary analyses, and financial, management, compliance, or performance audits and similar reviews; and

- ii) seek assistance from any other governmental agency or private party or undertake any project jointly with any other governmental agency or private body.
- b) The Inspector General shall:
  - (i) conduct a rotating group-by-group review of the County's internal accounting and contracting processes and controls used by all County-funded agencies, departments, and instrumentalities, to include the Council; and
  - (ii) conduct audits of County contracts and agreements, as appropriate.
- (c) The Inspector General may review or audit any County contract or agreement if the Inspector General determines that such review or audit is in the public interest. The required duties described in subsection (b) herein shall not be construed to limit the powers and duties of the Inspector General established in subsection (a) herein.
- (d) The Inspector General shall comply with generally accepted government auditing standards.

### **309. Work Plan**

The Inspector General shall direct the activities of the Office of the Inspector General, subject to a work plan for the Inspector General's term which the Inspector General shall adopt within six (6) months after being appointed. An Inspector General fulfilling an unexpired portion of a recently vacated term may direct the activities of the Office pursuant to the work plan adopted by their immediate predecessor. The Inspector General may amend the plan during a term. The Inspector General shall consider recommendations and may seek suggestions for the work plan from the Executive, the County Council, each County-funded agency, employees of County government, independent County agencies, employee organizations, and individual members of the public. The work plan shall include the systematic review and audits required in Section 308. The Inspector General shall release the work plan to the public but may treat any item or suggestion for an item as confidential when advance public or agency knowledge of that item or suggestion would frustrate or substantially impede the work of the Office.

The Inspector General may review any audit or program evaluation performed by or on behalf of any County department or agency, and may seek comments from the same or any other department or agency.

### **310. Reports**

- (a) The Inspector General shall submit by October 1 each year an annual report to the Council and the Executive on the activities of the Office and its findings and recommendations during the previous fiscal year.
- (b) When the Inspector General completes a work plan item, the Inspector General shall submit a written report on that item to the County Council, the Executive, the County Attorney and the Director of each affected County department, other instrumentality of County government, or County-funded agency. The report must describe the purpose of the project, the research methods used, and the Inspector General's findings and recommendations. Each affected County department, instrumentality of County government, or County-

funded agency shall be given a reasonable opportunity to respond to the Inspector General's report before release to the public. After giving the Executive and the Council a reasonable opportunity to review the report, the Inspector General shall release the report to the public, subject to the Maryland Public Information Act or other applicable laws. The public report shall include the response of the affected County department, instrumentality of County government, or County-funded agency, if applicable and subject to applicable laws. The Inspector General shall keep any such report and any information received in connection with that report, confidential until the report is released to the public, subject to applicable laws.

### **311. Access to information**

- (a) The Inspector General shall be provided access to any document or other information related to the goals set forth in Section 301 contained herein, of each County department and other instrumentalities of the County government, subject to applicable laws. Such document or other information shall be promptly delivered to the Inspector General upon written request made by the Inspector General. The Inspector General shall comply with any restrictions on public disclosure as required by applicable law.
- (b) If a request made pursuant to subsection (a) herein is not complied with within thirty (30) calendar days, the Office of the Inspector General may issue a subpoena to require:
  - (i) any person to appear under oath as a witness; or
  - (ii) the production of any information, document, report, record, account, or other material.
- (c) The Office of the Inspector General may enforce any subpoena issued under this Section in any court with jurisdiction.
- (d) Each employee or contractor of a County department or other instrumentality of County government is encouraged to report any fraud, waste, or abuse to the Office of the Inspector General. After receiving a report or other information from any person, the Inspector General shall not disclose that person's identity without the person's consent unless that disclosure is necessary to complete an audit or investigation.
- (e) Any individual who makes a complaint to the Inspector General shall not be retaliated against or penalized, or threatened with retaliation or penalty for providing information to, cooperating with, or in any way assisting the Inspector General in connection with any activity of that Office under this Article.
- (f) No individual shall give false or misleading information in connection with any audit, study, or investigation under this Article.

### **312. Compliance**

- (a) A violation of this Article is a civil infraction, the penalty for which shall be established by public local law.

# **Article 4 Legislative Process**

# CHARLES COUNTY GOVERNMENT

# INTEROFFICE MEMORANDUM

Equal Opportunity Employer



<b>TO:</b>	Deborah E. Hall, CPA, Acting County Administrator <i>Deborah E. Hall</i> <small>Deborah E. Hall (Jun 24, 2024 12:32 EDT)</small> <i>Department of Human Resources</i>	06/24/2024
<b>THRU:</b>	Danielle Mitchell, Assistant Deputy County Attorney <i>[Signature]</i> <small>Danielle Mitchell (Jun 24, 2024 11:32 EDT)</small> <i>County Attorney's Office</i>	06/24/2024
<b>FROM:</b>	Jacob Dyer, Acting Director of Fiscal & Administrative Services <i>Jacob Dyer</i> <small>Jacob Dyer (Jun 24, 2024 10:17 EDT)</small> <i>Department of Fiscal &amp; Administrative Services</i>	06/24/2024
<b>SUBJECT:</b>	Charter Government – Legislative Process Fiscal Note	
<b>DATE:</b>	June 24, 2024	

Fiscal & Administrative Services has analyzed the Charter Board's drafted Article 4 – Legislative Process. The drafted article should cause no fiscal impact to Charles County.

Cc: Jesse Bungcayao  
Jenifer Ellin  
Wesley Adams  
Marc Potter

## ARTICLE 4

### Legislative Process

#### 401. Legislative Powers

In accordance with Section 202 of this Charter, the Council may enact public local laws for the peace, good government, health, safety, or welfare of the County and on all subjects that have been delegated to the County under the Maryland Constitution and by the laws of the State. The Council may repeal and amend the local laws for the County heretofore enacted by the General Assembly as provided by law.

#### 402. Legislative Sessions of the County Council

- (a) Total Legislative Session Days: The Council may sit up to forty-five (45) calendar days each year for the purpose of enacting or introducing legislation, to include emergency legislation as described in Section 403.
- (b) Legislative Sessions: Except during the month of November in a year in which Council members are elected, the Council may enact legislation on the first and third Tuesdays of each month and on any additional days the Council may determine necessary; however:
  - (1) In the event that the legislative session should fall on a holiday, that said session day shall be held on the next succeeding business day, which is not a holiday.
  - (2) There shall be no legislative session in August, except for an emergency legislative session, or unless the Council provides a resolution for a session in August.

#### 403. Emergency Legislation

- (a) The Council may be called into an emergency session by either the County Executive or by Council Chair for the purpose of introducing and / or enacting emergency legislation.
  - (1) The emergency law shall not: create or abolish an office; grant a franchise or special privilege; create a vested right or interest; or change the compensation, term, or duty of any officer.
- (b) Procedure for passage of Emergency laws –
  - (1) A law may be enacted under this Section in the event of an emergency, as defined in **Section 104** of this Charter. A law enacted under this Section shall be plainly designated as an emergency law and shall describe the nature of the emergency.
  - (2) On the date a bill is introduced, the Council Chair shall schedule a public hearing to be held as soon as possible under the circumstances. Within twelve (12) hours after the Council Chair has scheduled the public hearing, a copy of the emergency bill and notice of the time and place of the public hearing shall be posted on the official bulletin board to be maintained in a public place by the Council, and on the County website or otherwise published using electronic media, if circumstances allow such publication.
  - (3) An emergency bill may be enacted into law by an affirmative vote of a majority of

he Council members present, following a public hearing. The emergency law shall terminate no later than six (6) months after the date of its enactment.

#### **404. Legislative Procedure**

Generally, legislative ideas may originate from a Council member, from the County Executive, the bi-county agencies, a county department, a county commission, board, or the public.

- (a) The Council may enact no law except by written bill. All bills shall be styled as follows: “Be It Enacted By the Council of Charles County, Maryland,” and all laws shall be passed by original bill.
- (b) A bill shall embrace one subject. The subject shall be described in its title. No law may be enacted, revised, or amended by reference to its title alone. The duty of the Council shall be to enact the same format and arrangement of words as the legislation would read when it becomes law.
- (c) A proposed law may be introduced by a bill by any member of the Council during a legislative session of the Council. Every copy of each bill shall bear the name of the member(s) of the Council introducing and co-sponsoring it and the date it was introduced for the consideration of the Council.
- (d) On the date a bill is introduced, the Council shall either reject the bill by an affirmative vote of not less than a supermajority of the Council or the Council Chair, not later than the next business day after the introduction, shall schedule a public hearing on the bill at which the public shall have an opportunity to comment. The public hearing shall commence not less than ten (10) calendar days and not more than thirty (30) calendar days after the introduction of the bill. The Council Chair may schedule more than one public hearing on a bill, provided publication and notice requirements are met for each hearing.
- (e) Within seventy-two (72) hours after its introduction, a copy of the bill shall be posted on the official bulletin board maintained in a public place by the Council. A fair summary of the bill, with notice of the date, time, and place of the public hearing(s) shall be published at least once each week for at least two successive weeks on the County website and in a newspaper of general circulation in the County. If the Council determines that no such newspaper exists in the County and there are other means of high-traffic communication, the Council shall use whatever media it deems most suited to satisfy the public notice requirements of the Maryland Constitution.
- (f) Quorum - A majority of the Council shall constitute a quorum to conduct legislative business.
- (g) Public Meetings - Legislative sessions shall be transparent and accessible to the public, publicly announced in advance, and advertised through various means, including electronic media such as the County website. All sessions shall adhere to the legal requirements for open meetings. Each legislative session held in the Council’s chambers or the Council’s standard meeting space shall allow opportunity for public comment, including in-person, remote, and written public comments. Each speaker will be allotted no less than three minutes to provide comments. Following public comments, Council Members will be allotted time to respond to public comments.

- (h) **Journal** - The Council shall provide for the keeping of a journal, which shall contain all the formal actions taken by the Council, whether legislative, administrative or any other types of formal action. The journal shall include all appointments, motions, orders, resolutions, introductions of bills, reports, and votes but need not include transcripts of speeches, debates, or other statements or remarks. The journal shall be open to public inspection during normal business hours. If the minutes of the Council meetings contain the same material required to be contained in the journal, the collection of minutes shall constitute the journal; otherwise, the journal and minutes shall be separate publications. Copies of the minutes of Council meetings shall be made available to the public upon approval and shall appear on the County website or otherwise be published using electronic media.
- (i) **Voting Procedure** - Voting on legislation shall be by roll call. The ayes and nays shall be recorded in the minutes.
- (j) **Additional Rules** - The Council may adopt and publish additional rules of legislative procedure it determines are desirable for efficient operation, provided that such additional rules are not in conflict with this Charter. To the extent that any additional rules are in conflict with this Charter, the Charter shall prevail.

#### **405. Spring Local Legislative Proposals**

Each year the Council shall consider local legislative proposals submitted by the public to amend the County Code.

- (a) The public notice regarding the time guidelines for submitting local public legislative proposals shall be published during the first week of March of each year. The deadline for the public to submit their proposals shall be set for the fourth week of March of the same year.
- (b) The Council shall schedule a public hearing to review the spring local public legislative proposals submitted during the second week of April of the same year.
- (c) The Council shall schedule a work session during the third week of April of the same year to review and discuss all submitted local public legislative proposals. During this working session, each Council Member is to affirm or decline to sponsor submitted proposals.
- (d) The County Attorney shall work on each sponsored local public legislative proposal, which may include coordinating with relevant County Departments to prepare briefings, and drafting legislation for consideration by the County Council.
- (e) All approved local public legislative proposals shall adhere to the legislative requirements delineated in Subsection (d) of this Section, which governs the procedure for bill creation, submission, and voting by the Council.

#### **406. Executive Veto**

- (a) Except as otherwise provided in this Section, within ten (10) business days after the passage of any legislation, the Council shall deliver the legislation to the Executive for approval or veto. If the Executive takes no action to approve or veto the legislation within ten (10) business days after receipt, it shall be deemed approved as if the Executive had approved it.

- (b) If the Executive approves the legislation, it shall take effect as provided in this Charter.
- (c) If the Executive vetoes the legislation, the Executive shall return the legislation to the Council within ten (10) business days of its receipt, together with reasons for the veto stated in writing. The Council may override the veto by an affirmative vote of not less than a supermajority of the Council not later than the next legislative session immediately following the Council's receipt of the vetoed legislation.
- (d) The Executive may not veto the Annual Budget and Appropriation Ordinance or the Ordinance appointing a Compensation Review Commission provided in Section 207 of this Charter.

#### **407. Failure of Bills**

- (a) Subject to Subsections (b) and (c) of this Section, any bill not enacted within ninety (90) calendar days of introduction is null and void unless, by an affirmative vote of a supermajority of its members, the Council shall extend the deadline for another thirty-five (35) calendar days. The Council may approve a maximum of two such extensions for each bill.
- (b) If the deadline provided under Subsection (a) of this Section falls on a Saturday, Sunday, or holiday on which the Council does not meet, then such deadline shall be extended to the next business day.
- (c) If a legislative session that was scheduled to occur on or before the deadline provided under Subsection (a) of this Section is postponed due to inclement weather or emergency conditions, then such deadline shall be extended to the end of the next legislative session.
- (d) A bill not enacted prior to the month of November in any year in which Council members are elected to office is null and void.

#### **408. Enactment of Legislation**

After a public hearing, the Council may enact a bill into law, with or without amendment, by an affirmative vote of a majority of the Council. In the event a bill is amended before enactment, and the amendment or amendments constitute a material change, the bill, as amended, may not be enacted until the bill meets the public hearing, notice, and publication requirements of a newly introduced bill as provided in Section 405.

#### **409. Effective Date of Laws**

The Annual Budget Ordinance shall take effect on the first day of the fiscal year to which it applies. All other laws, with the exception of emergency legislation, shall take effect sixty (60) calendar days after enactment, except in the event a law provides for a later effective date or is referred to the voters under Section 408 of this Charter.

#### **410. Non-Legislative Sessions**

The Council may sit in non-legislative sessions at such other times and places as it may determine. In such sessions, the Council may perform any activity or engage in any subject matter that is within its powers and duties to perform or engage, other than the enactment or introduction of legislation.

The subject matter and activities in non-legislative sessions may include but need not be limited to conducting public hearings and comments on legislative matters, fact-finding and inquiries, proposing and adopting bill amendments, as well as deliberating and debating legislation and legislative policy.

Each non-legislative session held in the Council's chambers or the Council's standard meeting space shall incorporate in-person, remote, and written public comments. Each speaker will be allotted no less than three minutes to provide comments. Following public comments, Council Members will be allotted time to respond to and engage with public input.

#### **411. Referendum**

- (a) Scope and Exceptions – Upon the filing of a petition signed by five (5) percent of the registered voters of the County and in accordance with this Section of the Charter, a law, or part of a law, enacted pursuant to this Charter, shall be referred to the voters for approval, except for the following:
  - (1) A law imposing a tax;
  - (2) A law appropriating funds for the current expenses to maintain the Government;
  - (3) A law establishing Council Districts; or
  - (4) A law adopting a Compensation Review Commission.
- (b) Process
  - (1) A petition to refer a law, or portion of a law, to the voters of the County shall meet the requirements of State law and may consist of several papers; but each paper shall contain the full and accurate text of the law, or part of the law, that is subject to the petition. Each paper of signatures filed with a petition shall have attached thereto an affidavit of the person procuring those signatures. The affidavit shall state that the signatures were inscribed in the person's presence and that, based upon the best knowledge and belief of the affiant, every signature on the paper is genuine and bona fide and that each signatory is a registered voter of the County at the address set opposite or below their name.
  - (2) No later than fifty-nine (59) calendar days following the date a law is enacted, a petition to refer the law, or portion of the law, to the voters pursuant to this Section shall be filed with the Board of Elections for the County.
  - (3) Whenever a petition complying with all the provisions of law and this Charter is filed, the referred law, or the referred portion of law, may not take effect less than thirty (30) calendar days after approval by a majority of voters. Emergency legislation shall remain in effect from the date it became law, notwithstanding the filing of the petition for referendum, but shall be repealed thirty (30) calendar days

after its rejection by a majority of the voters voting on the question.

- (4) A law, or portion of a law, shall be submitted to the voters pursuant to this Section voting either at or concurrently with:
  - (A) The next general election for members of the United States Congress; or
  - (B) A special election called by the Council shall be held not less than thirty (30) calendar days and not more than ninety (90) calendar days following the filing of a valid petition pursuant to this Section. A special election is prohibited whenever members of the United States Congress are to be elected at a general election within one hundred eighty (180) calendar days of the filing of a valid petition under this Section.

#### **412. Attendance Record and Public Hearing**

- (a) The Clerk of the Council shall publish both the attendance and town hall record of each Council Member twice per calendar year for purposes of compliance with **Section XXX** of the Charter. The compiled record shall be published in at least one newspaper of general publication, on the County's website or official electronic media, and on whatever media deemed appropriate to satisfy standard public notice requirements of the County.
- (b) If any Council Member is not in compliance with the attendance and town hall requirements of **Section XXX** of the Charter at the time of publication, the Council, within thirty (30) calendar days, shall hold a public hearing on the topic of Council attendance that shall include discussion of the absences, the ability of the Council member(s) to satisfy the duties of the office to residents, and if the Council should consider exercising the removal procedure pursuant to **Section XXX** at a subsequent meeting.

#### **413. Publication of Laws**

- (a) The Council shall cause a list of all laws enacted, amended, or repealed pursuant to this Charter to be published promptly at least once in a newspaper of general circulation in the County and on the County website or other electronic media until codified.
- (b) A summary of emergency legislation shall be published promptly after enactment but no later than five (5) business days.
- (c) Copies of the laws and the Charter amendments shall be available to the public upon request.

#### **414. Compilation of Laws**

The Council shall cause all local laws of general application and continuing force in the County to be available in a digital format and available through the County's website within thirty (30) calendar days of a law's effective date. At intervals not greater than every five (5) years but not less than one (1) year, the Council shall cause the local laws to be printed and distributed as may be required by law or the Council. The digital and print publications shall each contain an index and appropriate notes, citations, annotations, and appendices as determined by the Council.

# **Article 5 Executive**

# INTEROFFICE MEMORANDUM

Equal Opportunity Employer



TO:	Deborah E. Hall, CPA, Acting County Administrator <u>Deborah E. Hall</u> <small>Deborah E. Hall (Jun 25, 2024 13:33 EDT)</small> Department of Human Resources	06/25/2024
THRU:	Danielle Mitchell, Assistant Deputy County Attorney <u>Danielle Mitchell</u> <small>Danielle Mitchell (Jun 24, 2024 17:54 EDT)</small> County Attorney's Office	06/24/2024
FROM:	Jacob Dyer, Acting Director of Fiscal & Administrative Services <u>Jacob Dyer</u> <small>Jacob Dyer (Jun 24, 2024 16:35 EDT)</small> Department of Fiscal & Administrative Services	06/24/2024
SUBJECT:	Charter Government – Article 5, County Executive	
DATE:	June 24, 2024	

Since the beginning of April, County Government staff met with the Charter Board Chairman to discuss the fiscal impact of the drafted Charter. Based on these discussions and from staff's review of the drafted Article 5 County Executive, it was determined that this article will have a fiscal impact. **The total impact of this article is \$369,000.**

## **Reason for the fiscal impact:**

1. The drafted article under section 508 details the annual salary for County Executive (\$150,000) and includes the ability for allowance, fringe benefits and any contributions required by State or federal law. Adding in these additional costs, the impact of section 508 is approximately \$217,000.
2. Section 513 requires the County Executive to appoint a Chief Administrative Officer to supervise the "departments, agencies and officers under the control of the Executive".
  - a. This fiscal note assumes the current role of the County Administrator and the number positions under the County Administrator's office will transition under the direction of the Chief Administrative Officer, making this section cost neutral.
3. Section 514 requires the County Executive to appoint a County Attorney to be the legal advisor to the Executive, the Council, all County departments, and other instrumentalities of the County Government.
  - a. It also requires the County Attorney to designate a full-time staff person to assist the Council with legislative matters. *The impact of this additional position is included under the County Council fiscal note.*
  - b. *The Inspector General Fiscal Note assumes a cost of additional County Attorney Position.*
  - c. This fiscal note assumes all remaining duties that will fall under the County Attorney's Office responsibilities will remain cost neutral.
4. Though not specified in the drafted Charter, it is anticipated that the County Executive Office will need additional staffing to support the elected County Executive. Looking at Frederick County's staff, the County Executive Office has a dedicated position "Special Assistant to the County Executive". A similar position will be needed in Charles County and the impact of this additional position is estimated to be \$105,000.

5. The County Government building is very limited in space to accommodate any new position added to the budget.
  - a. The County currently has a space needs task force that is exploring how to address space issues in the future. The scope of this task force does not include looking at office space for a potential County Executive Office.
  - b. Office space will need to be found in the County Government building to house the County Executive's Office.
    - i. The current budget impact of creating two additional offices, along with a conference room and office furniture, somewhere in the County Government building is \$47,000.
    - ii. This cost could be greater if major office renovations to the County Government building were required to house the County Executive Office.

Cc: Jesse Bungcayao  
Jenifer Ellin  
Wesley Adams  
Marc Potter

# Executive - Fiscal Note

## Elected Officials:

Position	FTE	Salary	Fringe @ 30%	Annual Operating	Total
County Executive	1.0	\$150,000	\$45,000	\$22,000	\$217,000
<b>Subtotal</b>	<b>1.0</b>	<b>\$150,000</b>	<b>\$45,000</b>	<b>\$22,000</b>	<b>\$217,000</b>

## Executive Support Staff:

Position	FTE	Salary	Fringe @ 30%	Annual Operating	Total
Chief Administrative Officer - Appointed	1.0	\$254,500	\$76,400	\$5,700	\$336,600
Deputy Chief Administrative Officer	1.0	222,600	66,800	5,700	295,100
Chief Administrative Office - Support Staff	2.6	213,300	64,000	14,800	292,100
Public Information Officer & Staff	4.0	364,200	109,300	22,800	496,300
Special Assistant to the County Executive	1.0	76,400	22,900	5,700	105,000
County Attorney - Appointed	1.0	211,600	63,500	5,700	280,800
County Attorney's - Associates	6.0	619,600	185,900	34,200	839,700
County Attorney's Office - Support Staff	5.0	330,000	99,000	28,500	457,500
<b>Subtotal (21.6 FTES)</b>	<b>21.6</b>	<b>\$2,292,200</b>	<b>\$687,800</b>	<b>\$123,100</b>	<b>\$3,103,100</b>
Less Current Staffing (20.6 FTES)	-20.6	(2,215,800)	(664,900)	(117,400)	(2,998,100)
<b>Net Total</b>	<b>1.0</b>	<b>\$76,400</b>	<b>\$22,900</b>	<b>\$5,700</b>	<b>\$105,000</b>

## Operating Impact - County Executive Office

Item	Impact
CCG Building Modifications - to support 2 new offices & conference room	\$24,900
Office Furniture / Office Accommodations for 2 new offices & conference room	22,100
<b>Subtotal</b>	<b>\$47,000</b>

## Total Impact - Executive

**\$369,000**

### Notes:

- The Salary is based on current scale & current positions.
- Annual Operating Costs include Training, Dues, Office Supplies, and IT related equipment/items per position. County Executive includes fuel, insurance & debt service cost for a County vehicle.

## **Article 5 Executive**

### **1. 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.

### **502. 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:
- (1) 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;
  - (2) signing or causing to be signed on the County's behalf all deeds, contracts, and other instruments;
  - (3) preparing and submitting to the Council the annual County Budget;
  - (4) 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;
  - (5) 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
  - (6) recommending to the Council such measures for legislative action that the Executive may consider to be in the best interests of the County.

### **503. Meetings**

The County Executive shall deliver an annual 'State of the County' address in March to inform residents about the current state of affairs within Charles County, including accomplishments, challenges, and future initiatives. These meetings shall address and promote transparency, accountability, and public participation in local governance

### **504. 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.

#### **505. Election**

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

#### **506. 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 505** 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 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 two (2) years shall be considered, solely for purposes of Subsection (b) of this Section, not to have served a term as Executive.

#### **507. 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 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.**

#### **508. 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 adopt the salary recommended by the Commission, an affirmative vote of not less than a simple majority

of the Council is required. To reduce the salary recommended by the Commission, an 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.

#### **509. Forfeiture of Office**

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

- (a) the Executive ceasing to be a citizen of the United States, resident of Charles County, or a registered voter of the County;
- (b) the Executive being convicted of or pleading guilty to a felony or a crime involving moral turpitude;
- (c) the Executive being granted probation before judgment for a felony or a crime involving moral turpitude; or
- (d) acceptance by a court of a plea of nolo contendere for a felony or a crime involving moral turpitude.

#### **510. 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 the Council 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 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.

#### **511. Vacancy in Office**

- (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 sixty (60) calendar days thereafter, appoint a person qualified under Section 507 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 (90) calendar days before the next Congressional primary election, an election shall be held simultaneously 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.

#### **512. 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.

#### **513. 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 Chief Administrative Officer shall maintain 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.

#### **514. 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.

#### **515. 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 516 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.

#### **516. 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 in four (4) month increments at the request of the Executive.

# **Article 6 Budget and Finance**

# CHARLES COUNTY GOVERNMENT

# INTEROFFICE MEMORANDUM

Equal Opportunity Employer



TO:	Deborah E. Hall, CPA, Acting County Administrator <i>Deborah E. Hall</i> <small>Deborah E. Hall (Jun 27, 2024 09:57 EDT)</small> Department of Human Resources	06/27/2024
THRU:	Danielle Mitchell, Assistant Deputy County Attorney <i>[Signature]</i> <small>Danielle Mitchell (Jun 27, 2024 08:49 EDT)</small> County Attorney's Office	06/27/2024
FROM:	Jacob Dyer, Acting Director of Fiscal & Administrative Services <i>Jacob Dyer</i> <small>Jacob Dyer (Jun 24, 2024 10:26 EDT)</small> Department of Fiscal & Administrative Services	06/24/2024
SUBJECT:	Charter Government – Article 6: Budget and Finance Fiscal Note	
DATE:	June 24, 2024	

Fiscal & Administrative Services has analyzed the Charter Board's drafted Article 6 – Budget and Finance. Based on discussions held with the Charter Chairman and from staff's review of the draft, it was determined that this article will have a fiscal impact. **The total impact of this article is expected to be \$2,500.**

## **Reason for the fiscal impact:**

1. Section 601 requires the Executive to appoint a Director of Finance of the County.
  - a. *Assuming the Director of Fiscal & Administrative Services position transitions into the appointed Director of Finance position, this section should cause no fiscal impact to Charles County.*
2. Section 603 requires that each district Council member hold at least one public hearing in their district and for the Executive to hold a Countywide public hearing prior to the April 15<sup>th</sup> deadline of the Executive presenting the proposed budget to the Council.
  - a. These additional public hearings will be a new requirement.
  - b. Placing an advertisement in the newspaper does have a minor cost to the County, approximately \$500 per advertisement.
  - c. The impact of section 603 to advertise four district public hearings and one overall public hearing on the budget is approximately \$2,500.
3. Section 616 requires the County to publish an Environmental Impact Report and for it to be presented during the budget hearings each year. *The act of creating this report may have a fiscal impact on staff to perform these extra duties, however, the impact is expected to be very minor.*

Cc: Jesse Bungcayao  
Jenifer Ellin  
Wesley Adams  
Marc Potter

## **RTICLE 6 dget and Finance**

### **01. Director of Finance**

With the approval of the Council, the Executive shall appoint a person, knowledgeable and experienced in financial matters, to serve as the Director of Finance of the County. The duties of the Finance Director, which shall be subject to the direction of the Executive, shall be those prescribed by the Executive, by law, or by this Charter. The Director of Finance shall serve at the pleasure of the Executive.

### **602. Fiscal Year and Tax Year**

The fiscal or budget year and the tax year of the Government begins on the first day of July and ends on the thirtieth day of June of the succeeding year.

### **603. Preparation of the County Budget**

- (a) The Executive shall hold at least one public hearing in each Councilmanic District during the months of September through December to consider proposals by the public for inclusion in the Budget. Members of the Council or their designee shall attend each public hearing occurring in their respective Councilmanic District. The At-Large Councilmember or their designee shall attend all public hearings held pursuant to this Section. The Executive shall provide public notice no less than thirty days before such hearing.
- (b) The Executive shall hold one public hearing prior to April 15 to receive comments on the proposed Budget. The proposed budget shall be available to the public prior to the public hearing. The Executive shall provide sufficient notice of the public hearing and shall cause to be published in at least one newspaper of general circulation in the County a notice of the date, time and place of the public hearing. If the Executive determines that no such newspaper exists in the County, the Executive shall use whatever media it deems most suited to satisfy the public notice requirements of this Section.
- (c) Not later than April 15 of each year, the Executive shall prepare and submit a proposed Budget to the Council for the ensuing fiscal year. The proposed Budget submitted to the Council shall present a complete financial plan for the Government reflecting anticipated revenues from all sources, expenditures, and any surplus or deficit in the general or special funds of the Government. The proposed Budget shall be made available to the public.

### **604. Budget Message**

- (a) The Budget Message shall contain the proposed Operating Budget, the Capital Budget, and the Capital Improvement Program. The Budget Message shall contain a summary of the proposed Budget accompanied with any tables, diagrams, or other illustrations intended to convey the relevant financial information. It shall outline the proposed financial policies of the Government for the ensuing fiscal year and describe the important features of the proposed Budget. It shall indicate any major changes in financial policies and in expenditures, appropriations and revenues as compared with the current fiscal year, and shall set forth the reasons for the changes.

- (b) If the proposed Budget does not fully fund the annually required contribution for pension and other post-employment benefits as determined by an actuary, the Budget Message shall contain an explanation of the deficit.
- (c) In advance of the Council public hearing described in Section 605, the Executive shall publish a summary of the Budget Message in at least one newspaper of general circulation in the County or via a publicly accessible medium deemed appropriate by the Executive.

#### **605. Council Public Hearing**

On receipt of the proposed budget from the Executive, the President of the County Council shall promptly cause it to be introduced to the County Council, and the Council shall hold a public hearing on the proposed Budget. The Council shall cause to be published in at least one newspaper of general circulation in the County, a notice of the date, time, and place of public hearing on the proposed Budget by the Council, or as otherwise required by state law. If the Council determines that no such newspaper exists in the County, the Council shall use whatever media it deems most suited to satisfy the public notice requirements of this Section. No final budget action may be taken by the Council until after a public hearing has been held, and then only in open, public session.

#### **606. Action on the Budget by Council**

- (a) By a majority vote of its members, the County Council may reduce or eliminate any of the amounts in the proposed Budget, except:
  - (1) Amounts required to be expended pursuant to State or Federal law;
  - (2) Amounts negotiated and established as part of a collective bargaining agreement;
  - (3) Amounts for the payment of the interest and principal of the County debt;
  - (4) Amounts that are associated with Federal, State, and Local mandates but may not have a fixed appropriation.
- (b) By a majority vote of its members, the County Council may increase items of appropriation within the general fund or add items within the general fund provided that:
  - (1) The aggregate amount of the increase does not exceed that aggregate amount by which the County Council has reduced or eliminated from the Executive's proposed Budget; and
  - (2) The increases authorized by this Subsection do not derive from the reduction or elimination of revenue, which by law, contract, or regulation must be used to support appropriations for a specific purpose.
- (c) In no event, however, may:
  - (1) The total amount of the operating Budget or the capital Budget, as amended by the County Council, exceed the total amount of the operating Budget or capital Budget, respectively, as proposed by the Executive; or
  - (2) Any increase or decrease be made to or for any item described in Subsection 606(a)(1),(2), (3), or (4) of this Section.

- (d) If the carrying out of a particular program, purpose, activity, or project depends on action by a body other than the County, the County Council may insert a specific provision in the proposed Budget making the appropriation for the particular program, purpose, activity, or project contingent on that action.
- (e) Except as provided herein, the Budget shall include all the monies to be appropriated by the County for all purposes for the fiscal year for which the Budget is applicable.
- (f) In the event that the County Council is unable to pass a budget for the ensuing fiscal year by the final day of the current fiscal year as noted in Section 602 of this document, the budget proposed by the Executive will go into effect starting on the first day of the ensuing fiscal year.
- (g) In the first 90 days of any term, the County Council and Executive taking office, the County Executive shall present for approval, a standard operating procedure (SOP) for budget policies and delegated authorities. Such SOP will outline how the executive, council, and agencies will treat excess revenues, unanticipated grants, additional appropriations, and other budget and finance operations, which shall not supersede the requirements contained in any Section within Article 5 of this charter. Upon finalizing the SOP, the County Executive and County Council shall hold a public hearing on the SOP. The public hearing shall be publicized through electronic communication and any other publicly accessible mode of communication. Any amendments to the SOP shall be approved super majority of the Council, after a public hearing to consider the amendment(s).

#### **607. Tax Levy and Balanced Budget**

After enacting the Annual Budget and Appropriations Ordinance, the Council shall levy the amount of taxes required by the Budget to ensure that the Budget is balanced so that proposed revenues equal proposed expenditures.

#### **608. Borrowing Limitations**

- (a) Except as otherwise provided by State law, the aggregate amount of bonds and other evidences of indebtedness outstanding at any one time that pledge the full faith and credit of the County may not exceed a total of three percent of the assessable basis of real property of the County and nine percent of the County's assessable basis of personal property and operating real property.
- (b) Except as may otherwise be provided by State law, the following may not be computed or applied in establishing the debt limitations provided in this Section:
  - (1) Tax anticipation notes or other evidences of indebtedness having a maturity not in excess of 12 months;
  - (2) Bonds or other evidence of indebtedness issued or guaranteed by the County payable primarily or exclusively from taxes levied in or on, or other revenues of, special taxing areas or community development authorities; and
  - (3) Bonds or other evidences of indebtedness issued for self-liquidating and other projects payable primarily or exclusively from the proceeds of assessments or charges for special benefits or services.

#### **609. Transfer of Appropriations**

- (a) The Executive may transfer unencumbered appropriations in the Operating Budget within the same department, agency, or office and within the same fund. On the recommendation of the Executive, the Council may transfer unencumbered appropriations in the Operating Budget between departments, agencies, and offices within the same fund.
- (b) A transfer may not be made between the Operating Budget and Capital Budget appropriations. On the recommendation of the Executive, the Council may transfer appropriations between Capital Projects within the same fund provided the Council neither creates nor abandons any Capital Projects except in accordance with Section 612 of this Charter.
- (c) Notwithstanding any provisions of this Section, the Council may provide by law for inter-fund cash borrowing and repayment to meet temporary cash requirements. Nothing contained in this Section may be construed to prevent reimbursement among funds for services rendered.
- (d) The repayment required by Subsection (c) of this Section shall occur within the same fiscal year as the occurrence of cash borrowing. In the event of an unusual financial constraint, the repayment may be delayed, but in no event may repayment occur more than three fiscal years from the year in which cash borrowing occurs.

#### **610. Supplemental Appropriations**

On the recommendation of the Executive, the Council may make supplemental appropriations: from any contingency appropriations in the Budget; from revenues received from anticipated sources but in excess of budget estimates; or from revenues received from sources not anticipated in the Budget.

#### **611. Emergency Appropriations**

To meet an Emergency, as that term is defined in this Charter, the Council may make emergency appropriations from the sources provided in Section 610 of this Charter. To the extent unappropriated revenues are unavailable to meet the Emergency, the Council by law may authorize the issuance of emergency notes, which may be renewed from time to time. Emergency notes and renewals issued pursuant to this Section may not be paid later than the last day of the next fiscal year succeeding that in which the emergency appropriation was made.

#### **612. Lapsed Appropriations**

Unless otherwise provided by law and except for grant appropriations or grant funds deposited in special accounts dedicated to specific functions, activities, or purposes, all unexpended and unencumbered appropriations in the Operating Budget at the end of the fiscal year shall revert into the treasury. No appropriation for a Capital Project in the Capital Budget may revert until the purpose for which the appropriation was made is accomplished or abandoned, but any Capital Project shall be considered abandoned if three fiscal years lapse without any expenditure from or encumbrance of the appropriation. For this Subsection, the term expenditure is defined as any cost charged to the Capital Project.

#### **613. Amendment to Capital Budget after Budget Adoption**

Upon recommendation of the Executive and after a public hearing and an affirmative vote of a majority of the Council, the Council may amend the Annual Budget and Appropriations Ordinance to provide funds for a Capital Project not previously appearing in the Capital Budget for the fiscal year. The amendment may not increase the total amount of appropriations for the fiscal year, unless such increased appropriations shall be funded from revenues received in excess of those budgeted or from unanticipated revenues not previously budgeted in the Annual Budget and Appropriations Ordinance for the fiscal year.

#### **614. Composition and Limitation upon County Funds**

- (a) All revenues and receipts from special services or benefit charges commonly referred to as enterprise funds; special taxes or assessments imposed upon special taxing areas for special or particular services, purposes or benefits; funds held by the County as trustee or agent; special grants; or bond proceeds shall be paid into and appropriated from special funds created for such purposes and may not be used for any other purpose except the purpose for which a fund was created. All other revenues and receipts of the County from taxes, grants, State revenues, and other receipts shall be paid into and appropriated from the General Fund, which is the primary fund for the financing of current expenses for the conduct of Government business.
- (b) With the recommendation of the Executive, the Council, by the Annual Budget and Appropriation Ordinance, or by other legislative act, may provide for the establishment of working capital or revolving funds for the financing of central stores, equipment pools, or other services common to the departments, agencies, and offices of the Government.
- (c) Notwithstanding other provisions of this Section, upon recommendation of the Executive, the Council may establish a reserve fund for permanent public improvements. The Annual Budget and Appropriation Ordinance may dedicate cash surpluses, taxes, and other sources of revenue not otherwise appropriated to this reserve fund.
- (d) In the first 90 days of any term, the County Council and Executive taking office, the County Executive shall present for approval, a standard operating procedure (SOP) for budget policies and delegated authorities. Such SOP will outline how the executive, council, and agencies will treat the approval and management of County contracts. Such SOP will establish the dollar threshold for the County Council's approval of contracts, the process by which contracts are approved, and other regulatory processes associated with the ratification and oversight of County contracts. Upon finalizing the SOP, the County Executive and County Council shall hold a public hearing on the SOP. Such public hearing shall be publicized through electronic communication and any other publicly accessible mode of communication. Any amendments to the SOP shall be approved super majority of the Council, after a public hearing to consider the amendment(s).

#### **615. Using Performance Measures**

- (a) Pursuant to this Charter, the Executive shall collaboratively develop performance measures with County departments. For the purpose of this document, performance measures are defined as the measurement of outcomes and results that are required to be routinely tracked and publicly reported.

- (b) The Executive shall develop performance measures which will be established prior to submission by the Executive of the Fiscal Year 2029 proposed Budget. The Executive shall ensure that such performance measures are included in all Budget publications as noted.
- (c) Annually, as a part of the Budget publication, the previous years' performance actuals and future targets will be reported. The Executive is authorized to change performance measures, however, such changes should be documented in writing and noted during the Budget hearings provided in this article.

#### **616. Environmental Impact Report**

- (a) The County will publish an annual report, detailing the outstanding environmental issues in communities within Charles County. These issues shall include but not be limited to stormwater, drainage, and sewer. The report shall highlight the most pressing issues in each community and what the Executive administration is planning to accomplish with their proposed appropriation for the next fiscal year.
- (b) Every year after the report's inaugural year, a new report will be published which details the plans of the previous fiscal year and discusses the levels of completion, the successes and challenges in completing the planned improvements, and any other relevant details related to the level of completion. Such a report will also detail the stormwater remediation plans by the community for the following fiscal year. This report will be publicly published and presented during the budget hearings each year.

#### **617. Increasing Collaboration**

- (a) At the discretion of the Executive, each program initiative, and formal government action will be categorized as a pillar. For the purposes of this document, a pillar serves to categorize like government initiatives. Some examples of pillars are public safety, economic development, and youth services.
- (b) On a routine basis and at a frequency defined by the Executive, the agencies and leadership of initiatives or programs comprising a pillar will meet to discuss collaborative efforts and intersectional challenges.

# **Article 7 Miscellaneous Provisions**

# CHARLES COUNTY GOVERNMENT

## INTEROFFICE MEMORANDUM

Equal Opportunity Employer



TO:	Deborah E. Hall, CPA, Acting County Administrator <u><i>Deborah E. Hall</i></u> <small>Deborah E. Hall (Jun 24, 2024 17:09 EDT)</small> Department of Human Resources	06/24/2024
THRU:	Danielle Mitchell, Assistant Deputy County Attorney <u><i>[Signature]</i></u> <small>Danielle Mitchell (Jun 24, 2024 14:58 EDT)</small> County Attorney's Office	06/24/2024
FROM:	Jacob Dyer, Acting Director of Fiscal & Administrative Services <u><i>Jacob Dyer</i></u> <small>Jacob Dyer (Jun 24, 2024 14:57 EDT)</small> Department of Fiscal & Administrative Services	06/24/2024
SUBJECT:	Charter Government – Article 7: Miscellaneous Provisions Fiscal Note	
DATE:	June 24, 2024	

Fiscal & Administrative Services has analyzed the Charter Board's drafted Article 7 – Miscellaneous Provision. **Based on discussions held with the Charter Chairman and from staff's review of the drafted, it was determined that this article will have no fiscal impact.**

Cc: Jesse Bungcayao  
Jenifer Ellin  
Wesley Adams  
Marc Potter

## **ARTICLE 7**

### **Miscellaneous Provisions**

#### **701. Charter Amendments**

This Charter may be amended by the procedures provided in Article XI-A of the Maryland Constitution.

#### **702. Termination of Charter**

This Charter may be terminated upon the adoption of a new form of government in accordance with the Maryland Constitution and the public general laws of the State.

#### **703. Charter Review Commission**

- (a) A Charter Review Commission shall be appointed by the Council in the third year of the installation of newly elected council members after the election of 2030. A Charter Review Commission may be appointed at such other times as the Council, in its discretion, may determine but at least once every ten (10) years beginning in 2040. The Charter Review Commission shall be composed of seven (7) registered voters of the County, including at least one (1) member from each Council District established pursuant to Section 204 of this Charter. No person shall be eligible for appointment to the Commission who holds elective office. The Chair of the Commission shall be elected from and by the members of the Commission.
- (b) The Commission shall review the provisions of this Charter and make recommendations as to the necessity for deleting, adding, or amending its contents.
- (c) The Commission shall receive an appropriation sufficient to carry out its duties and responsibilities. The members of the Commission may not be entitled to compensation but shall be entitled to reimbursement for reasonable expenses related to their duties to the Commission.
- (d) Except as provided in Subsection (f) of this Section, the Commission shall make its report to the Council at a public hearing within eighteen (18) months following its creation.
- (e) The Commission may be required to report to the Council earlier than the deadline established in Subsection (e) of this Section, if the Council establishes the report deadline at the time the Commission is created.
- (f) Upon delivery of the Commission report, the Commission shall be deemed dissolved and its task completed.

#### **705. Ethics Commission**

- (a) There is a County Ethics Commission that consists of five (5) members, and one (1) alternate member. All members are Charles County residents. The County Council and County Executive shall each appoint two members of the commission, respectively. One member shall be appointed by the Charles County Bar Association. The alternate member shall be selected by the Council or the Executive on a rotating basis beginning with the Council at the first opening of an alternate position after the effective date of the charter.

- (b) The commission shall operate under the terms, rules, and procedures set forth in public local law including Chapter 170 of County Code, the Code of Ethics.
- (c) All required financial disclosure statements shall be made available to the public in a searchable and otherwise appropriate electronic format; such availability shall be consistent with Chapter 170 of County Code.
- (d) Financial disclosures required by the commission shall include specific information on contributions and compensation received by the reporting individual or a campaign on the behalf of the reporting individual. Those reported contributions shall include both direct contributions or those from a political action committee.

**706. Planning Commission**

The Charles County Planning Commission shall consist of Charles County residents.

**707. Board of Appeals**

The Charles County Board of Appeals shall consist of five (5) members and one (1) alternate, all of whom shall be Charles County residents.

# **Article 8 Transitional Provisions**

# INTEROFFICE MEMORANDUM

Equal Opportunity Employer



TO:	Deborah E. Hall, CPA, Acting County Administrator <u>Deborah E. Hall</u> <small>Deborah E. Hall (Jun 24, 2024 17:10 EDT)</small> Department of Human Resources	06/24/2024
THRU:	Danielle Mitchell, Assistant Deputy County Attorney <u>Danielle Mitchell</u> <small>Danielle Mitchell (Jun 24, 2024 14:58 EDT)</small> County Attorney's Office	06/24/2024
FROM:	Jacob Dyer, Acting Director of Fiscal & Administrative Services <u>Jacob Dyer</u> <small>Jacob Dyer (Jun 24, 2024 14:57 EDT)</small> Department of Fiscal & Administrative Services	06/24/2024
SUBJECT:	Charter Government – Article 8: Transitional Provisions Fiscal Note	
DATE:	June 24, 2024	

Fiscal & Administrative Services has analyzed the Charter Board's drafted Article 8 – Transitional Provisions Provision. **Based on discussions held with the Charter Chairman and from staff's review of the drafted, it was determined that this article will have fiscal impact of approximately \$150,500.**

**Reason for the fiscal impact:**

1. Section 810 requires that the Board of County Commissioners appoint a Transition Commission "for the purposes of evaluating the structure, performance, and effectiveness of the current Department of Planning and Growth Management" and provide "recommendations to the elected Charles County Executive and Council".
  - a. Once the Transition Commission has been established, this article requires the County Government to hire "an independent consultant with expertise in planning, zoning, and permitting issues to review the Department of Planning and Growth Management and provide any recommendations that improve the organization, mission-based outcomes, and engagement with the constituency of Charles County." For budgeting purposes, it is estimated that the cost to hire a consultant is approximately \$150,000. The actual cost will be known once the County's procurement process is complete.
  - b. After completion of the Transition Commission report, the drafted article requires the newly elected County Council to "hold a public meeting to receive, review, and discuss the recommendations." If a public notice is included in a local newspaper to announce this public meeting, the estimated cost is approximately \$500.
  - c. Section 810 does not require the County Council to implement the recommendations of the report. However, if the County Council chooses to implement any of the report's findings, the fiscal impact of any changes to the Department of Planning and Growth Management will be determined at that time.

Cc: Jesse Bungcayao  
Jenifer Ellin  
Wesley Adams  
Marc Potter

## **ARTICLE 8**

### **Transitional Provisions**

#### **801. Nature of This Article**

The provisions of this Article relate to the transition from the commissioner form of government to the form of government provided by this Charter. Whenever the provisions of this Article are inconsistent with the previous provisions of this Charter, the provisions of this Article shall control.

#### **802. Time Certain Articles Become Effective**

Except as expressly provided in this Article, the provisions of this Charter shall become operative at noon on the date the first County Executive and County Council, elected pursuant to this Charter, take office, Tuesday, December 8, 2026.

#### **803. First Election**

- (a) In order to provide for the election of the first Executive in November 2026, Section 505 {Election}, Section 506 {Term of Office} and Section 507 {Qualifications} shall take effect on January 1, 2025.
- (b) In order to provide for the election of the first members of the Council in November 2026, Section 204 {Election}, Section 205 {Qualifications} and Section 206 {Term of Office} shall take effect on January 1, 2025.

#### **804. Existing Laws**

- (a) The public local laws of the County and all rules, regulations, resolutions, and ordinances enacted by the County Commissioners in force on the Effective Date of the Charter shall continue in full force until repealed or amended. To the extent that any of the public local laws of the County or rules, regulations, resolutions, or ordinances, or any parts thereof, are inconsistent with the provisions of this Charter, they are repealed.
- (b) The provisions of the Land Use Article of the Annotated Code of Maryland, as they relate to planning and zoning authority, stand adopted on the effective date of the Charter to the extent they are not repealed by the provisions of this Charter and shall remain in effect until repealed, amended, or superseded.

#### **805. Reference in State Constitution and Laws to County Commissioners**

All references in the Constitution and laws of the State of Maryland to the Charles County Commissioners or to the Board of County Commissioners shall be construed, at the Effective Date of the Charter, to refer to the Council and/or the County Executive whenever the construction would be reasonable.

#### **806. Existing Officers and Employees**

All employees of the Government employed at the Effective Date of the Charter shall continue to be employed at their existing compensation, subject, however, to the provisions of any relevant personnel policies, laws, rules, or regulations. Provisions relating to the qualifications for the appointed offices provided in this Charter shall become effective whenever vacancies occur in the appointed offices after the Effective Date of the Charter.

#### **807. Existing Members of Boards and Commissions**

The members of all boards and commissions appointed on the Effective Date of the Charter shall continue to hold the same office until completion of their term, unless removed in accordance with the provisions of this Charter or other applicable authority.

#### **808. Elected Office of County Commissioner Abolished**

At the Effective Date of the Charter, the elected position of County Commissioner shall cease to exist and all reference to that official or position and the Board of County Commissioners in the Maryland Constitution or in any law, ordinance, rule, or regulation shall be construed to refer to the Office of Council Member or the Council and/or the Office of the County Executive or the County Executive whenever the construction would be reasonable.

#### **809. Publication of Council Rules**

Pursuant to Section 404(e) of this Charter, the Council shall adopt and publish its rules of legislative procedure on the County website within ninety (90) calendar days of the Charter's Effective Date.

#### **810. Transition Commission for the Department of Planning and Growth Management**

- (a) In advance of the Charter going into effect pursuant to **Section**, by July 31, 2025, the Charles County Board of Commissioners shall appoint a Transition Commission for the purposes of evaluating the structure, performance, and effectiveness of the current Department of Planning and Growth Management (referenced in this Section as the "department") and providing recommendations to the elected Charles County Executive and Council as described in **Sections XXX and XXX**.
- (b) The Transition Commission consists of nine (9) members who shall include:
  - (1) one member of a Charles County-based business, commerce, or trade membership organization;
  - (2) one member of the Charles County Farm Bureau;
  - (3) a representative of homeowner associations, civic associations, or other organization that serves the interest of a number and variety of homeowner groups;
  - (4) a representative from a Charles County or Southern Maryland-based conservation organization; and
  - (5) a resident from each of the four Council districts; and the Director of the Charles County Department of Planning and Growth Management or their designee.
- (c) Once appointed, the Transition Commission's duties include:
  - (1) Participating in the selection of an independent consultant to review the department;
  - (2) Holding a minimum of four district-based public meetings that solicit community feedback and dialogue on the organization, operations, and performance of the department;

- (3) Receiving, publishing, reviewing, and soliciting public feedback on the independent consultant's findings, which may include additional public meetings;
  - (4) Producing a formal public response to the consultant recommendations and additional recommendations, if appropriate; and
  - (5) Presenting the package of recommendations to the Charles County Council..
- (d) Once the Transition Commission is appointed and formed, Charles County Government shall solicit an independent consultant with expertise in planning, zoning, and permitting issues to review the Department of Planning and Growth Management and provide any recommendations that improve the organization, mission-based outcomes, and engagement with the constituency of Charles County.
- Charles County Government shall create a Request for Proposals ("RFP") of an appropriate budgetary amount to secure qualified proposals for the independent review. The Scope of Work for the RFP may include but need not be limited to comprehensive restructuring and changes to internal administrative processes and reporting. A subcommittee of the Transition Commission will participate in and provide recommendations for the selection of the qualified bidder as a part of the County's internal selection process. The Transition subcommittee shall include the Committee's representatives from the business or commerce organization, the Charles County Farm Bureau, the residential organization, the conservation organization, and the Department of Planning and Growth Management.
- (e) The Transition Commission must complete the comprehensive report of the combined consultant and Commission recommendations by November 30, 2026. Once completed and made publicly available, the newly elected County Council shall hold a public meeting to receive, review, and discuss the recommendations with representatives of the Commission and the current acting or appointed department head or designee within sixty (60) calendar days after taking office pursuant to **Section XXX**