

**COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND**

2022 Legislative Session

Legislative Day No. 13

**Resolution No. 72-2022**

Introduced by: The President of the Council

A RESOLUTION OF THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, PROPOSING THE AMENDMENT OF VARIOUS SECTIONS OF THE WICOMICO COUNTY CHARTER.

WHEREAS, Section 1002 of the County Charter indicates that amendments to the Charter may be proposed by resolution of the County Council approved by not less than five (5) of its members, and such resolution shall be exempt from veto; and

WHEREAS, Article XI-A, Section 5, of the Constitution of Maryland indicates that amendments to any charter adopted by any County of the State shall be submitted to the voters of the County at the next general or congressional elections occurring after the passage of the resolution; and

WHEREAS, the County Council desires to submit proposed revisions of the Charter to the citizens of the County for consideration at the next general or congressional election in accordance with the provisions of the Charter and Maryland Constitution.

NOW, THEREFORE, BE IT RESOLVED, by the County Council of Wicomico County, Maryland, pursuant to the authority granted the County Council of Wicomico County, Maryland, by Article XI-A, Section 5 of the Constitution of Maryland and Article XI, Section 1002 of the Charter of Wicomico County, Maryland that the following sections of the Charter of Wicomico County be added or amended to read as follows:

**CHARTER OF WICOMICO COUNTY, MARYLAND**

**ARTICLE II**

**County Council**

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**Section 205 Vacancies.**

**[Amended 8-7-2012 by Res. No. 131-2012; 8-2-2016 by Res. No. 101-2016]**

- A. One (1), two (2) or three (3) vacancies. One (1), two (2) or three (3) vacancies occurring simultaneously in the office of the County Council prior to the expiration of the term thereof shall be filled by a qualified person or persons within ONE HUNDRED TWENTY (120) days after the vacancy occurs by the County Council, by election by

majority vote of the remaining members thereof, AND THE VACANCY MAY BE FILLED from a list of four (4) persons for each vacancy to be submitted to said County Council in writing by the local State Central Committee of the political party with which the respective Councilman or Councilmen so vacating have been affiliated. The nominees or appointees shall be of the same political party and from the same councilmanic district as the person or persons whose office or offices are to be filled or from any district if the vacancy is from a council-member elected at large. A VACANCY OF AN UNAFFILIATED COUNCILMEMBER SHALL BE FILLED BY ANOTHER QUALIFIED UNAFFILIATED PERSON. ~~[Unless there is a special election as described in Section 206 to fill the seat,]~~ Any member so APPOINTED ~~elected~~ shall serve for the unexpired term of his predecessor in office and until his THE successor shall qualify.

- B. More than three (3) vacancies. If more than three (3) vacancies occur in the County Council simultaneously and prior to the expiration of their terms, the vacancies shall be filled within thirty (30) days by the Governor of the State of Maryland, who shall appoint the persons to fill such vacancies whose names shall be submitted to him in writing by the local State Central Committee of the political party with which the respective County Councilman, or Councilmen, so vacating has been affiliated. The nominees or appointees shall be of the same political party as the persons whose offices are to be filled. ~~[Unless there is a special election as described in Section 206 to fill the seat,]~~ Any member so appointed shall serve for the unexpired term of his predecessor in office and until his successor shall qualify.

~~{Section 206 Special election to fill Council vacancy.  
[Added 8-2-2016 by Res. No. 101-2016]}~~

~~[Any person appointed pursuant to Section 205 more than 30 days prior to the filing deadline for the primary of an election for President of the United States shall serve until the first Tuesday in December following the general election for said President, and a special election shall be held contemporaneous with the primary and general of said presidential election to fill the balance of said term at which any qualified candidate may file.]~~

### ARTICLE III

#### The Legislative Branch

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Section 306 ~~[Action by Council.]~~ **QUORUM AND CENSURE.**

- A. COMMITTEES AND QUORUM. In all of its functions and deliberations, the County Council shall act as a body and 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. A majority of the total number of Council Members established by this

Charter must be physically present, OR ELECTRONICALLY PRESENT WITH THE APPROVAL OF THE COUNCIL PRESIDENT DUE TO EXTENUATING CIRCUMSTANCES, to constitute a quorum.

- B. CENSURE. A COUNTY COUNCIL PERSON MAY BE CENSURED BY AN AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF THE COUNTY COUNCIL FOR ACTIONS WHICH ARE REPEATED, SUBSTANTIAL VIOLATIONS OF THIS CHARTER.

**Section 312 The referendum on bond issues and other local laws.**

- A. Power reserved. The people of Wicomico County reserve to themselves the power, by petition, to have submitted to the registered voters of the county, for approval or rejection by them by a majority vote, at the next regular election for any state or federal office, or at a special election to be called by the County Council not less than thirty (30) days nor more than one hundred twenty (120) days after said petitions have been filed, provided that the County Council shall have no authority to call said special election in the event a regular election for any state or federal office shall be provided within one hundred eighty (180) days of the date said petitions were filed, any public local law or any part of any public local law [~~hereinafter passed,~~] including any public local law or any part of any public local law authorizing any issue of bonds, certificates of indebtedness, notes or other obligations of the county or renewal thereof OR REALLOCATING PROCEEDS THEREOF.
- B. Petitions; when filed. Any referendum petition hereunder shall be filed with the Board of Elections within sixty (60) days after enactment of the legislation which is the subject of the referendum and shall be signed by a number of registered voters in the county at least equal to twenty per centum (20%) of the number of voters who voted in the previous presidential election, or 10,000 registered voters, whichever is less. **[Amended 8-7-2012 by Res. No. 131-2012]**
- C. Content and process of petition. The content of petitions, execution by signers, required information provided by signers, affidavit of circulators, filing of petitions, determinations, verification and certification shall be as prescribed by law.
- D. Effect of referendum petition. If such petition is filed with the Board of Elections within the time aforesaid, containing the number of signatures as aforesaid, and is in compliance with the other provisions of the law and this Charter, said public local law shall not become effective until thirty (30) days after its approval by a majority of the qualified voters voting thereon. An emergency measure, as defined in Section 308, Subsection (g), of this Article, shall remain in force from the date of its enactment notwithstanding the filing of such petition, but shall stand repealed thirty (30) days after having been rejected by a majority of the qualified voters voting thereon.

- E. Furthering legislation. The provisions of this section shall be self-executing; provided, however, that legislation in furtherance hereof and not in conflict herewith may be enacted by the County Council.

**Section 313 Limitation on bond issues.**

- A. Aggregate issues. No bonds, certificates of indebtedness, notes or other obligations shall be issued by the county on its faith and credit and for its corporate uses in an amount exceeding, in the aggregate, three and two tenths per centum (3.2%) of the assessable basis of real property of the county and eight per centum (8%) of the County's assessable basis of personal property and operating real property of the county as described in section 8-109c of the Tax - Property Article, except that (1) tax anticipation notes or other evidences of indebtedness having a maturity not in excess of twelve (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, shall not be included as bonds or evidences of indebtedness in computing or applying said limitations.
- B. ~~[Serial maturity plan.]~~ AUTHORIZATION. All issues of bonds, certificates of indebtedness, notes or other obligations issued on the faith and credit of the county for a term in excess of twelve (12) months, other than bond anticipation notes, ~~[shall]~~ MAY be issued on a serial AND/OR TERM maturity plan ~~[providing for the maturity of the series in consecutive annual installments;]~~ said ~~[annual]~~ installments shall be in such amounts as may be deemed advisable by the County Council OR BY ANY OFFICIAL OF THE COUNTY TO WHICH THE COUNTY COUNCIL HAS DELEGATED AUTHORITY TO MAKE ANY SUCH FINAL DETERMINATION, and said installments are not required to be equal in amount: provided, however, that the last installment of the series shall become due not later than thirty (30) years after the date of issuance, EXCEPT THAT THE LAST INSTALLMENT OF THE SERIES OF ANY SUCH BONDS, CERTIFICATES OF INDEBTEDNESS, NOTES OR OTHER OBLIGATIONS ISSUED TO THE FEDERAL GOVERNMENT OR THE STATE OF MARYLAND OR ANY DEPARTMENT, AGENCY OR OTHER INSTRUMENTALITY OF EITHER THE FEDERAL GOVERNMENT OR THE STATE OF MARYLAND SHALL BECOME DUE NOT LATER THAN FORTY (40) YEARS AFTER THE DATE OF ISSUANCE. No principal need be payable on bond anticipation notes issued on the faith and credit of the county until their scheduled date of maturity. **[Amended 7-15-2008 by Res. No. 101-2008]**
- C. Refunding. All issues of bonds, certificates of indebtedness, notes or other obligations

of the county are subject to refunding in accordance with the provisions of Section [24 of Article 31] 19-207 OF THE LOCAL GOVERNMENT ARTICLE of the Annotated Code of Maryland, as replaced, supplemented or amended from time to time.  
**[Amended 7-15-2008 by Res. No. 100-2008]**

- D. Current expenses. No county obligations for a term in excess of twelve (12) months shall be issued for current operating expenses.
- E. Urban Service Commission. This section shall not be applicable as to bonds issued or to be issued by the Wicomico County Urban Service Commission, now or hereafter established in said county under Chapter 243 of the Laws of 1955 and the amendments thereto.
- F. BORROWING AUTHORIZATION. ANY BORROWING TO FINANCE CAPITAL PROJECTS MUST BE AUTHORIZED BY AN EXISTING LAW OF THE GENERAL ASSEMBLY OF MARYLAND OR BY A PUBLIC LOCAL LAW OF THE COUNCIL PASSED IN ACCORDANCE WITH THIS CHARTER, AS THE SAME MAY BE AMENDED.
- G. PUBLIC SALE AT COMPETITIVE BID. WITH REGARD TO ANY ISSUE OF BONDS, CERTIFICATES OF INDEBTEDNESS, NOTES OR OTHER OBLIGATIONS ISSUED ON THE FAITH AND CREDIT OF THE COUNTY THAT IS TO BE SOLD BY PUBLIC SALE AT COMPETITIVE BID, BY PUBLIC LOCAL LAW OR BY RESOLUTION, THE COUNTY COUNCIL MAY DETERMINE THE MANNER IN WHICH ANY NOTICE OF SALE OR SUMMARY NOTICE OF SALE RELATING TO SUCH ISSUE MAY BE PUBLISHED AND/OR DISSEMINATED BY A METHOD OTHER THAN PUBLICATION.

#### ARTICLE IV

##### The Executive Branch

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##### Section 408 **CENSURE OR Removal of the County Executive from office.**

- A. The County Executive may be removed from office by an affirmative vote of at least five members of the Council after a public hearing and upon a finding that the County Executive is unable by reason of physical or mental disability to perform the duties of office for a continuous period of six months. The decision of the County Council to remove the County Executive may be appealed by the County Executive by petition to the Circuit Court for Wicomico County within ten days following the County Council's vote to remove. Upon the filing of a petition, the Court may stay the removal pending its decision. The Court shall make independent determinations of fact, and its decision may be appealed.

- B. THE COUNTY EXECUTIVE MAY BE CENSURED BY AN AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF THE COUNTY COUNCIL FOR ACTIONS WHICH ARE REPEATED, SUBSTANTIAL VIOLATIONS OF THIS CHARTER.

## ARTICLE V

### Administrative Organization

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#### Section 503 **Composition; restrictions on creation.**

- A. Departments. The administrative organization shall, except as otherwise provided herein, consist of the following departments:
1. Department of Law
  2. Department of Human Resources
  3. Department of Finance
  4. Department of Planning, Zoning and Community Development
  5. Department of Public Works
  6. Department of Recreation, Parks and Tourism
  7. Department of Corrections
  8. Department of Information Services
  9. Department of Emergency Services
  10. Wicomico Partnership for Families and Children
  11. DEPARTMENT OF AVIATION.

#### Section 507 **Department of Law.**

- A. Appointment, compensation, removal. The Department of Law shall be administered by the County Attorney, who shall be a member in good standing of the bar of the Maryland Court of Appeals for at least five years and shall have been actively engaged in the general practice of law in the State of Maryland for at least five years immediately prior to his or her appointment. The County Attorney shall be appointed in accordance with Section 413 and his compensation shall be as established in the budget. **[Amended 8-7-2012 by Res. No. 131-2012]**

The County Attorney shall serve at the pleasure of the Executive. ~~[and the Council.]~~

~~The County Attorney may be removed from office by either: the Executive with the consent of a majority of the Council; or a two-thirds vote of the entire Council.]~~  
**[Added 8-7-2012 by Res. No. 131-2012]**

## ARTICLE VI

### Personal Provisions

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#### Section 601 **Personnel system.**

- A. System. UPON RECOMMENDATION OF THE COUNTY EXECUTIVE, the County Council shall establish~~[- by law,]~~ a personnel system WHICH SHALL HAVE THE FORCE OF LAW BY RESOLUTION AFTER A PUBLIC HEARING.~~[as described in this section.]~~ UPON RECOMMENDATION OF THE COUNTY EXECUTIVE, the County Council may modify or revise the PERSONNEL SYSTEM BY RESOLUTION AFTER A PUBLIC HEARING. ~~[system by law. The County Executive may submit changes, modification or revisions to the personnel system to the County Council which shall have the force of law upon adoption by the Council]~~ **[Amended 8-2-2016 by Res. No. 101-2016]**
- B. Scope. The personnel system shall provide for:
1. A classification and pay plan for all county positions.
  2. Disciplinary and appeal procedures.
  3. Work rules, MANDATORY AND VOLUNTARY benefits programs and leave POLICIES. ~~[positions.]~~
  4. Other practices and procedures necessary to the administration of the personnel system.

#### Section 609 **Prohibition against additional compensation.**

- A. General; Exception for expenses. No member of the County Council, nor the County Executive, and no officer or employee whose salary is fixed in whole or in part by this Charter or by rules or regulations of the County Personnel Board shall be entitled directly or indirectly to any other salary, expenses or compensation from the county for performance of public duties, except expenses for travel and subsistence incident to the performance of his official duties, as authorized by the public local laws of the county, except upon prior written approval of his department head.
- B. Full time required. All officers and employees in the executive or legislative branches,

[~~the County Executive,~~] other than members of the County Council, the County Attorney and Assistant County Attorneys, if any, who receive a salary or compensation paid in whole or in part from county funds, shall devote their entire time during the official working hours to the performance of their official duties.

## ARTICLE VII

### Budgetary and Fiscal Procedures

#### Section 704 **Capital program and budget.**

- A. Proposed projects. At such time as the County Executive may direct, each department which receives or disburses county funds shall submit to the County Executive an itemized list of the capital projects which each department proposes to undertake in the ensuing fiscal year and the next succeeding four fiscal years thereafter. The County Executive may amend the capital budget and capital program proposals and shall cause to be prepared the county capital program and budget as set forth in this charter.
- B. Recommendation of projects, the head of each department or agency of the government shall first submit appropriate details of projects intended for inclusion in the proposed capital program to the Wicomico County Planning and Zoning Commission for comment, so that it can be determined that said projects conform to the Comprehensive Plan of said county, as to both location and use. The Planning and Zoning Commission's comments must be obtained prior to the submission of the proposal to the County Executive.
- C. Submission of projects. On or before October 1 of each year, the head of each department or agency of the government shall submit to the County Executive a description and estimate of all capital projects already authorized and of all capital projects which he believes should be undertaken within the next five (5) fiscal years in such form as the County Executive shall prescribe. At the same time, the Director of Finance shall submit to the County Executive, in such form as said Director shall prescribe, an itemized statement of the outstanding bonds, notes, certificates of indebtedness and other obligations of the county and the amounts of principal maturing and the amounts of interest due for each year until the obligations are retired, together with the amount of the additional obligations which may be incurred by the county without exceeding the limitations imposed by this Charter or other law.
- D. Hearings. The County Executive shall hold a public hearing on the capital program for the purpose of obtaining information. **[Added 8-7-2012 by Res. No. 131-2012]**
- E. Projects submitted to County Council. On or before the third Tuesday in December of each year, the County Executive shall submit to the County Council a capital program for five (5) years showing: **[Amended 7-20-2010 by Res. No. 111-2010]**



1. As to each capital project already authorized and not completed, a brief description, the estimated cost, the date of authorization, the amount and nature of the obligation authorized, the amount and maturities of such obligation issued, the amount of all obligations outstanding, the unencumbered balances of authorization on such date, the amount of liabilities estimated to be incurred in the balance of the current fiscal year and the estimated additional appropriation, if any, required for completion.
  2. As to each new capital project recommended by him, a brief description thereof, the estimated cost of study and planning, the total estimated cost by years, the estimated date of completion, the estimated useful existence, the amounts, nature and terms of obligations recommended to be authorized in each of the five (5) succeeding fiscal years and the estimated annual maintenance and service charges.
  3. Any recommendation that an already authorized project be modified, postponed or abandoned. **[Amended 8-7-2012 by Res. No. 131-2012]**
  4. Such explanatory statements and other data as the County Executive deems advisable or the County Council may require.
- F. Inspection of estimates: hearings. The department estimates, statements of the Director of Finance and the capital program submitted to the County Council by the County Executive shall be open to public inspection. The County Council shall give notice of a public hearing on the capital program, on or before the third Tuesday in February. Any member of the public or his representative, the County Executive and the head of any department or other agency shall be entitled to be heard at this public hearing.  
**[Amended 7-20-2010 by Res. No. 111-2010]**
- G. Action by County Council. The County Council shall approve, decrease or delete any items in the capital program as submitted or amended on or before the third Tuesday in February of each year. The County Council shall have no power to change the form of the program as submitted by the County Executive, or to add any project or to increase any project recommended by the County Executive for capital purposes. If the County Council fails to adopt a capital program by the third Tuesday in February the capital program as submitted by the County Executive shall stand adopted to the same extent as if favorable action had been taken by the County Council. The County Council may, upon the recommendation of the County Executive, after public hearing and the affirmative vote of a majority of its members, amend the adopted Capital Budget BY RESOLUTION. WITH RESPECT TO THE REALLOCATION OF THE PROCEEDS OF ANY BONDS, CERTIFICATES OF INDEBTEDNESS, NOTES OR OTHER OBLIGATIONS ISSUED ON THE FAITH AND CREDIT OF THE COUNTY OR CHANGES IN THE SCOPE OF ANY PROJECT FUNDED FROM ANY SUCH DEBT, THE COUNTY COUNCIL MAY AMEND EITHER THE ORIGINAL

**CAPITAL BUDGET IN WHICH SAID FUNDS WERE INCLUDED OR A  
SUBSEQUENT CAPITAL BUDGET BY RESOLUTION. [Amended 7-20-2010 by  
Res. No. 111-2010]**

**Section 705 Expense budget and budget message.**

- A. Estimates submitted, hearing. On or before March 15 of each year hereafter, the head of each department or special agency in the executive branch of the county government and of each agency financed in whole or in part by county funds shall submit to the County Executive an itemized estimate of the revenues and expenditures of the department or agency for current expenses for the next fiscal year. All such estimates shall be submitted in such form and with such other supporting data as the County Executive may request. The County Executive may amend the estimates, except the County Executive may not amend the budget request of the County Council for its operating expenses.
- B. Statements to County Executive. On or before March 15 of each year hereafter, the Director of Finance shall submit to the County Executive in such form as prescribed by the County Executive an itemized statement of:
1. The expenditures of each department and agency for the two (2) preceding fiscal years and the current fiscal year up to and including the last day of the month preceding the date of request;
  2. The amount of interest and maturing principal due on county obligations during the next fiscal year;
  3. The amount of uncollected taxes and other revenues due for the current and prior fiscal years and estimated receipts therefrom during the next fiscal year;
  4. The assessable value, as of the last date of finality, of the real and other property subject to county taxation;
  5. The estimate of county miscellaneous revenues from sources other than locally assessed taxes for the next fiscal year;
  6. The available surplus at the close of the last completed fiscal year and the estimated available surplus at the close of the current fiscal year; and
  7. Such other items as the County Executive may require.
- C. Hearings. The County Executive shall hold a public hearing on the expense budget for the purpose of obtaining information. [Amended 8-7-2012 by Res. No. 131-2012]

D. Submitted to County Council. On or before the third Tuesday in April of each year, the County Executive shall submit to the County Council an expense budget for the next fiscal year and the budget message. The proposed county budget shall be filed with the Council Administrator and copies thereof shall be made available to the public upon request. **[Amended 7-20-2010 by Res. No. 111-2010]**

1. The expense budget shall include in both detail and summary form:
  - (a) Estimates of available surplus, if any; estimates of receipts from taxes, at a rate sufficient to balance said budget; receipts from other revenues; and recommended borrowing, if any, for the next fiscal year.
  - (b) Recommended appropriations for current expenses for each department or agency and for other purposes for the next fiscal year.
  - (c) Recommended appropriations for debt service for the next fiscal year, including portions of capital program to be financed during said year.
  - (d) Such other data as the County Executive deems advisable.
2. The budget message shall contain supporting summary tables and shall explain the proposed expense budget and capital program both in fiscal terms and in terms of work to be done. It shall outline the proposed financial policies of the county for the ensuing year. 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 such changes. It shall include a statement of the bonded and other indebtedness of the county government and its agencies, including any self-sustaining debt.

E. Inspection of documents; hearings.

1. The County Council shall give at least five (5) days' notice in one (1) or more newspapers published in Wicomico County of a public hearing on the expense budget, to be held by May 15. Any member of the public or his representative, the County Executive and the head of any department or other agency shall be entitled to be heard at this public hearing.
2. The County Council may hold preliminary hearings on the budget for the purpose of obtaining information as it may determine, but no action shall be taken by the County Council on the budget except in public session and after the public budget hearings prescribed in this section.

F. Adoption of budget.

1. After the public hearing, the Council may decrease or delete any items in the budget except those required by the laws of this state or of this county, and except any 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 County Executive, or to alter the revenue estimates except to correct mathematical errors, or to add any items to the budget or to increase any expenditure recommended by the County Executive for current expense or capital purposes. In the event the Council decreases or deletes any item(s) and the Executive and Council do not agree upon the expenditure of the surplus, then upon adoption of the budget the surplus shall be placed in the undesignated fund balance for future appropriation. [**Amended 8-2-2016 by Res. No. 101-2016**]
2. The adoption of the current expense budget and the capital budget shall be by the affirmative vote of at least four members of the Council by a law to be known as the Annual Budget and Appropriation Bill. [~~Any borrowing to finance capital projects must be authorized by an existing law of the General Assembly of Maryland or by a law of the Council adopted in accordance with this Charter.~~]

**Section 707 Authority to change dates.**

The County Council may, by resolution, change any of the dates, AND CORRESPONDING HEARING DATES, set forth in Sections 704 and 705 herein, provided that said resolution states the reason for said change or changes, and such resolution shall be effective only [~~during the~~] FOR THE fiscal year in which said resolution is adopted, subject to the restrictions set forth in Section 705.

**Section 708 Transfer of appropriations and capital assets; inter-fund borrowing.**

- A. How authorized. Transfers of appropriations between general classifications of expenditures within the same office or department may be authorized by the County Executive, provided that the County Council is given at least 15 days advance written notice of any such transfer except in the case of an emergency, in which case such notice shall be given as soon as possible but no later than five days after the transfer. Transfers between offices, departments, institutions, boards, commissions or other agencies of the county government may be made during the last quarter of the fiscal year and then only on the request of the County Executive and with approval of the County Council BY RESOLUTION. [**Amended 7-3-2018 by Res. No. 65-2018**]
- B. Inter-fund borrowing. Upon the request of the County Executive, the County Council may authorize by resolution inter-fund borrowing to meet temporary cash requirements and may permit reimbursement among funds for services rendered.
- C. A depreciable capital asset having a current book value of \$15,000 or more, regardless of when and how acquired, may be transferred between departments, agencies, offices

or funds only upon written recommendation of the County Executive and approval by the County Council by resolution. The recommendation shall describe the asset and state its current book value and the reason(s) for the transfer. Other than real estate or any other items designated by resolution of the County Council, a depreciable capital asset may not be used regularly, except under extraordinary circumstances, by a department, agency, office or fund unless it is purchased or otherwise acquired for or subsequently transferred to such user. **[Added 7-3-2018 by Res. No. 65-2018]**

**Section 709 Supplementary and emergency appropriations.**

- A. Supplementary. During any fiscal year, the County Council, upon the request of the County Executive, may make additional or supplementary appropriations, BY RESOLUTION, from unexpended and unencumbered funds set aside for contingencies or from reimbursements or revenue receipts in excess of those budgeted, provided that the Director of Finance shall first certify in writing that such funds are available for such appropriation. No supplemental appropriation shall exceed the amount of the funds so certified or the amount requested by the County Executive, whichever is less.
- B. Emergency. To meet a public emergency affecting life, health, property or general welfare, the County Council may, by [~~ordinance or~~] resolution, upon the request of the County Executive, make emergency appropriations, not to exceed the amount requested, from unappropriated surplus, from contingent funds, from revenues received from anticipated sources in excess of the budget estimates therefor or from revenues received from sources not anticipated in the budget for the current fiscal year. To the extent that there may be no available unappropriated revenues to meet such emergency appropriations, the County Council may, by [~~ordinance or~~] resolution, authorize the issuance of emergency notes which may be renewed from time to time; provided, however, that such notes and renewals shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made. The total of emergency appropriations in any fiscal year shall not exceed five per centum (5%) of all appropriations (including those for debt service) made in the budget for such year.

**Section 710 Lapsed appropriations.**

Unless otherwise provided by public general laws, all unexpended and unencumbered appropriations in the current expense budget remaining at the end of the fiscal year shall revert to the County's General Fund and may be available for emergency appropriations, as provided in Section 709 of this Article, and/or appropriation in the succeeding year's budget. No appropriation for a capital project in the capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; provided, however, that any capital project shall stand abandoned if three (3) fiscal years elapse without any expenditure from or encumbrance of the appropriation made therefor. The

balance remaining to the credit of the completed or abandoned capital projects shall be available for appropriation in subsequent capital budgets or be transferred to a fund for the retirement of bonds or payment of interest. ~~[if funds for such capital project were obtained from the sale of bonds.]~~ NOTWITHSTANDING THE FOREGOING PROVISIONS, IF FUNDS FOR A COMPLETED OR ABANDONED CAPITAL PROJECT WERE OBTAINED FROM THE SALE OF BONDS, CERTIFICATES OF INDEBTEDNESS, NOTES OR OTHER OBLIGATIONS ISSUED ON THE FAITH AND CREDIT OF THE COUNTY, ANY SUCH REMAINING FUNDS SHALL BE APPLIED IN ACCORDANCE WITH SECTION 712 OF THIS CHARTER.


**Section 712 Appropriation control of Capital Funds.**

No funds resulting from the issuance of bonds, certificates of indebtedness, notes or other obligations of the county, pursuant to Article III, Section 313, may be expended for any project or projects not expressly set forth in the capital budget and authorizing legislation establishing said funds, AS THE APPLICABLE CAPITAL BUDGET MAY BE AMENDED BY RESOLUTION AND AS THE APPLICABLE AUTHORIZING LEGISLATION MAY BE AMENDED. Transfer of appropriations among the items set forth ~~[therein]~~ IN THE ORIGINAL OR AMENDED CAPITAL BUDGET OR AUTHORIZING LEGISLATION shall be authorized upon the request of the County Executive, with the approval of the County Council, BY RESOLUTION. ~~[but in no event shall the total costs of any one (1) project exceed one hundred twenty five percent (125%) of the authorized amount specified in the enabling legislation.]~~ IN ADDITION, ANY ~~[Any]~~ surplus funds unexpended at the completion OR ABANDONMENT of ~~[all of the]~~ ANY project listed in the ORIGINAL OR AMENDED enabling legislation ~~[shall]~~ MAY be (1) REALLOCATED TO OTHER CAPITAL PROJECTS THROUGH AMENDMENT OF THE APPLICABLE AUTHORIZING LEGISLATION; (2) credited to the capital program for the fiscal year next succeeding the year in which said balance is ascertained; OR (3) TO THE EXTENT NOT PROHIBITED BY APPLICABLE LAW, APPLIED TO THE PAYMENT OR PREPAYMENT OF DEBT SERVICE ON SUCH BONDS, CERTIFICATES OF INDEBTEDNESS, NOTES OR OTHER OBLIGATIONS OF THE COUNTY.

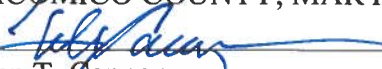
AND BE IT FURTHER RESOLVED, that this Resolution having been approved by not less than five (5) members of the County Council of Wicomico County, the proposed amendments shall be published by the County Executive in one (1) or more newspapers of general circulation in Wicomico County once each week for five (5) successive weeks prior to the next general election or congressional election occurring after passage hereof; and at such election the question shall be submitted to the voters of Wicomico County, Maryland, and if at said election a majority of the votes cast on the question shall be in favor of the herein proposed amendments, such amendment shall stand adopted and become a part of the Charter of Wicomico County, Maryland, from and after the (30<sup>th</sup>) day following said election, in accordance with Article XI, Section 1002, of the Charter of Wicomico County, Maryland.

Done at Salisbury, Maryland this 21<sup>st</sup> day of June, 2022.

ATTEST:

  
\_\_\_\_\_  
Laura Hurley,  
Council Administrator

COUNTY COUNCIL OF  
WICOMICO COUNTY, MARYLAND

  
\_\_\_\_\_  
(SEAL)  
John T. Cannon,  
Council President

CERTIFICATION

This Resolution was Adopted , Adopted with Amendments \_\_\_\_\_, Failed \_\_\_\_\_, Withdraw \_\_\_\_\_ by the County Council on June 21, 2022.

Certified by   
\_\_\_\_\_  
Laura Hurley, Council Administrator