

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

2016 Legislative Session

Legislative Day No. 15

Resolution No. 101-2016

Introduced by: The President of the Council

CHARTER AMENDMENTS

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

Section 205. Vacancies.

- 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 forty-five (45) days after the vacancy occurs by the County Council, by election by majority vote of the remaining members thereof, 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. UNLESS THERE IS A SPECIAL ELECTION AS DESCRIBED IN SECTION 206 TO FILL THE SEAT, any member so elected shall serve for the unexpired term of his predecessor in office and until his 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.

ANY PERSON APPOINTED PURSUANT TO SECTION 205 MORE THAN THIRTY (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

Section 311. Legislative Procedure.

~~D. Publication of proposed laws. On the introduction of any bill, a copy shall be placed on the COUNTY'S OFFICIAL WEBSITE OR OTHERWISE BE PUBLISHED USING ELECTRONIC MEDIA official bulletin board to be set up by the County Council, and additional copies shall be made available to the public, the press and other news media. Within five (5) days following the introduction of a bill, the County Council shall schedule and give public notice of a public hearing on the bill. The date of the public hearing and the titling of every such bill, stating the objectives and purposes thereof, shall be published at least once a week for two (2) successive weeks prior to enactment of the bill in some newspaper of general circulation in Wicomico County. Each copy of the bill shall bear the date it was introduced. A notice with the titling and summary of the bill shall be published once after enactment in a newspaper of general circulation within Wicomico County.~~

Section 315. Confirmation of appointments.

- A. Director of Administration and department heads. Appointment by the County Executive of the Director of Administration or of the head of a department in the executive branch of the county government shall be subject to confirmation by the County Council. If the Council fails to act to confirm or reject any appointment within ~~thirty~~ FORTY-FIVE days of its submission to the County Council, AT ITS LEGISLATIVE SESSION, by the County Executive, the appointment shall stand approved.
- B. Boards and commissions. Appointment by the County Executive to membership on a board or commission shall be subject to confirmation by the County Council. If the Council fails to act to confirm or reject any appointment within ~~thirty~~ FORTY-FIVE days of its submission to the County Council, AT ITS LEGISLATIVE SESSION, by the County Executive, the appointment shall stand approved.

Article IV. The Executive Branch

Section 407. Vacancy in the Office of County Executive.

- A. A vacancy in the Office of County Executive shall exist upon the death, resignation, or removal of the County Executive, or upon his/her forfeiture of office. In the event of a vacancy, the Director of Administration shall serve as Acting County Executive until a new County Executive is appointed, and shall have the same rights, duties, powers and obligations as an elected incumbent in said office. ~~The office of County Executive shall be filled by resolution within thirty days of the vacancy by the affirmative vote of a majority of the members of the Council. The person so elected by the Council shall possess the same qualifications for the office as provided in Section 405, shall belong to the same political party as his or her predecessor at the time of the Executive's most recent election (unless his predecessor was not a member of a political party) and shall serve the unexpired term of his predecessor and until his successor shall qualify.~~
- B. IF A VACANCY OCCURS DURING THE FIRST 12 MONTHS OF A TERM, A NEW COUNTY EXECUTIVE SHALL BE NOMINATED AND ELECTED BY THE QUALIFIED VOTERS OF THE COUNTY AT THE SAME TIME AS MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES ARE NOMINATED AND ELECTED AND IN THE MANNER PROVIDED BY LAW. IN THE INTERIM UNTIL A NEW COUNTY EXECUTIVE IS ELECTED, THE VACANCY SHALL BE TEMPORARILY FILLED BY RESOLUTION BY A MAJORITY VOTE OF THE MEMBERS OF THE COUNTY COUNCIL, WITHIN 45 DAYS AFTER THE VACANCY OCCURS.
- C. IF A VACANCY OCCURS AFTER THE FIRST 12 MONTHS OF A TERM, THE VACANCY SHALL BE PERMANENTLY FILLED BY RESOLUTION BY A MAJORITY VOTE OF THE MEMBERS OF THE COUNTY COUNCIL, WITHIN 45 DAYS AFTER THE VACANCY OCCURS.

- D. IF THE FORMER COUNTY EXECUTIVE WHOSE POSITION IS BEING FILLED WAS A MEMBER OF A POLITICAL PARTY, THE NEW COUNTY EXECUTIVE BEING APPOINTED, EITHER TEMPORARILY OR PERMANENTLY, SHALL BELONG TO THE SAME POLITICAL PARTY AS HIS OR HER PREDECESSOR AT THE TIME OF THE EXECUTIVE'S MOST RECENT ELECTION AND SHALL POSSESS THE SAME QUALIFICATIONS FOR OFFICE AS PROVIDED IN SECTION 405 OF THIS CHARTER.
- E. THE NEW COUNTY EXECUTIVE ELECTED PERMANENTLY BY THE COUNTY COUNCIL OR BY THE VOTERS SHALL SERVE THE UNEXPIRED TERM OF THE FORMER COUNTY EXECUTIVE AND UNTIL A SUCCESSOR IS DULY ELECTED AND QUALIFIED.

Section 410. Temporary absence or disability of the County Executive.

In the event of the temporary absence or disability of the County Executive, the Director of Administration shall perform the duties of the County Executive, ~~unless the County Executive designates in writing some other person in the executive branch. Such designation shall be filed with the Council Administrator. Any such designation may be revoked by the County Executive at any time by filing a new designation with the Council Administrator.~~ An Acting County Executive under this section shall have the same rights, duties, powers, and obligations as an elected incumbent in said office.

Section 414. Temporary Administrative Appointments.

- B. ~~Term. In the event the person appointed as "Acting Director of Administration" or acting head of the department, does not possess all the qualifications of office as required by this Charter, The appointment OF ANY PERSON APPOINTED AS "ACTING DIRECTOR OF ADMINISTRATION" OR ACTING HEAD OF A DEPARTMENT~~ ~~person appointed as "Acting Director of Administration" or acting head of the department~~ may not exceed ninety (90) calend(A)r days, EXCEPT BY COUNCIL APPROVAL. ~~This limit may be extended by the Council for a period of time not to exceed an additional four (4) months.~~ THIS APPOINTMENT MAY BE EXTENDED BY THE COUNCIL EVERY NINETY (90) CALENDAR DAYS.

Article V. Administrative Organization

Section 504. Reorganization.

- D. AS USED IN THIS ARTICLE, "REORGANIZATION" SHALL INCLUDE:
 - 1. A MANAGEMENT INITIATED REARRANGEMENT OF REPORTING RELATIONSHIPS, IN TERMS OF FINANCIAL COMPENSATION, OF MULTIPLE POSITIONS WITHIN OR BETWEEN DEPARTMENTS, OFFICES OR AGENCIES, OR

2. ANY CHANGE WHICH PRESCRIBES, ALTERS OR DEFINES FUNCTIONS AND RESPONSIBILITIES AND ALLOCATES, REALLOCATES, EXPANDS OR DELETES POWERS OF VARIOUS DEPARTMENTS, AGENCIES, BOARDS AND OTHER BODIES OF THE EXECUTIVE BRANCH.

Section 507. Department of Law.

- D. Same, County Council. The County Attorney shall, AT THE REQUEST OF THE COUNTY COUNCIL, SERVE AS A ~~also be the~~ legal advisor and, ~~if requested,~~ a legislative draftsman for the County Council. However, the County Council may ELECT TO employ other attorneys as provided in Section 304C.
- E. Other counsel. Except as otherwise provided for in state law or this Charter, no department of the county government which receives county funds shall have any authority or power to employ or retain any legal counsel. ~~other than~~ The County Attorney SHALL SERVE AS COUNSEL FOR THOSE DEPARTMENTS WHICH RECIEVE COUNTY FUNDS.

Article VI. Personnel Provisions

Section 601. Personnel system.

- A. System. ~~The County Executive may prepare a system of personnel rules to administer the personnel system or propose revisions, amendments or modifications to the existing system.~~ THE COUNTY COUNCIL SHALL ESTABLISH, BY LAW, A PERSONNEL SYSTEM AS DESCRIBED IN THIS SECTION. THE COUNTY COUNCIL MAY MODIFY OR REVISE THE 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. ~~The County Council shall, by law, approve the rules as proposed, or shall modify, reject, or return them for revision, modification and resubmission.~~

Article VII. Budgetary and Fiscal Procedures

Section 705. Expense budget and budget message.

- 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.

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 thirtieth (30th) day following said election, in accordance with Article XI, Section 1002, of the Charter of Wicomico County, Maryland.

Done at Salisbury, Maryland, this 2nd day of August, 2016.

ATTEST:

COUNTY COUNCIL OF
WICOMICO COUNTY, MARYLAND


Matthew E. Creamer,
Council Administrator


John T. Cannon,
Council President

CERTIFICATION

This Resolution was Adopted , Adopted with Amendments ____, Failed ____, Withdrawn ____ by the County Council on August 2, 2016.

Certified by 
Matthew E. Creamer, Council Administrator