

# **CHARTER OF CECIL COUNTY, MARYLAND**



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# **CHARTER OF CECIL COUNTY, MARYLAND**

## **PREAMBLE**

We the citizens of Cecil County, Maryland, a body corporate and politic, under the Constitution and general laws of the State of Maryland, in order to establish a more dynamic, efficient, and responsive form of county government, which shall be empowered by us to exercise greater local authority to govern and be manifest in its scope to all, do adopt, ordain, and establish as our instrument of government this Charter of Cecil County, Maryland.

## **ARTICLE 1. General Provisions**

### **101. Body Corporate and Politic**

Cecil 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 hereafter 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 Cecil 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 "Cecil 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 time this Charter takes effect, unless otherwise changed in accordance with law.

### **104. Definitions**

(a) The term "County" means Cecil County, Maryland.

(b) The term "Cecil 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 hereafter be provided or necessarily implied by this Charter, Article XI-A of the Maryland Constitution, and Article 25A of the Annotated Code of Maryland.

(c) 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; and
- (B) is unanticipated.

(2) The term “unanticipated” means that the underlying situation is--

- (A) Sudden, which means quickly coming into being or not building up over time;
- (B) Urgent, which means a pressing and compelling need requiring immediate action;
- (C) Unforeseen, which means not predicted or anticipated as an emerging need; and
- (D) Temporary, which means not of a permanent duration.

(d) The term “Executive” means the County Executive of Cecil County.

(e) The term “Government” means the County Government of Cecil County.

(f) The term “Council” means the County Council of Cecil County.

(g) The term “Charter” means the Charter of Cecil County.

(h) The term "State" means the State of Maryland.

(i) The term "Budget" means the package of materials consisting of the Current Expense Budget, the Current Revenue Budget, the Capital Budget, the Capital Improvement Program, and the budget message.

(j) The term "Current Expense Budget" means the plan to receive and expend funds for charges incurred for operation, maintenance, interest, and other charges for the next fiscal year.

(k) The term “Current Revenue Budget” means 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.

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

(m) 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 five fiscal years thereafter.

(n) 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.

## **105. Separability**

If any article, section, subsection, sentence, clause, or phrase of this Charter is held unconstitutional, invalid, or inapplicable to any person or circumstance by a court of competent jurisdiction, all other articles, sections, subsections, clauses, or phrases of this Charter and their application to other persons and circumstances shall be separable and not affected by the decision.

## **ARTICLE 2. County Council**

### **201. Composition**

There shall be a County Council of Cecil County, Maryland, composed of five (5) council members.

### **202. Powers**

All legislative powers which may be exercised by the County 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 hereinafter set forth in Section 308 of this Charter.

### **203. Council to Act as a Body**

In all functions and deliberations, the Council shall act as a body. It shall have no power to create standing committees or to delegate any of its functions and duties to a smaller number of its members than the whole. The Council may, however, appoint special ad hoc committees solely for the purpose of inquiry and fact finding.

### **204. Election**

(a) The County shall be divided into five residency districts, the boundaries of which shall be established pursuant to Section 214 of this Charter. The five residency districts shall be designated District 1, District 2, District 3, District 4, and District 5.

(b) A council member shall reside in each of the five residency districts and be elected at-large, subject to the provisions of this section.

(c) At the same time the elections for President and Vice President of the United States are conducted, one council member from District 1 and one council member from District 5 shall be elected. In the at-large election, the candidate who both resides in a given district and who receives the most votes of all the candidates residing in the district shall be elected to office.

(d) At the same time the election for Governor of Maryland is conducted, one council member from District 2, one council member from District 3, and one council member from District 4 shall be elected. In the at-large election, the candidate who both resides in a given district and who receives the most votes of all the candidates residing in the district shall be elected to office.

## **205. Qualifications**

(a) Each council member shall be a citizen of the United States and, for at least one year immediately preceding election or appointment, a resident and registered voter of the County. Each council member shall be a resident of the residency district from which the council member is elected or appointed for at least six months immediately preceding election or appointment.

(b) While serving as a council member, no council member may:

(1) Hold any other elected public office;

(2) 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; or

(3) 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.

(c) A retired, former county employee receiving a pension shall not be considered to be serving in a public body for purposes of this section and shall be eligible to be a council member if all the other provisions of this section are satisfied.

## **206. Term of Office**

A council member shall hold office for a term beginning at noon on the first Monday of December next following the election of the council member and ending at noon on the first Monday of December in the fourth year thereafter, or until a successor is qualified.

## **207. Compensation**

Each council member shall receive as compensation and allowances for the performance of public duties under this Charter the sum of not less than twenty-five thousand dollars (\$25,000) per annum. A council member shall not accrue annual leave or be entitled to any payment in lieu thereof. The compensation and allowances shall be in full compensation for all services performed by members of the Council as required by this Charter, but shall not preclude reasonable and necessary expenses as may be provided in the Budget. The County Council shall establish by ordinance a Compensation Review Commission every four years to review the Council's compensation and allowances in accordance with the provisions of Article 25A Subsection 5(AA) of the Annotated Code of Maryland.

## **208. Forfeiture of Office**

(a) A council member shall immediately forfeit office upon ceasing to be:

- (1) a citizen of the United States;
- (2) a registered voter of the County; or
- (3) a resident of the residency district in which the council member resided when elected or appointed.

(b) No council member may forfeit office by reason of a change in the boundaries of any residency district made during the council member's term of office.

(c) A council member shall be suspended by operation of law without compensation from office upon being granted probation before judgment for, upon the acceptance of a plea of nolo contendere by a court to, or upon being convicted of a felony or a crime involving moral turpitude. During the period of suspension the Council shall appoint a person to temporarily fill the elective office in the manner provided in Section 209 of this Charter. If the conviction becomes final, after judicial review or otherwise, the council member shall be removed from office by operation of law and the office shall be deemed vacant.

## **209. Vacancies**

(a) A vacancy occurs when a council member, prior to the expiration of the term for which elected, dies, resigns from office, or becomes disqualified to hold office pursuant to Section 208 of this Charter.

(b) When a vacancy occurs, the remaining council members within thirty days shall appoint a person to serve the unexpired term of office. The appointee shall be selected by a majority vote of the remaining council members. The appointee shall meet the same qualifications and residence requirements and, when succeeding a party member, shall be a member of the same political party as the person who vacated office.



(c) When succeeding a party member, the appointee shall be selected from a list of three persons submitted to the Council by the County central committee of the political party affiliated with the person vacating office, provided the list is submitted within thirty days from the date a vacancy occurs. If no, such list is submitted within thirty days, or if the council member vacating office is not a member of a political party, the Council shall appoint the person it deems best qualified to hold office regardless of his or her party affiliation, if any, provided the appointee meets the qualifications and residency requirements provided in Subsection (b) of this section.

(d) If the Council fails to fill a vacancy pursuant to the provisions of this section, the Executive shall appoint a person to fill the vacancy, provided the appointee is nominated in accordance with the provisions of this section and meets its qualification and residency requirements.

#### **210. Officers**

At the first scheduled meeting of the Council in December following an election and biennially thereafter, the Council shall elect from among its members a President and Vice President of the Council. The President, or in the absence of the President, the Vice President, shall preside over meetings of the Council. The Council may provide for the selection of other officers as the Council may deem desirable for the exercise of its powers.

#### **211. Investigations by the Council**

The Council may investigate the affairs of the County and the conduct of any County agency. The Council may subpoena witnesses, administer oaths, take testimony, and require the production of evidence for purposes of this section.

#### **212. Non-interference**

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.

#### **213. 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.

#### **214. Redistricting**

(a) The Council shall appoint by resolution a Redistricting Commission not later than April 1 of the year following each decennial census date. The central committee of each political party polling at least twenty-five percent of the total vote cast for the Executive

at the last preceding general election shall nominate five persons to serve on the Commission. Each such list shall include one person who resides in each residency district. The Council shall appoint all such nominees as members of the Commission as well as one or two additional members of the Commission, as the case may be, to ensure that its total membership equals an odd number. The Council shall appoint the Chair of the Commission from among the Commission members. No person shall be eligible for appointment to the Commission who holds elective office.

(b) By November 15 of the year before the year in which redistricting is to take effect, the Commission shall present to the Council a plan of residency districts, together with a report explaining it. Within thirty days of receiving the plan of the Commission, the Council shall hold a public hearing on the plan. If within ninety days after submission of the plan no other legislation reestablishing the boundaries of the residency districts has been enacted, the plan as submitted shall become law.

(c) Any residency district established in accordance with this section shall be compact, contiguous, substantially equal in population, and have common interests as a result of geography, occupation, history, or existing political boundaries.

(d) An ordinance establishing residency districts shall be exempt from referendum.

### **ARTICLE 3.**

#### **Legislative Branch**

#### **301. 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. It may repeal and amend the local laws for the County heretofore enacted by the General Assembly as provided by law.

#### **302. Legislative Sessions**

Except during the month of November in the 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. When the first or third Tuesday is a legal holiday, the next succeeding Tuesday shall be a day for the enactment of legislation. In no event shall the Council sit for more than forty-five (45) days in a calendar year for the purpose of enacting legislation.

#### **303. Legislative Procedure**

(a) Three (3) council members shall constitute a quorum for the transaction of legislative business.

(b) Legislative sessions shall be open to the public, advertised in advance, with such notice to include using electronic media such as the County website, and shall comply with all requirements for open meetings provided by law.

(c) The Council shall provide for the keeping of a journal, which shall be open to public inspection during normal business hours. Copies of the minutes of legislative sessions shall be posted within twenty-four (24) hours after approval on a bulletin board maintained in a public place by the Government; and shall appear on the County website or otherwise be published using electronic media.

(d) Voting on legislation shall be by roll call, except on procedural motions. The ayes and nays shall be recorded in the journal.

(e) The Council may adopt and publish additional rules of legislative procedure that may be desirable and not in conflict with this Charter.

#### **304. Enactment of Legislation**

(a) The Council may enact no law except by written 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 bill may be introduced by one or more council members at a legislative session. A bill and each copy of the bill shall bear the name or names of the council member(s) introducing the bill and the date of introduction.

(d) On the date a bill is introduced, the Council shall either reject the bill by an affirmative vote of at least four council members or the President of the Council shall schedule a public hearing on the bill. Within seventy-two hours of its introduction, a copy of the bill, with notice of the date, time, and place of the public hearing, shall be placed on an official bulletin board maintained in a public place by the Government and shall appear on the County website or otherwise be published using electronic media. Before a public hearing on a bill, the title and a fair summary of the bill and the date, time, and place of the public hearing shall be published at least once each week for two successive weeks in a newspaper of general circulation in the County. 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 subsection. The President of the Council may schedule more than one public hearing on a bill, provided the publication and notice requirements of this subsection are met for each hearing.

(e) After a public hearing, the Council may enact a bill into law, with or without amendment, by an affirmative vote of at least three council members. In the event a bill

is amended before enactment, and the amendment or amendments constitute a change of substance, the bill, as amended, shall not be enacted into law until the bill meets the public hearing, notice, and publication requirements of a newly introduced bill.

(f) A bill not enacted within sixty-five days of introduction is void. A bill not enacted prior to the month of November in any year in which council members are elected to office is void.

### **305. Emergency Legislation**

(a) A law may be enacted under this section in the event of an Emergency, as that term is defined in Section 104 of this Charter. 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) A law enacted under this section shall be plainly designated as an emergency law and shall describe the nature of the Emergency. On the date a bill is introduced, the President of the Council shall schedule a public hearing as soon as possible under the circumstances, but with reasonable notice. A copy of the bill and notice of the date, time, and place of the public hearing shall be posted as soon as reasonably possible, under the circumstances, on the official bulletin board maintained by the Government and on the County website or otherwise published using electronic media, if circumstances allow such publication.

(c) After a public hearing, an emergency bill may be enacted into law by an affirmative vote of a majority of the council members present. The emergency law shall terminate no later than six months after the date of enactment.

(d) To the extent the requirements of this section conflict with the requirements of Section 304, the requirements of this section apply.

### **306. Executive Veto**

(a) Except as otherwise provided in this section, within ten 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 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 it to the Council together with reasons for the veto stated in writing. Not later than the next legislative session immediately following the receipt of the vetoed legislation, the Council may override the veto by the affirmative vote of four members of the Council.

(d) The Executive shall not veto the annual budget and appropriation law.

### **307. Effective Date of Laws**

An emergency law shall take effect on the date of enactment. The Annual Budget and Appropriations Ordinance shall take effect on the first day of the fiscal year to which it applies. All other laws shall take effect sixty calendar days after enactment, except in the event a law provides for a later effective date or is referred to the voters under Section 308 of this Charter.

### **308. Referendum**

(a) Except for the following, a law, or part of a law, enacted pursuant to this Charter may be referred to the voters for approval upon the filing of a petition signed by ten percent of the registered voters of the County:

- (1) A law imposing a tax;
- (2) A law appropriating funds for current expenses to maintain the Government;
- (3) A law prescribing residency districts.

(b) A petition to refer a law, or portion of a law, to the voters of the County 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. There shall be attached to each paper of signatures filed with a petition an affidavit of the person procuring those signatures. The affidavit shall state that the signatures were affixed in the person's presence and that, based upon the person's best knowledge and belief, every signature on the paper is genuine and bona fide and that the signers are registered voters of the County at the address set opposite or below their names.

(c) No later than fifty-nine days following the date a law is enacted, a petition to refer the law, or portion of law, to the voters under this section may be filed with the Board of Supervisors of Elections for the County.

(d) Whenever a petition complying with all the provisions of law and this Charter is filed, the referred law, or the referred portion of law, shall not take effect until thirty days after approval by a majority of voters.

(e) A law, or portion of law, shall be submitted to the voters pursuant to this section voting either at: (1) the next general election for members of the United States Congress; or (2) a special election called by the Council, which shall be held not less than thirty days and not more than ninety 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 days of the filing of a valid petition under this section.

(f) A law enacted as an emergency law shall remain in force from the date the law becomes effective, notwithstanding the filing of a petition for referendum, but the law, or portion of the law, shall stand repealed immediately after rejection by a majority of voters voting on the law or portion of law.

### **309. Publication of Laws**

The Council shall cause a fair summary of all laws enacted, amended, or repealed under this Charter to be published promptly at least once in a newspaper of general circulation in the County and on the County website or otherwise be published using electronic media.

### **310. Compilation of Laws**

At intervals not greater than every ten years, the Council shall cause all local laws of the County which are of general application and continuing force in the County to be codified. The codification shall be known as "The Code of Cecil County, Maryland." The publication shall contain an index and appropriate notes, citations, annotations, and appendices as the Council determines.

## **ARTICLE 4**

### **Executive**

### **401. Composition**

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

### **402. County Executive Powers and Duties**

There is a County Executive, who shall be the chief executive officer of the County and shall faithfully execute the laws. All executive power vested in the County by the Constitution and laws of Maryland and this Charter shall be vested in the Executive. The Executive shall see that the affairs of the executive branch are administered properly and efficiently, and that employees of the executive branch faithfully perform their duties. The duties and responsibilities of the Executive shall include, but are not limited to:

(a) Supervising and directing offices, agencies and divisions of the executive branch and ensuring that County employees as well as County boards and commissions faithfully perform their duties;

(b) preparing and submitting to the Council the annual County Budget.

(c) preparing and submitting to the Council and the public within six (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;

(d) providing the Council with any information the Executive deems necessary or, as the Council by resolution may request, information concerning the executive branch which the Council may require for the exercise of its powers;

(e) recommending to the Council such measures for legislative action that the Executive may consider to be in the best interests of the County; and

(f) signing or causing to be signed on the County's behalf all deeds, contracts, and other instruments.

#### **403. Election of the County Executive**

In November 2012, and every four years thereafter, the Executive shall be elected by the registered voters of the entire County in the manner provided by law.

#### **404. Term of the County Executive**

The Executive shall hold office for a term beginning at noon on the first Monday of December next following the election of the Executive and ending at noon on the first Monday in December in the fourth year thereafter, or until a successor is qualified.

#### **405. Qualifications of the County Executive**

(a) The Executive shall be a citizen of the United States and, for at least two years immediately preceding election or appointment, a resident and registered voter of the County.

(b) The Executive shall devote full-time to the duties of the office. The Executive shall not participate in any private occupation for compensation. During the term of office, the Executive shall not hold any other office of profit.

#### **406. Compensation of the County Executive**

(a) Subject to subsection (b) of this section, the Executive shall receive the sum of not less than ninety-eight thousand dollars (\$98,000) per annum as compensation and allowances for the performance of public duties under this Charter. The Executive shall 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 compensation and allowances and make recommendations to the Council. The Council shall have the power to increase the

compensation and allowances provided in this Charter for the Executive by the affirmative vote of not less than a majority of its members. To reduce the Executive's compensation and allowances the affirmative vote of not less than two-thirds of the council members is required. In no event shall such compensation be reduced by a figure lower than that provided in this Charter except by amendment thereto. The compensation and allowances of the Executive shall not be increased or reduced during his or her current term.

**407. Vacancy in the Office of County Executive**

A vacancy in the Office of the Executive shall exist upon the death or resignation of the Executive, or upon forfeiture of office as provided in Section 408 of this Charter. A majority of the council members shall appoint, within thirty days, a person to fill the vacancy. An appointee, when succeeding a party member, shall be a member of the same political party as the person elected to such office and shall be a nominee of the County central committee of that party. Any person appointed to fill a vacancy shall meet the qualifications provided in Section 405 of this Charter.

**408. Forfeiture of Office by the Executive**

(a) The Executive immediately shall forfeit office upon ceasing to be a citizen of the United States or a registered voter of the County.

(b) The Executive shall be suspended by operation of law without pay or benefits from office upon being granted probation before judgment for, upon the acceptance of a plea of nolo contendere by a court to, or upon being convicted of a felony or a crime involving moral turpitude. During the period of suspension the Council shall appoint a person to temporarily fill the elective office in the manner provided in Section 407 of this Charter. If the conviction becomes final, after judicial review or otherwise, the Executive shall be removed from office by operation of law and the office shall be deemed vacant.

**409. Temporary Absence or Disability**

In the event of the temporary absence of the Executive, the Director of Administration shall perform the duties of the Executive.

**410. Director of Administration**

The Executive shall appoint a Director of Administration, subject to confirmation by the Council, who shall serve at the pleasure of the Executive. The Director of Administration 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 Director of Administration shall be a resident of the County within six (6) months of appointment. The Director of Administration shall, subject to the direction of the Executive, supervise all departments, offices, and agencies of the executive branch, advise the Executive on all



administrative matters and perform such other duties as may be assigned by the Executive or this Charter.

**411. County Attorney**

The Executive shall appoint a County Attorney, subject to confirmation by the Council. The County Attorney shall be the chief legal officer of the County, conduct all the law business of the County, be a legal advisor to the Council, and be the legal advisor to the Executive, all departments, and other instrumentalities of the County Government. The County Attorney may, with the approval of the Council, employ special legal counsel to work on problems when the work to be done is of such character or magnitude as to require services in addition to those regularly provided by the County Attorney. The County Attorney shall serve at the pleasure of the Executive.

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

(a) The Executive shall appoint an individual to head each principal operating department, office or agency of the executive branch, subject to confirmation of the Council. The Executive shall remove individuals appointed under this subsection at the Executive's discretion.

(b) Except as provided in subsection (c) of this section or prescribed by State law or other provisions of this Charter, the Executive shall appoint all members of boards and commissions. Such membership shall be subject to confirmation by the Council. The Executive shall remove individuals appointed under this subsection at the Executive's discretion, unless otherwise prohibited by law.

(c) The membership of boards and commissions that are 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 State law or other sections of this Charter.

(d) If the Council fails to take action within thirty days upon an appointment made by the Executive pursuant to this Section, the appointment shall become effective.

**413. Temporary Administrative Appointments**

When a vacancy occurs in the position of the Director of Administration or the head of any principal operating department, office, or agency of the executive branch, the Executive shall appoint an acting Director of Administration or acting head of the department, office, or agency, as the case may be, to serve for a period not exceeding six (6) months. This limit may be extended by the Council for a period of time not to exceed an additional four (4) months.

#### **414. Plan of Organization**

During an Executive's term, the Executive shall make an evaluation of the organization, functions, powers, and duties of each department, agency and office in the executive branch. By January 2014, and thereafter as the Executive deems necessary, the Executive shall prepare a plan of organization, which shall prescribe the principal operating departments, agencies and offices in the executive branch, along with their powers, functions and responsibilities. The Executive shall submit the plan to the Council in writing. The plan shall become law ninety days after its presentation to the Council, if by that time it has not been disapproved by a vote of four members of the Council.

### **ARTICLE 5. Budget and Finance**

#### **501. Establishment of Position of 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.

#### **502. Duties of Director of Finance**

The Director of Finance shall perform the following duties:

- (1) Keep a system of accounts;
- (2) Control appropriations and allotments;
- (3) Prepare monthly and annual financial reports;
- (4) Audit, prior to payment, any claims against the Government of whatever kind;
- (5) Deposit, invest, and have custody of all Government funds and bonds;
- (6) Prescribe accounting systems;
- (7) Prepare for bond sales and advise on debt management;
- (8) Administer tax sales;
- (9) Bill and collect for all revenues and receipts due the Government, to the extent such activities are not performed by any elected officer of the County;
- (10) Prepare the Budget when so directed by the Executive; and
- (11) Perform other duties as may be directed by the Executive and/or prescribed by law.

#### **503. 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.

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

Not later than March 1 of each year, the Executive shall prepare and submit a proposed Budget to the Council for the ensuing fiscal year. The proposed Budget 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 reproduced and made available to the public.

#### **505. Budget Message**

The budget message shall contain supporting summary tables and explain the proposed Current Expense Budget, the Current Revenue Budget, the Capital Budget, and the Capital Improvement Program both in terms of finances and of work to be done. 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 fiscal year currently ending, and shall set forth the reasons for the changes.

#### **506. Public Budget Hearing**

Upon submission of 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 at least one public hearing on the Budget by the Council. 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 the public hearing or hearings have been held, and then only in open, public session.

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

(a) After the public hearing or hearings, the Council may decrease or delete any items in the Budget, except those required by the laws of this State and provisions for debt service on obligations then outstanding or for estimated cash deficits. The Council shall have no power to change the form of the budget as submitted by the Executive or to alter revenue estimates, except to correct mathematical errors.

(b) The adoption of the Budget shall be by the affirmative vote of not less than three members of the Council in a law enacted not later than May 31, which shall be known as the "Annual Budget and Appropriations Ordinance of Cecil County."

#### **508. 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.

## **509. Borrowing Limitations**

(a) Any local law authorizing the borrowing of money or issuance of bonds or other evidences of indebtedness shall be submitted to the registered voters of the County for approval or rejection, if a petition for such submission is filed pursuant to the provisions of the Charter and local laws.

(b) Except as otherwise provided by State law, the aggregate amount of bonds and other evidences of indebtedness outstanding at any one time shall not exceed a total of six percent of the assessable basis of real property of the County and fifteen percent of the County's assessable basis of personal property and operating real property described in § 8-109(c) of the Tax - Property Article.

(c) Except as may otherwise be provided by State law, the following shall 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 evidences 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 districts heretofore or hereafter established by law; 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.

## **510. Transfer of Appropriations**

(a) The Executive may transfer unencumbered appropriations in the Current Expense 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 Current Expense Budget between departments, agencies and offices within the same fund.

(b) A transfer shall not be made between the Current Expense 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 513 of this Charter.

(c) Notwithstanding any provisions of this Section, the Council may provide by law for inter-fund cash borrowing to meet temporary cash requirements. Nothing contained in this section may be construed to prevent reimbursement among funds for services rendered.

### **511. 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.

### **512. Emergency Appropriations**

To meet an Emergency declared pursuant to Section 305 of this Charter, the Council may make emergency appropriations from the sources provided in Section 511 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 shall not be paid later than the last day of the next fiscal year succeeding that in which the emergency appropriation was made.

### **513. Lapsed Appropriations**

Unless otherwise provided by law, all unexpended and unencumbered appropriations in the Current Expense Budget and/or Current Revenue Budget remaining 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 elapse without any expenditure from or encumbrance of the appropriation. The balances remaining to the credit of the completed or abandoned Capital Projects shall revert to the general fund and be available for appropriation in subsequent budgets.

### **514. Amendment to Capital Budget after Adoption of the Budget**

Upon recommendation of the Executive and after a public hearing and an affirmative vote of at least three council members, 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 shall 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.

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

(a) All revenues and receipts from special services or benefit charges; 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; or bond proceeds, shall be paid into and appropriated from special funds created for such purposes. 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 Appropriations 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 agencies 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) Nothing in this Charter may be construed to prevent the making of contracts, leases, or other obligations that provide for the payment of funds at a time beyond the end of the fiscal year in which these contracts are made, provided the nature of these transactions reasonably requires the making of these contracts, leases or other obligations. The Council shall authorize by law any contract, lease, or other obligation in excess of \$20,000 that requires the payment of funds from the appropriation of a later fiscal year. The amount of \$20,000 for such contracts, leases or obligations may be revised by law from time to time, but no more frequently than annually, and shall not be less than \$20,000.

## **ARTICLE 6.**

### **Miscellaneous**

#### **601. Strategic Plan**

(a) Under the direction of the Executive, the Government shall establish a strategic plan for the County, which shall be designed to align the County with anticipated shifts in demographic, economic, legal, political, social or physical conditions. The strategic plan shall be created using the best practices for the creation of such plans, which shall include the participation of all elected county officials, the heads of all principal operating departments, agencies and offices, and members of the public. The strategic plan shall be the principal planning document of the County to which all other planning documents shall adhere, including the Budget and the County's comprehensive plan.

(b) The planning horizon of the strategic plan shall be at least five years. The strategic plan shall identify at least five strategic issues, which the Government determines has the highest priority for successfully managing the County's future. The strategic plan shall outline the manner in which the goals and objectives for successfully managing a given strategic issue shall be met within the planning horizon. Actions required to be taken pursuant to the strategic plan shall identify the job titles or groups of persons who are to be responsible for completing said actions and the dates by which actions shall be completed.

(c) The Council shall adopt the strategic plan, and any revisions or amendments thereto, by resolution. The County's first strategic plan shall be adopted no later than May 1, 2014.

(d) The Executive shall, to the best of the Executive's abilities, implement the strategic plan and ensure that the actions therein identified are implemented by the dates specified. To the extent the strategic plan requires the Council to act, the Council shall act as required.

(e) The strategic plan shall be reviewed at least annually in open session by the Council to determine whether the strategic issues identified therein remain top priorities as provided in subsection (b) of this Section. The Executive shall testify at said review and make recommendations, as he or she deems necessary. If the Council, in its discretion, determines that one or more strategic issues have acquired an equal or higher priority than any strategic issue identified in the strategic plan, the Council shall revise or amend the strategic plan to include said issue or issues. If the Council in its review of the strategic plan determines, in its discretion, that one or more strategic issues identified in the strategic plan no longer requires the active management of the County or, in any other respect for any other reason, no longer requires the active attention of the County, the Council shall remove the strategic issue from the strategic plan. The amendment or revision process may include the participation of those individuals and groups provided in subsection (a) of this Section.

## **602. Charter Amendments**

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

## **603. Termination of Charter**

(a) This Charter may be terminated, and the County returned to the County Commissioner form of government in effect prior to the adoption of this Charter, using the same procedures provided in Section 602 of this Charter.

(b) Thirty days following the approval by the voters to terminate this Charter, the Charter shall stand terminated. The council members then in office shall become the Board of County Commissioners for the County and shall remain in office until their successors are qualified for office.

(c) All laws, ordinances, and regulations in effect at the termination of this Charter shall remain in force until changed by the action of the General Assembly or the Board of County Commissioners, as provided by the Constitution of Maryland and the public general laws of this State.

#### **604. Charter Review Commission**

(a) A Charter Review Commission shall be appointed by the Council no later than three months following the installation of newly elected council members after the election of 2022 and every ten years thereafter, within three months following the installation of new council members. A Charter Review Commission also may be appointed at such other times as the Council, in its discretion, may determine. The Charter Review Commission shall be composed of seven registered voters of the County, including at least one member from each residency 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. The Commission shall receive an appropriation sufficient to carry out its duties and responsibilities. The members of the Commission shall not be entitled to compensation but shall be entitled to reimbursement for reasonable expenses.

(c) The Commission shall make its report to the Council at a public hearing not later than May 1 of the year following its creation.

#### **605. Bonding of Officers**

Officers of the Government who have possession of or control over any funds of the Government shall be bonded for the faithful performance of their duties in an amount that equals or exceeds two percent of the County's total budgeted expenditures for a given year. Surety bond premiums shall be paid by the Government.

#### **606. Independent Auditor**

The Council shall engage a certified public accountant to make annually an independent post audit of all financial records and actions of the Government, its offices, agents, and employees. The complete report of the audit shall be presented to the Council and Executive and copies of the complete report, including addendums, corrections to the report, and all correspondence relating to the audit, shall be made available to the public at a cost not to exceed the cost of reproduction.

### **ARTICLE 7 TRANSITIONAL PROVISIONS**

#### **701. 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.

**702. Time Certain Articles Become Effective**

Except as expressly provided in this Article, the provisions of this Charter shall become operative on the date the first County Executive, elected pursuant to this Charter, takes office, Monday, December 3, 2012. For purposes of this Charter, said date shall be termed "the effective date of the Charter."

**703. First County Executive**

In order provide for the election of the first County Executive in November 2012, Section 403 (Election of the County Executive), Section 404 (Term of the County Executive) and Section 405 (Qualifications of the County Executive) shall take effect on January 1, 2011.

**704. 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 Article 66B 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.

**705. Reference in State Constitution and Laws to County Commissioners**

All references in the Constitution and laws of the State of Maryland to the Cecil 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.

**706. Existing Officers and Employees**

All appointed officers and employees of the Government holding office at the effective date of the Charter, unless specifically abolished by this Charter, shall continue to be employed at their existing compensation, subject, however, to the provisions of any relevant personnel 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 said date.

**707. Existing Members of Boards and Commissions**

The members of all boards and commissions holding office at the effective date of the Charter shall continue to hold the same or corresponding office until completion of their terms of office, unless removed in accordance with the provisions of this Charter.

**708. Office of the County Commissioner Abolished**

At the effective date of the Charter, the Office of County Commissioner shall cease to exist and all reference to the Office 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.

**709. Composition of the First Council**

At the effective date of the Charter: (a) The three County Commissioners who reside in District 2, District 3 and District 4, respectively, shall become council members; and (b) the two candidates for the Office of County Commissioner who were elected to office in November 2012 and who reside in District 1 and District 5, respectively, shall become council members. Together they shall exercise all of the powers provided to the Council under this Charter.

**710. Term of Office for Members of the First Council**

(a) The terms of office of the three council members who reside in District 2, District 3 and District 4, respectively, as said districts were comprised prior to the effective date of the Charter, shall expire at such times as their successors, elected in November of 2014, shall qualify for office.

(b) The terms of office of the two council members who reside in District 1 and District 5, respectively, as said districts were comprised prior to the effective date of this Charter, shall expire at such times as their successors, elected in November of 2016, shall qualify for office.

**711. Office of County Treasurer Abolished.**

On January 1, 2013, the Office of the County Treasurer shall cease to exist. The powers and duties of said office shall be performed by the Director of Finance, unless or until changed by law not inconsistent with the Charter. Until a Director of Finance is appointed pursuant to this Charter, the Executive shall provide for the performance of the powers and duties of the abolished office. All references to the Office of County Treasurer in any law, ordinance, rule, or regulation, after the abolition of said office, shall be construed to refer to the Director of Finance whenever such construction would be reasonable.

**712. First Redistricting Commission**

The first redistricting commission appointed pursuant to Section 214 of this Charter shall be appointed not later than April 1, 2013, instead of not later than April 1, 2011, as required by Section 214. All other provisions of Section 214 shall apply.

**713. First Elections of Council Members by District**

Elections by residency district, as provided by Section 204 of this Charter, shall first be conducted for: (a) District 2, District 3 and District 4 at the gubernatorial election of 2014; and (b) District 1 and District 5 at the presidential election of 2016.