
IN THE COURT OF APPEALS OF MARYLAND

SEPTMBER TERM, 2021

NO. 63

PRINCE GEORGE'S COUNTY

Petitioner,

v.

ROBERT E. THURSTON, JR. *ET AL*

Respondents.

RESPONDENTS' APPENDIX

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TABLE OF CONTENTS

Prince George’s County Charter Board Meeting Minutes.....	1
Original Prince George’s County Charter.....	5
Prince George’s County Charter, Sec. 320.....	49
Prince George’s County Charter, Sec. 321.....	50
Loveless Commission Report.....	51
Council Bill CB-184-1981.....	111
Council Bill CB-8-1991.....	152
Council Resolution CR-5-2001.....	155
Council Bill CB-64-2011.....	158
Redistricting Provisions in Various County Charters.....	163
Washington Post Articles, 1974 Election.....	174

OFFICIAL MINUTES OF PROCEEDINGS

PRINCE GEORGE'S COUNTY CHARTER BOARD (1968-1969)

Walter H. Maloney, Jr. Chairman
William J. Kircher, Vice-Chairman
Robert B. Bender, Jr.
W. Gordon Gemeny
Peter F. O'Malley

PRINCE GEORGE'S COUNTY CHARTER BOARD

Minutes - March 29, 1969

A regular meeting of the Prince George's County Charter Board was held in the County Service Building at 8:00 PM. All members were present except Member Gemeny.

A moment of silence was observed out of respect for the late President Dwight D. Eisenhower.

The meeting opened with the discussion of whether or not the phrase, "open to the public" should be included in the section on legislative days.

The Board voted unanimously in favor of adopting the language of the Montgomery County Charter on conducting of business in public sessions. It reads, "No business shall be transacted or any appointments made or nominations confirmed except in public session."

The Board voted unanimously to accept the Loveless Commission's language on Non-Legislative Sessions; and to accept their language on Quorum.

The Board voted unanimously to have the ayes and nays recorded in the Journal with the nays recorded by name. A unanimous vote was also taken to have the Journal annually published for suitable distribution.

In considering enactment of legislation, it is the intent of the Charter Board to have the legislative procedure apply to all types of legislative acts, whether they are termed ordinances or public local law. The Board unanimously adopted the Form of Laws in the Loveless Commission.

The Board voted unanimously to adopt the language of the Loveless Commission on the Publication of Bills, changing the time period from twenty-four hours to seventy-two hours.

The Board voted unanimously to adopt the language of the Loveless Commission on the Introduction of Bills, changing the time period from twenty-four hours to seventy-two hours. A unanimous vote was also taken that the Council may reject any bill on its introduction without a hearing by a vote of two-thirds of the members of the full Council. Such public notice shall be published in the County newspapers of record later to be defined.

The Chief Counsel was asked to give, at a later date, a case law on a head note type summary, preferably in one sentence.

The Board stated that it would like to see a captioned summary of a head note nature published. It was the feeling of the Board that there should be a separate paper for the legal news in the county, rather than have many newspapers being supported by legal advertising.

The Board voted unanimously to include a provision for Amendment of Bills. It was agreed that the term "change of substance" should be considered further before adopting the Loveless language on this subject.

Prince George's County Charter Board
Minutes - March 29, 1969
Page 2

The Board voted unanimously to have a clean-up provision at the end of the May session for those bills which were not passed during the year. The thought was brought out that bills can always be re-introduced.

The Board voted unanimously to have all bills die at the expiration of the term of the old council.

The Board voted 3-0, with Member Kircher voting present, that no regular legislative day shall take place in November of election or councilmatic year.

The meeting adjourned at 10:28 PM.

MINUTES

April 21, 1969

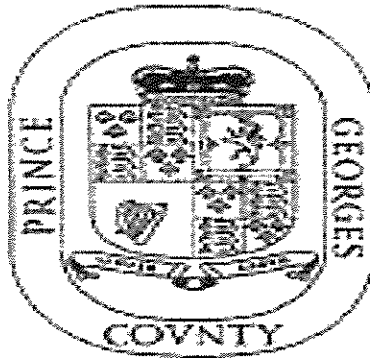
All members were present.

The Board voted 4-0 to establish a reapportionment commission, similar to the Montgomery County proposal, except that it should be composed of two members each from State Central Committees of parties polling 15% of the vote at the previous gubernatorial election, with an extra member being appointed by the Council. Member O'Malley was not present during this vote.

The Board heard presentations concerning the County Board of Appeals from its Chairman, William Fawcett, Member Simon Pristoop, and Attorney to the Board of Appeals Louis Pohoryles. The Board of Appeals is a composite of three boards, deriving authority from various sources, and combined into one Board by ordinance of the Board of Commissioners. The Board of Appeals functions as a Board of Zoning Appeals under the Regional District Act, a Board of Administrative Appeals deriving its authority from Ordinance, and a Board of Tax Appeals, hearing appeals from assessments. As a Board of Administrative Appeals, it hears appeals from adverse decisions to the appellant by various departments such as the Housing Inspector, the Building Inspector, and the Zoning Enforcement Officer. After considering the presentation and various matters elicited in response to questions, the Charter Board voted 5-0 to establish in the Charter a Board of Appeals, having jurisdiction as spelled out in the Loveless Commission Draft, said Board of Appeals having five members appointed by the County Council and requiring minority party representation.

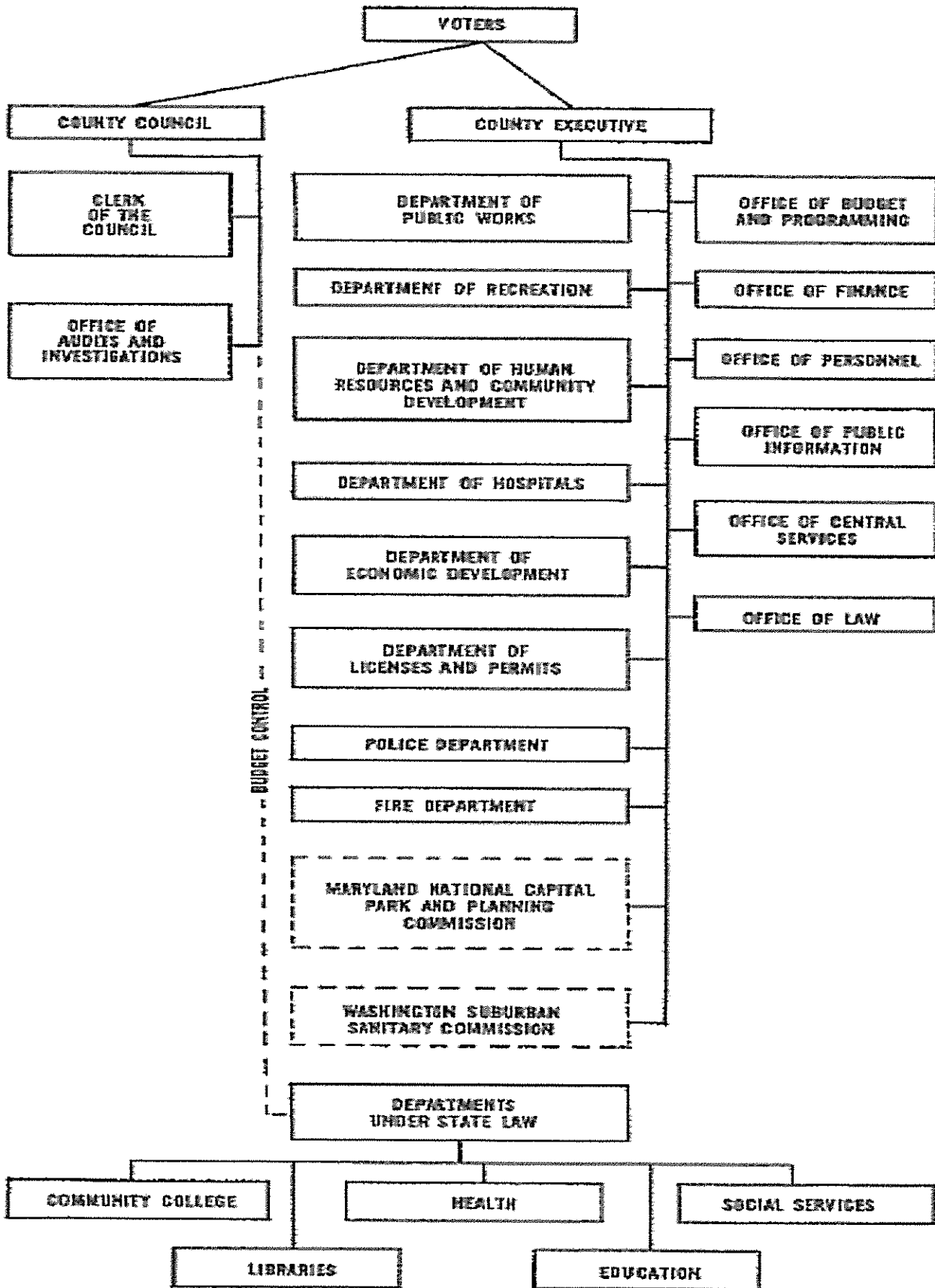
The Charter Board adjourned at 10:45 PM.

PROPOSED
CHARTER
FOR
PRINCE GEORGE'S
COUNTY
MARYLAND



TO BE VOTED ON AT
GENERAL ELECTION
ON
NOVEMBER 3, 1970

ORGANIZATION OF PRINCE GEORGE'S COUNTY UNDER PROPOSED HOME RULE CHARTER



Presented herein is the proposed Charter for Prince George's County, prepared by the Charter Board elected in 1968. This proposed Charter will be presented to the citizens of Prince George's County at the General Election to be held November 3, 1970, and if adopted will abolish the office of County Commissioner and establish a new form of government for the County.

We urge every citizen to read the proposed Charter, so that an informed decision can be made in November. To avoid any possible confusion, it should be remembered that this is the first time the citizens of our County will vote on a proposed Charter, and that this document is in no way connected with the proposed State Constitution which was defeated in May of 1968.

The proposed Charter contains provisions which, when placed into effect, would:

- Create a directly elected County Executive, with broad powers to administer County government.
- Create an eleven-member County Council, empowered to pass local legislation for the County. The power to pass local legislation for the County would, by the adoption of the Charter, be taken from the Maryland General Assembly.
- Permit the County to reorganize its government.
- Define the powers, duties and limitations of the County's major public officials, and place them under strict conflict of interest provisions.
- Place the power to pass laws, confirm or reject appointments made by the Executive, levy taxes, enact a yearly operating budget, float bonds, approve master plans and decide zoning cases in the County Council.
- Place the power to nominate department heads and members of boards and commissions, except where provided otherwise by State law, in the Executive. The Executive is also charged with formulation of the budget for submission to the County Council, and may veto laws passed by the Council, subject to a right in the Council to override a veto by a two-thirds vote.
- Reserve to the people the right to petition to referendum bond authorizations, master plans, comprehensive zoning maps, and other laws, with certain exceptions as noted in Section 319, and the right to petition for amendments to the Charter.
- Establish procedural requirements providing for timely and orderly preparation of all budgets, and specific requirements as to what each budget must contain.

establish procedures on the recording of property and create a People's Zoning Council.

- Require that governmental documents, with certain exceptions, be open to inspection by the public.
- Make mandatory centralized purchasing by bid, and a merit system for all County employees.
- Establish an Office of Audits and Investigations, to monitor expenditures and the performance of governmental agencies.

If the Charter is adopted on November 3, its provisions will take effect on December 3, 1970, except where noted. The five County Commissioners elected in November, 1970, may automatically become Councilmen. An election will be held on January 26, 1971, to elect the first County Executive, and additional members of the County Council, and all of these officials will assume office on February 8, 1971.

These are merely some of the highlights of the Charter. We urge you to carefully read the whole document, before voting on November 3, 1970.

The Charter Board
The Board of County Commissioners

TABLE OF CONTENTS

PREAMBLE	5
ARTICLE I — NAME AND RIGHTS OF THE COUNTY.....	5
ARTICLE II — INDIVIDUAL RIGHTS.....	5
ARTICLE III — LEGISLATIVE BRANCH.....	6
ARTICLE IV — EXECUTIVE BRANCH.....	13
ARTICLE V — ADMINISTRATIVE ORGANIZATION	15
ARTICLE VI — PURCHASING.....	16
ARTICLE VII — PLANNING AND ZONING	17
ARTICLE VIII — BUDGET AND FINANCE.....	22
ARTICLE IX — PERSONNEL.....	29
ARTICLE X — GENERAL PROVISIONS.....	31
ARTICLE XI — EFFECT AND AMENDMENT OF CHARTER.....	35
ARTICLE XII — TRANSITIONAL PROVISIONS	36
SCHEDULE OF LEGISLATION	39

FREEMIDE

We, the People of Prince George's County, grateful to Almighty God for our civil and religious freedom, desiring to preserve and to extend the fruits of that freedom to all our citizens, recognizing that all political power originates in the people, and desiring to obtain for our County a full measure of home rule and the most orderly arrangement of its form of government, do hereby establish and ordain this

CHARTER OF PRINCE GEORGE'S COUNTY, MARYLAND

ARTICLE I NAME AND RIGHTS OF THE COUNTY

Section 101. BODY CORPORATE AND POLITIC. Prince George's County as it now exists constitutes a body corporate and politic. Under this Charter it shall have all rights and powers of local self-government and home rule as are now or may hereafter be provided or implied by this Charter and by the Constitution and laws of the State of Maryland. The County shall have all such powers as freely and completely as though they were specifically enumerated in this Charter, and no enumeration of powers in this Charter shall be deemed exclusive or restrictive.

Section 102. EXERCISE OF POWERS. The powers mentioned in the preceding section shall be exercised only by the County Council, the County Executive, and other agents, officers, and employees of the County acting under their respective authorities, or under such other authority as may be provided by this Charter or the laws of this State.

Section 103. NAME AND BOUNDARIES. The corporate name shall be "Prince George's County, Maryland," and it shall thus be 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.

ARTICLE II INDIVIDUAL RIGHTS

Section 201. EQUAL PROTECTION AND NON-DISCRIMINATION. No person shall be deprived of life, liberty, or property without due process of law, nor be denied the equal protection of the laws. No person shall be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color, national origin, or sex.

Section 202. RIGHTS OF WITNESSES AND OTHER PERSONS. Any witness appearing before the County Council or any of its committees may be represented by counsel. Any person whose character shall have been impugned by the County Council, or by any of its committees, or by any witnesses before the County Council or any of its committees, shall be given the opportunity to appear with or without counsel, to present evidence, to cross-examine any person who may have impugned his character, and to call witnesses

being made, exercise its subpoena power to compel the attendance of such persons and witnesses.

Section 203. **RIGHT TO INFORMATION.** Any person shall have the right to inspect any document in the possession of any agency receiving or disbursing County funds. A certified copy of any such document shall be furnished upon payment of a reasonable fee prescribed by law. The foregoing provisions shall be subject to the following exceptions: (1) budget estimates prior to submission to the County Council by the County Executive; (2) documents relating to prospective land purchases and prospective rights of way; (3) police investigation records except where otherwise made public by law; (4) personnel and leave records; (5) documents prepared in anticipation of civil litigation except as governed by the Maryland Rules of Procedure; (6) records of a confidential and private nature, as defined by State law; and (7) competitive bids prior to the opening thereof.

ARTICLE III LEGISLATIVE BRANCH

Section 301. **COMPOSITION.** The Legislative Branch of the County government shall consist of the County Council, hereinafter referred to as the Council, and the officers and employees thereof. The Council shall be composed of eleven members.

Section 302. **LEGISLATIVE POWER.** All legislative powers which may be exercised by Prince George's County under the Constitution and laws of Maryland, including all law making powers heretofore exercised by the General Assembly of Maryland but transferred to the people of the County by virtue of the adoption of this Charter, shall be vested in the Council.

Section 303. **ELECTION.** All members of the Council shall be nominated and elected by the qualified voters of the entire County at the same time as State officers and in the manner provided by law. Five members of the Council, at the time of their election, shall each reside in a different one of the five Councilmanic districts of the County; provided that when permitted by the Constitution of the State, the five members of the Council required to reside in Councilmanic districts shall be nominated and elected by the qualified voters of the Councilmanic district in which he resides.

Section 304. **COUNCILMANIC DISTRICTS.** Prince George's County is hereby divided into five Councilmanic districts composed of the following election districts or portions thereof in effect on September 1, 1969:

COUNCILMANIC DISTRICT	ELECTION DISTRICTS OR PORTIONS THEREOF IN EFFECT ON SEPTEMBER 1, 1969
ONE	The first election district (Vansville) The tenth election district (Laurel) The twenty-first election district (Berwyn) The first, second, and seventh precincts of the fourteenth election district (Bowie)

The eleventh and fourteenth precincts
of the seventeenth election district
(Chillum)

* * *

TWO

The sixteenth election district (Hyattsville)

The nineteenth election district (Riverdale)

The seventeenth election district (Chillum) less the eleventh and fourteenth precincts

The first, second, and fifth precincts of the second election district (Bladensburg)

* * *

THREE

The seventh election district (Queen Anne)

The thirteenth election district (Kent)

The twentieth election district (Lanham)

The third, fourth, sixth, and seventh precincts of the second election district (Bladensburg)

The third, fourth, fifth, and sixth precincts of the fourteenth election district (Bowie)

The fifth precinct of the eighteenth election district (Seat Pleasant)

* * *

FOUR

The third election district (Marlboro)

The fifteenth election district (Melwood)

The sixth election district (Spauldings) less the second, seventh, ninth, thirteenth, and fourteenth precincts

The eighteenth election district (Seat Pleasant) less the fifth precinct

* * *

FIVE

The fourth election district (Nottingham)

The fifth election district (Piscataway)

The eighth election district (Aquasco)

The ninth election district (Surratts)

The eleventh election district (Brandywine)

The twelfth election district (Oxon Hill)

The second, seventh, ninth, thirteenth, and fourteenth precincts of the sixth election district (Spauldings)

Section 305. REDISTRICTING PROCEDURE. The boundaries of Councilmanic districts shall be reestablished in 1972 and every tenth year thereafter. Whenever district boundaries are to be reestablished the Council shall appoint, not later than February 15 of the year prior to the year in which redistricting is to be effective, a commission on redistricting, composed of two members from each political party chosen from a list of five names submitted by the Central Committee of each political party which polled at least fifteen percent of the total vote cast for all candidates for the Council in the immediately preceding regular election. The

Council shall appoint one additional member of the Commission. The Commission shall, at its first meeting, select one of its members to serve as chairman. No person shall be eligible for appointment to the Commission if he holds any elected office. By October 1 of the year prior to the year in which redistricting is to be effective, the Commission shall prepare, publish, and make available a plan of Councilmanic districts and shall present that plan, together with a report explaining it, to the Council. The plan shall provide for Councilmanic districts that are compact, contiguous, and equal in population. No less than fifteen calendar days and no more than thirty calendar days after receiving the plan of the Commission, the Council shall hold a public hearing on the plan. If within seventy calendar days following presentation of the Commission's plan no other law reestablishing the boundaries of the Councilmanic districts has been enacted, then the plan, as submitted, shall become law.

Section 306. TERM OF OFFICE. Each member of the Council shall serve for a term beginning at noon on the first Monday in December next following his election, and ending at noon on the first Monday in December in the fourth year thereafter.

Section 307. QUALIFICATIONS AND RESTRICTIONS. A Councilman shall be a qualified voter of Prince George's County at the time of his election. During his term of office, he shall not hold any other office of profit in state, county, or municipal government. A Councilman shall not, during the whole term for which he was elected, be eligible for appointment to any County office or position carrying compensation which has been created during his term of office.

Section 308. COMPENSATION. Councilmen shall receive compensation of not less than fifteen thousand dollars (\$15,000.00) per annum. The compensation of Councilmen may be changed by an affirmative vote of not less than two-thirds of the members of the Council. Any increase or decrease in compensation which becomes law during one term of office shall not become effective before the next term.

Section 309. VACANCIES. A vacancy in the Council shall exist upon the death or resignation of a Councilman, or upon forfeiture of office by a Councilman. When a vacancy has occurred, a majority of the remaining members of the Council shall appoint a person to fill the vacancy within thirty calendar days. If such appointee is to succeed a member of a political party, he shall be selected from a list of three names submitted to the Council by the Central Committee of the party to which the former member of the Council belonged. If the Council has not acted within thirty calendar days, the County Executive shall appoint a person to fill the vacancy within ten calendar days thereafter. If a person having held the vacant position was a member of a political party at the time of his election, the person appointed by the County Executive shall be selected from the same list that the Central Committee of that party has previously submitted to the Council. An appointee shall serve for the unexpired term of his predecessor. Any member appointed to fill a vacancy shall meet the same qualifications and residence requirements as the previous member; provided that when permitted by the Constitution of the

State, the Council shall provide by law for the conduct of special elections to fill vacancies on the Council that occur during the first two years of a term.

Section 310. FORFEITURE OF OFFICE. A member of the Council shall immediately forfeit his office if he ceases to be a qualified voter of the County. In the case of a Councilman required to reside in a particular Councilmanic district, he shall forfeit his office if he ceases to be a resident of the Councilmanic district in which he resided at the time of his election; provided that no member of the Council shall forfeit his office by reason of any change in the boundary lines of his Councilmanic district made during his term.

Section 311. OFFICERS OF THE COUNCIL. The Council shall elect from among its members a Chairman and a Vice Chairman. The Chairman, or in his absence the Vice Chairman, shall preside at all meetings. On all questions before the Council the Chairman and Vice Chairman shall have and may exercise the vote to which each is entitled as a Council member.

Section 312. CLERK OF THE COUNCIL. There shall be a Clerk of the Council who shall keep minutes of its meetings, maintain its Journal and perform such other duties as the Council may direct. The Clerk of the Council shall serve at the pleasure of the Council and shall receive such compensation as the Council may determine.

Section 313. OFFICE OF AUDITS AND INVESTIGATIONS. There shall be an Office of Audits and Investigations, under the supervision and direction of a County Auditor who shall be appointed by the Council. The County Auditor shall serve at the pleasure of the Council and shall receive such compensation as the Council may determine. The Auditor shall, not later than three months after the close of each fiscal year, prepare and submit to the Council and to the County Executive a complete financial audit for the preceding fiscal year of all agencies that receive or disburse County funds. Upon recommendation by the Auditor that a State audit in a given year is adequate, the Council may, by resolution, exempt from County audit an agency whose entire records, accounts, and affairs are completely audited each year by or with the approval of the State of Maryland. Any such resolution of exemption from audit shall be limited to a period of not more than one year. In addition to the annual audit, either the Council or the County Executive may at any time order a special audit of the accounts of any agency receiving or disbursing County funds, and upon the death, resignation, removal or expiration of the term of any County administrative officer, the Auditor shall cause a special audit to be made of the accounts maintained by the officer, and by his agency. If, as a result of any audit, an officer shall be found to be indebted to the County, the County Executive shall proceed forthwith to collect the indebtedness. In the event that the County Executive shall be found to be indebted to the County, the Council shall proceed forthwith to collect the indebtedness. The Auditor is also empowered to conduct performance audits of any agency which is the recipient of funds appropriated or approved by the Council whenever he deems it appropriate, and he is hereby directed to conduct a performance audit of each agency at least once every four years. Any audit, including performance audits,

special audits, and State audits which form the basis for an exemption by the Council from a County audit, shall be published in suitable form and made available to the public at reasonable hours at the Office of Audits and Investigations. All records and files pertaining to the receipt and expenditure of County funds by all officers, agents, and employees of the County and all agencies thereof, shall at all times be open to the inspection of the County Auditor. The Auditor shall promptly call to the attention of the Council and the County Executive any irregularity or improper procedure which he may discover. The Council shall have the power to implement the provisions of this section and to assign additional functions, duties, and personnel to the County Auditor.

Section 314. OTHER EMPLOYEES. The Council may provide for the appointment of such other employees as it may deem desirable for the exercise of its powers, subject to the provisions of Article IX of this Charter.

Section 315. SPECIAL ASSISTANCE. The Council may, at its discretion, and subject to its regular or supplementary budget appropriation, employ such legal, financial, or other technical advisors as it may from time to time deem necessary for the performance of its functions.

Section 316. COUNCIL SESSIONS. The first and third Tuesdays of each month, except November of a Councilmanic election year, the first fifteen days in April of each year, and such additional days as the Council may determine, are designated as days for the enactment of legislation. For the purpose of performing such duties, other than enacting legislation, which are properly exercisable by the Council under the provisions of this Charter, the Council may sit in non-legislative sessions at such other times as it may determine. A majority of the members of the full Council shall constitute a quorum for the transaction of business, except that for emergency legislative sessions, two-thirds of the members of the full Council shall be required for a quorum. The Council shall provide for the keeping and annual publication of a Journal which shall be open to public inspection at all reasonable times. All voting, except on procedural motions, shall be by roll call, and the ayes and nays shall be recorded in the Journal. No business shall be transacted, or any appointments made, or nominations confirmed, except in public session. The Council shall adopt and publish Rules of Procedure not inconsistent with the provisions of this Charter.

Section 317. ENACTMENT OF LEGISLATION. Every law of the County shall be styled: "Be it enacted by the County Council of Prince George's County, Maryland." The Council shall enact no law except by bill. The subject of every law shall be described in its title. Every law enacted by the Council, except the budget law and supplementary appropriation laws, shall embrace but one subject. No law or section of law shall be revived or amended by reference to its title only. A bill may be introduced by any member of the Council on any legislative session-day of the Council. On the introduction of any bill, a copy thereof and notice of the time and place of the hearing on the bill shall be posted by the Clerk of the Council within seventy-two hours on an official bulletin board to be set up by the Council in

a public place. Additional copies of the bill shall be made available to the public and to the press. Every copy of each bill shall bear the name of the member of the Council introducing it and the date it was introduced. Within seventy-two hours following the introduction of a bill the Chairman of the Council shall schedule and give public notice of a public hearing on the bill, which hearing shall not be less than fourteen days after its introduction. The Council may reject any bill on its introduction without a hearing by a vote of two-thirds of the members of the full Council. Such public notice shall be published in the County newspapers of record as defined in Section 1008 of this Charter. The public hearing may, but need not be, held on a legislative session-day and may be adjourned from time to time. After the public hearing, a bill may be finally enacted on a legislative session-day with or without amendment, except, that if a bill is amended before enactment and the amendment constitutes a change of substance, the bill shall not be enacted until it is reprinted or reproduced as amended and a public hearing shall be set thereon and proceedings had, as in the case of a newly introduced bill. Any bill not enacted by the last day of November of each year shall be considered to have failed. To meet a public emergency affecting the public health, safety, or welfare, the County may enact emergency bills. Every emergency bill shall be plainly designated as such and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the claimed emergency in clear and specific terms. The term "emergency bill" shall not include any measure creating or abolishing any office; changing the compensation, term, or duty of any officer; granting any franchise or special privilege; or creating any vested right or interest. No bill shall be enacted except by the affirmative vote of a majority of the full Council. No emergency bill shall be enacted except by an affirmative vote of two-thirds of the members of the full Council.

Section 318. EFFECTIVE DATE OF LAWS. Any law, except an emergency law, shall take effect forty-five calendar days after it becomes law, unless by a provision of the law it is to take effect at a later date, or unless it is petitioned to referendum as provided in Section 319 of this Charter.

Section 319. REFERENDUM. Any law which becomes law pursuant to this Charter may be petitioned to referendum, except a law: (1) imposing a tax; (2) appropriating funds for current expenses of the County government; (3) establishing Councilmatic districts; (4) amending a zoning map; or (5) granting a special exception to zoning regulations. A law shall be submitted to a referendum of the voters upon petition of ten thousand (10,000) qualified voters of the County. Such petition shall be filed with the Board of Supervisors of Elections of Prince George's County within forty-five calendar days from the date the bill becomes law. If more than one-third but less than the full number of signatures required to complete any referendum petition against such law be filed within forty-five calendar days from the date the bill becomes law, the effective date of the law, and the time for filing the remainder of signatures to complete the petition shall be extended for an additional forty-five calendar days. If such a petition is filed, the law to be referred shall not take effect until thirty calendar days after its approval by a majority of the qualified

voters of the County voting thereon at the next ensuing regular election held for members of the House of Representatives of the United States. An emergency law shall remain in force from the date it becomes law notwithstanding the filing of such petition, but shall stand repealed thirty calendar days after having been rejected by a majority of the qualified voters of the County voting thereon. A petition may consist of several papers, but each paper shall contain the text or a fair summary of the law being petitioned upon; and there shall be attached to each such paper an affidavit of the person procuring the signatures thereon that, to the said person's own personal knowledge, each signature thereon is genuine and bona fide, and that, to the best of his knowledge, information, and belief, the signers are qualified voters of Prince George's County, as set opposite their names. A minor variation in the signature of a petitioner between his signature on a petition and that on the voter registration records shall not invalidate the signature. The invalidation of one signature on a referendum petition shall not serve to invalidate any other signature on the petition. Each petitioner shall include his address and the date of his signature opposite his name. The Board of Supervisors of Elections shall verify the qualification of said petitioners.

Section 320. PUBLICATION OF LAWS. The Council shall cause all laws and all amendments to this Charter to be published promptly following their enactment as provided by law. Such laws and Charter amendments shall also be made available to the public at reasonable prices to be fixed by the Council.

Section 321. COMPILATION OF LAWS. At intervals not greater than every four years, the Council shall compile and codify all laws of the County in effect at such times. Each such codification shall be submitted to the Council, and, if adopted by law, shall be known as the "Prince George's County Code." Such code shall be published with an index and such appropriate notes, citations, annotations, and appendices as the Council may determine. Not earlier than March 1 of each year and not later than May 31 of the same year, the Council shall prepare and publish a cumulative supplement to the County Code of laws.

Section 322. CONFIRMATION OF ADMINISTRATIVE APPOINTMENTS. Administrative appointments by the County Executive to the position of Chief Administrative Officer, head of an agency in the executive branch of the County government, or member of a board or commission shall be subject to confirmation by the Council. The Council shall hold public hearings on all such appointments not less than ten days and not more than twenty days after their submission to the Council by the County Executive. If the Council fails to act to confirm or reject such appointments within thirty days of their submission to the Council by the County Executive, the appointment shall stand approved. In the case of appointments by the County Executive to the position of Chief Administrative Officer or head of an agency in the executive branch of the County government, a vote of two-thirds of the members of the full Council shall be required to reject such appointment. In the case of appointments by the County Executive to membership on a board or commission, a vote of a majority of the full Council shall be required to reject such appointment.

ARTICLE IV EXECUTIVE BRANCH

Section 401. COMPOSITION. The Executive Branch of the County government shall consist of the County Executive and all officers, agents, and employees under his supervision and authority.

Section 402. EXECUTIVE POWER AND DUTIES. All executive power vested in Prince George's County by the Constitution and laws of Maryland and this Charter shall be vested in the County Executive who shall be the chief executive officer of the County and who shall faithfully execute the laws. His powers, duties, and responsibilities shall include, but shall not be limited to: (1) preparing and submitting to the Council and the public, within ninety calendar days after the close of the fiscal year, an annual report on the activities and accomplishments of the County government, including a detailed financial statement; (2) providing the Council, or a committee thereof, with any information concerning the executive branch which the Council may require for the exercise of its powers; (3) recommending to the Council such measures for legislative action as he may deem to be in the best interests of the County; (4) appointing the head of each agency of the executive branch, subject to confirmation by the Council as required by Section 322 of this Charter, and removing the same at his discretion; (5) preparing an executive pay plan which establishes the compensation of the Chief Administrative Officer and the head of each agency of the executive branch, subject to the approval of the Council; (6) appointing the members of all boards and commissions subject to confirmation by the Council as required by Section 322 of this Charter, unless otherwise prescribed by law or this Charter; (7) insuring that County funds in excess of those required for immediate needs are invested in the best interests of the County; (8) signing or causing to be signed on the County's behalf all deeds, contracts and other instruments, including those which, prior to the adoption of this Charter, required the signature of the Chairman or any member of the Board of County Commissioners, and affixing the County Seal thereto; and (9) enforcing all laws in the County except as otherwise provided for by state law or charters of municipalities located within the County.

Section 403. ELECTION. The County Executive shall be nominated and elected by the qualified voters of the entire County at the same time as State officers and in the manner provided by law.

Section 404. TERM OF OFFICE. The County Executive shall serve for a term beginning at noon on the first Monday in December next following his election, and ending at noon on the first Monday in December in the fourth year thereafter.

Section 405. QUALIFICATIONS AND RESTRICTIONS. The County Executive shall have been a qualified voter of Prince George's County for at least five years immediately preceding his election. During his term of office, he shall not hold any other office of profit in federal, state, county, or municipal government. The County Executive shall not, during the whole term for which he was elected, be eligible for appoint-

ment to any County office or position carrying compensation which has been created during his term of office. He shall devote his full time to the duties of his office.

Section 406. COMPENSATION. The County Executive shall receive compensation of not less than thirty-five thousand dollars (\$35,000.00) per annum. His compensation may be changed by an affirmative vote of not less than two-thirds of the members of the full Council. Any increase or decrease in compensation which becomes law during one term of office shall not become effective before the next term.

Section 407. VACANCY. A vacancy in the office of County Executive shall exist upon the death, resignation, or removal of the County Executive, or upon forfeiture of office by a County Executive. In the event of a vacancy in the office of County Executive, the Chairman of the Council shall succeed to the office for the balance of the unexpired term. When permitted by the Constitution of the State, the Council shall provide by law for the conduct of a special election to fill a vacancy in the office of County Executive that occurs during the first two years of a term.

Section 408. FORFEITURE OF OFFICE. The County Executive shall immediately forfeit his office if he ceases to be a qualified voter of the County.

Section 409. REMOVAL FROM OFFICE. The County Executive may be removed from office by the affirmative vote of not less than two-thirds of the members of the full Council after a public hearing and only upon a finding that he is unable by reason of physical or mental disability to perform the duties of his office. The decision of the Council may be appealed by the County Executive within ten days to the Circuit Court by petition. Upon filing of a petition, the Court may stay the removal pending its decision. Upon appeal, the Court shall make *de novo* determinations of fact.

Section 410. TEMPORARY ABSENCE OR DISABILITY. The County Executive shall, within ten days after taking office, designate in writing the Chief Administrative Officer or some other person in the executive branch to perform the duties of the County Executive during the latter's temporary inability to perform such duties by reason of absence from the County or disability. Such designation shall be filed with the Clerk of the Council. An Acting County Executive shall have the same rights, duties, powers, and obligations as an elected incumbent in said office, except the power of veto.

Section 411. EXECUTIVE VETO. Upon the enactment of any bill by the Council, with the exception of such measures made expressly exempt from the executive veto by this Charter, it shall be presented to the County Executive within three days for his approval or disapproval. Within ten days after such presentation, he shall return any such bill to the Council with his approval endorsed thereon or with a statement, in writing, of his reasons for not approving the same. Upon approval by the County Executive, any such bill shall become law. Upon veto by the County Executive, his veto message shall be entered in the Journal of the Council, and, not later than at its next legislative session-day, the Council may reconsider the bill. If, upon reconsideration, two-thirds of the members of the full Council vote in the affirmative,

the bill shall become law. Whenever the County Executive shall fail to return any such bill within ten days after the date of its presentation to him, the Clerk of the Council shall forthwith record the fact of such failure in the Journal, and such bill shall thereupon become law. In the case of budget and appropriation bills, the County Executive may disapprove or reduce individual items in such bills, except where precluded by State law. Each item or items not disapproved or reduced in a budget and appropriation bill shall become law, and each item or items disapproved or reduced in a budget and appropriation bill shall be subject to the same procedure as any other bill vetoed by the County Executive.

Section 412. CHIEF ADMINISTRATIVE OFFICER. The County Executive shall appoint a Chief Administrative Officer. He shall be appointed on the basis of his qualifications as a professional administrator and shall serve at the discretion of the County Executive. The Chief Administrative Officer shall perform such administrative duties and exercise such general supervision over the agencies of the executive branch as the County Executive may direct.

ARTICLE V ADMINISTRATIVE ORGANIZATION

Section 501. SUPERVISION AND CONTROL. Except as otherwise provided in this Charter or in State law, all agencies of the County government shall be subject to the direction, supervision, and control of the County Executive.

Section 502. STRUCTURE. All functions and duties of the executive branch shall be allocated among and within such agencies as may be established by law.

Section 503. REORGANIZATION. The County Executive may propose changes in the organization of the executive branch, including the establishment or abolition of agencies, and in the assignment of functions, powers, and duties among agencies. Reorganization proposals shall be set forth in executive orders in statutory form and be submitted to the Council. Such executive order shall become effective and have the force of law sixty calendar days after submission unless disapproved by majority vote of the full Council.

Section 504. ADMINISTRATIVE APPOINTMENTS. The County Executive shall appoint a single officer to head each agency of the executive branch, subject to confirmation by the Council as required by Section 322 of this Charter. The County Executive shall appoint the members of all boards and commissions, subject to confirmation by the Council as required by Section 322 of this Charter, unless otherwise prescribed by State law or this Charter. All employees of the executive branch, except those otherwise provided for in this Charter, shall be appointed and removed by the heads of the several agencies of the County government in accordance with the provisions of the County personnel law.

Section 505. TEMPORARY ADMINISTRATIVE APPOINTMENTS. During the temporary absence of the Chief Administrative Officer or the head of an agency of the executive branch, or if such position shall become vacant, the County Executive shall make a temporary appointment to fill such position. No person shall serve as Acting Chief Administra-

the Chief or acting head of any agency for a period longer than sixty calendar days. Such limit may be extended an additional four calendar months by resolution of the Council.

Section 506. CITIZENS ADVISORY BOARDS. The Council or the County Executive may appoint, for designated periods, one or more temporary advisory boards of citizens of the County who shall assist in the consideration of County policies and programs.

Section 507. REMOVAL OF MEMBERS OF BOARDS AND COMMISSIONS. Except for members of the Personnel Board established by Section 906 of this Charter and except as otherwise provided for by State law, a member of any appointed board or commission may be removed from office by the County Executive. Vacancies occurring in such office, other than by the expiration of the term, shall be filled by the County Executive in the same manner as the original appointment and for the unexpired balance of the term.

Section 508. COMMON ADMINISTRATIVE SERVICES. To the extent permitted by State law and to the extent of their being available within the County government, any agency receiving or disbursing County funds shall be served by, and shall utilize, the services of the County for legal services, budgeting and accounting, receiving and collecting funds, purchasing, data processing, public relations, land acquisition, architecture and engineering, personnel administration, and such other administrative services as the Council may establish by law. The provisions of this section shall not be construed to preclude contracting for professional services in accordance with Article VI of this Charter.

ARTICLE VI PURCHASING

Section 601. COUNTY PURCHASING AGENT. There shall be a County Purchasing Agent, who shall be responsible for the administration of the purchasing policies established by this Charter or by law.

Section 602. DUTIES OF THE COUNTY PURCHASING AGENT. The duties of the County Purchasing Agent shall include responsibility for: (1) the making of all purchases and the contracting for all public work and services for which payment is to be made out of County funds; (2) the establishment and operation of supply warehouses; (3) the development and operation of a system of property inventory and stores control in accordance with procedures established by the Director of Finance; (4) the establishment, after consultation with the appropriate County officials, of specifications and standards for all supplies, materials and equipment, and the inspection of all deliveries to insure compliance with such specifications and standards; (5) the establishment and maintenance of a system of requisitions and receipts covering the furnishing of supplies, materials, and equipment to the various using agencies; (6) the preparation for legislative action thereon by the Council of reasonable rules and regulations governing emergency purchases, contracts, and services or material and equipment of an unusual or non-competitive nature which shall not be subject to competitive bidding; (7) the sale or other disposition of surplus, old, and waste supplies, materials, and equipment or the

transfer of same between using agencies; and (8) the conduct of programs involving joint or cooperative purchasing with other public jurisdictions.

Section 603. COMPETITIVE BIDDING. Any single purchase or contract under the jurisdiction of the County Purchasing Agent and involving an expenditure of more than two thousand dollars (\$2,000.00), except emergency purchases and those involving services or material and equipment of a non-competitive nature as may be defined and governed by the rules and regulations mentioned in Section 602 of this Charter, shall be made from or let by sealed bids or proposals publicly opened after public notice for such period and in such manner as the County Purchasing Agent or his authorized deputy shall determine. Such purchases and contracts shall be made from or awarded to the lowest responsible bidder who shall give security or bond for the performance of his contract as determined by the County Purchasing Agent or his deputy. No such purchase or contract shall be made or awarded within a period of one week from the date of the public opening of bids. In all cases, the County shall reserve the right to reject any and all bids. No contract or purchase shall be subdivided to avoid the requirements of this section.

Section 604. NON-DISCRIMINATION IN EMPLOYMENT. No contractor who is the recipient of County funds shall discriminate in employment because of religion, race, color, or national origin. The Council shall enact furthering legislation to implement the provisions of this section.

Section 605. APPLICATION TO AGENCIES OPERATING UNDER STATE LAW. To the extent permitted by law, the provisions of this Article shall apply to agencies created by or operating under State law and which receive or disburse County funds. In the interests of promoting uniformity and of effecting maximum savings for all purchases out of County funds, the purchasing facilities of the County government shall always be available to such agencies, and their use shall be encouraged.

Section 606. COOPERATIVE PURCHASING. As appropriate, the County Purchasing Agent may undertake programs involving joint or cooperative purchases with other public jurisdictions.

ARTICLE VII PLANNING AND ZONING

Section 701. DEFINITION AND EFFECT OF TERMS USED IN THIS ARTICLE.

(a) The term "General Plan" shall mean a map, with accompanying data, including charts, plats, and descriptive matter, which outlines the prospective overall development of the entire Metropolitan Washington Area, or of both Montgomery and Prince George's Counties, and is prepared in cooperation with the planning authorities of other jurisdictions. There shall be only one general plan in force and effect in Prince George's County.

(b) The term "Master Plan" shall mean a map, with accompanying data, of the County or of one or more planning areas of the County. Planning areas shall be predetermined by law and shall be substantially equal in geographic

size, except that an incorporated municipality or urban renewal district may constitute a planning area. Said plan, when organized by planning area, shall on a comprehensive basis assign a prospective land use, either of a public or private character, to each particular piece, parcel, or tract of land lying within the said planning area. Said plan, when organized on a county-wide basis shall, consistent with local area plans, assign the specific locations throughout the County of particular public improvements, including, but not limited to, roads, schools, firehouses, water lines, or sewer lines. A master plan shall contain an estimate of the cost of all public facilities which must be acquired and constructed in order to carry out the objectives and requirements of the plan. A master plan hereafter adopted and approved shall be of no force and effect until it is adopted and approved in compliance with procedures established by law, including requirements for notice and public hearing. After final adoption and approval, a master plan organized on a planning area basis may be amended only for the entire area encompassed by the plan. A master plan may contain a time schedule estimating the completion of development of various phases or portions thereof. The adoption and approval of a master plan shall not give rise to a presumption that a change has occurred in the condition or character of the neighborhood in which any piece, parcel, or tract of land is located, nor shall such adoption and approval, in and of itself, warrant the approval of any application for reclassification.

(c) The term "Comprehensive Zoning Map" shall mean an ordinance in the form of a map which, by its provisions, assigns to each particular piece, parcel, or tract of land contained within its boundaries a particular zoning classification. Such map may not be adopted for an area smaller than a planning area, as that term is used in the definition herein of master plan.

(d) The term "Zoning Map Amendment" shall mean a reclassification from one zoning category or sub-category established by the text of the zoning ordinance, to another zoning category or sub-category so established, of any piece, parcel, or tract of land which is smaller than a planning area, as that term is used in the definition herein of master plan.

(e) Any "Person of Record" shall include the applicant for a zoning map amendment or special exception to a zoning regulation, or any municipality, taxpayer or association of taxpayers in Prince George's County who appears in a zoning case in person, in writing, or by counsel at any time prior to the final decision therein.

(f) The term "Zoning Case" shall mean any application or consideration of a zoning map amendment or special exception to a zoning regulation.

Section 702. INITIATION OF MASTER PLANS. The County Executive, by executive order, or the Council, by legislative act, may direct the initiation of a master plan to the extent that funds are available.

Section 703. APPROVAL OF PROPOSED MASTER PLANS AND THE GENERAL PLAN. All proposed master plans, and the portion of a proposed general plan applicable to Prince George's County, shall, prior to final approval, be submitted to the County Executive for review. Within sixty calendar

days after receipt thereof, the County Executive shall forward the said plan to the Council, together with his recommendations thereon. The Council, in turn, shall, by legislative act, approve, reject, modify or revise said plan, in accordance with the procedures established by law and by Sections 317, 319 and 411 of this Charter.

Section 704. ADOPTION OF THE TEXT OF A ZONING ORDINANCE AND AMENDMENTS THERETO, AND ADOPTION OF COMPREHENSIVE ZONING MAPS. The Council shall have the authority to adopt and amend the text of a zoning ordinance, and to adopt comprehensive zoning maps, by legislative act in accordance with the procedures established by law and by Sections 317, 319 and 411 of this Charter.

Section 705. APPROVAL OF ZONING MAP AMENDMENTS AND SPECIAL EXCEPTIONS. Subject to the provisions of law and of Sections 706, 707, 708, 709, 710 and 711 of this Charter, the Council shall have the exclusive authority to approve zoning map amendments and to grant special exceptions to zoning regulations, which shall be exempt from the referendum and executive veto provisions of this Charter.

Section 706. PROCEDURAL REQUIREMENTS IN ZONING CASES.

(a) Before any zoning map amendment or special exception to a zoning regulation may be granted, there shall be a public hearing thereon before either the Council or a zoning hearing examiner, appointed pursuant to the provisions of this Charter. Said hearing may be held only upon public notice of the time and place of the hearing given at least thirty calendar days immediately preceding the hearing.

(b) All applications in a zoning case, and any amendments thereto, shall contain specific allegations setting forth the precise legal basis for, and the public purpose to be served by, the granting of the request. All applications must disclose the names and addresses of all persons having a legal or equitable interest in the property which is the subject of a zoning case, including shareholders owning more than five percent of the stock in any corporation having such interest in any land involved in the application, excepting those corporations which are listed and regularly traded on a recognized stock exchange.

(c) All persons who appear to testify in any zoning case shall be sworn, and reasonable cross-examination of witnesses shall be permitted.

(d) Upon request of any person of record, the Council shall employ its subpoena power to compel the attendance of witnesses and the production of relevant books and records. The Council may excuse a witness from attendance upon a showing by the witness that the placing of said witness under subpoena was frivolous or oppressive.

(e) A complete transcript containing all record evidence, including exhibits, shall be prepared in each zoning case. The record in any zoning case shall include a technical staff report, all communications to any public official or agency concerning the application, a current land-use inventory, and specific factual and statistical data from official sources indicating the impact upon public facilities by the requested zoning map amendment or special exception to a zoning regulation.

(7) The burden of proof in any zoning case shall be upon the applicant. After the close of an evidentiary hearing in any zoning case before either the Council or the Zoning Hearing Examiner, as the case may be, said hearing shall not thereafter be reopened for the purpose of adducing additional evidence to supply a defect in proof.

Section 707. DECISIONS IN ZONING CASES.

(a) The final decision of the Council in any zoning case shall be based solely upon record evidence, and shall be supported by specific written findings of basic facts and conclusions of law.

(b) The votes or abstentions thereon of all members of the Council must be recorded.

(c) The decision, findings, conclusions and votes of the Council thereon shall be served upon all persons of record.

(d) A majority vote of the full Council shall be necessary to grant any zoning map amendment or special exception to a zoning regulation.

(e) Where any application for a zoning map amendment or special exception to a zoning regulation conflicts with the requirements of a master plan, or with the recommendation of a municipality respecting land within its boundaries, or with the recommendation of any agency charged with making recommendations in zoning cases, said application may be granted only upon the affirmative vote of two-thirds of the full Council.

(f) Applications in zoning cases on which a decision has not been finally rendered within 90 calendar days from the conclusion of the hearing by the Council or from the filing and service of a hearing examiner's decision in cases heard by a hearing examiner, as hereinafter provided, shall automatically be considered to have been denied by the Council.

Section 708. RESTRICTIONS IN ZONING CASES.

(a) No amendment to an application in a zoning case shall be permitted after notice of public hearing is given.

(b) No application for a zoning map amendment or special exception to a zoning regulation may be filed on substantially the same land until two calendar years have elapsed after action, including appellate review, shall have been completed upon any previous application. After two such applications on substantially the same land shall have been acted upon, a period of four calendar years must elapse before another application may be filed.

(c) Staff studies of any agency or commission in the nature of land development plans which have not been subjected to the procedures and requirements for the adoption and approval of a master plan shall not be used as any part of the basis for the approval of applications in zoning cases.

(d) A zoning map amendment may not be approved subject to a condition or qualification which is not uniformly applicable throughout the County to all land in the same zoning classification.

(e) No zoning classification shall be a floating zone.

(f) State and County officials may not appear in a representative capacity on behalf of any private party in any zoning case.

(g) The Council may by law require that, subsequent to the granting of a zoning map amendment, a site plan shall

be filed and approved as a prerequisite for the issuance of a building permit. Such law shall contain standards for approval and shall require that notice of the filing of the site plan be given to adjacent property owners and to any municipality in which the land is located and that a public hearing shall be held prior to the approval of the site plan.

Section 709. CONFLICTS OF INTEREST. All public officials participating in the decision on, or the processing of, any application in any zoning case shall file a public statement under oath, not later than July 1 of each year, with the Clerk of the Circuit Court for Prince George's County, disclosing any interest in land located in Prince George's County held by himself or his spouse during the preceding year. As used herein, interest includes both legal and equitable interest and includes the ownership of more than five percent of the stock in any corporation which holds an interest in land in Prince George's County. All public officials participating in the decision on, or the processing of, an application in a zoning case shall annually file copies of their federal and state income tax returns with the Chief Judge of the Seventh Judicial Circuit. Said returns may be disclosed by the Chief Judge to any law enforcement officer as the public interest may require.

Section 710. ZONING HEARING EXAMINER. The Council may, subject to the provisions of Article IX of this Charter, employ one or more hearing examiners to conduct public hearings in zoning cases. An examiner shall be an attorney admitted to practice before the highest court of a state or of the District of Columbia, shall possess judicial temperament, shall have at least five years experience in administrative litigation, and shall demonstrate a knowledge of administrative and zoning law, practice, and procedure by competitive written examination. Said examiners shall be subject to the provisions of Sections 709, 1001 and 1002 of this Charter.

Section 711. DUTIES OF ZONING HEARING EXAMINER. In all cases delegated by the Council to a zoning hearing examiner, he shall conduct a full and complete public hearing upon the application in question, subject to all the requirements and restrictions imposed by law upon the Council. He shall be empowered to swear witnesses and to request subpoenas from the Council. After the conclusion of the hearing, he shall prepare and serve upon all persons of record a written decision which shall contain specific findings of basic facts, conclusions of law, and a recommended disposition of the case. Within thirty calendar days after service of the said decision, any person of record may file exceptions to any portion of the decision and may request oral argument thereon before the Council. The Council shall grant such request and shall give at least ten calendar days notice of the time and place of the argument to all persons of record. In the event no exceptions or request for oral argument is filed within thirty calendar days from the service of said decision, the Council may act forthwith upon the application in accordance with Section 707 of this Charter. The Council shall in all cases, decide finally each application by record vote within 90 calendar days after the hearing examiner files his decision, in accordance with Section 707 of this Charter.

Section 712. PEOPLE'S ZONING COUNCIL. The County Executive shall appoint one or more attorneys, who are members of the bar of Maryland and are experienced in zoning law and procedure, to serve as People's Zoning Counsel. Their compensation shall be contained in the annual budget, and they shall be provided such clerical and other assistance as may be determined by the annual budget. They shall be subject to the provisions of Sections 709, 1001 and 1002 of this Charter. It shall be the duty of the People's Zoning Counsel to appear at all hearings on zoning cases, whether before the Council or a hearing examiner, for the purposes of protecting the public interest and insuring the compilation of a full and complete record. The People's Zoning Counsel may summon, examine and cross-examine witnesses, introduce documentary evidence into the record, file exceptions, and make such argument to the hearing examiner or the Council as the law and the evidence in the case may warrant.

Section 713. JUDICIAL REVIEW. In addition to any person otherwise entitled to judicial review of a final decision of the Council in a zoning case, any person of record shall be entitled to judicial review of said decision without the necessity of pleading or proving any special loss, injury, or grievance. Any person or class of persons entitled to judicial review of a zoning case in the Circuit Court for Prince George's County may appeal a final decision of said Court in such case to the Court of Appeals by filing a timely appeal in accordance with the Maryland Rules of Procedure.

Section 714. DISTRICT COUNCIL. During the existence of the Prince George's County District Council of the Maryland-Washington Regional District, said District Council shall be the County Council and shall be subject to all of the restrictions, limitations, and modifications contained in this Charter.

Section 715. FURTHERING LEGISLATION. The Council shall adopt and publish rules of procedure pertaining to zoning cases not inconsistent with the provisions of this Article.

ARTICLE VIII BUDGET AND FINANCE

Section 801. OFFICE OF FINANCE. There shall be an Office of Finance headed by a Director of Finance. The Director of Finance shall be responsible to the County Executive for the administration of the fiscal policies and procedures established by this Charter or by law.

Section 802. OFFICE OF BUDGET AND PROGRAMMING. There shall be an Office of Budget and Programming headed by a Director of the Budget. The Director of the Budget shall be responsible to the County Executive for assisting in the preparation of the annual current expense and capital budgets of the County and advising upon any request for County funds and upon revenue needs. He shall review and recommend upon allotment requests. He shall study budget execution and the efficiency of organization, methods, and procedures and prepare reports thereon. He shall study and report upon master plans, capital improvement programs, and any planning and zoning matters which may be referred to the executive branch. He shall coordinate intergovernment-

mental relationships on behalf of the County. He shall have such other duties and responsibilities as may be required by law.

Section 803. FISCAL YEAR AND TAX YEAR. The fiscal or budget year and the tax year of the County shall begin on the first day of July and shall end on the thirtieth day of June of the succeeding year.

Section 804. DEFINITION OF TERMS USED IN THIS ARTICLE.

(a) The term "County government" shall include all agencies and their officers, agents, and employees who receive or disburse County funds.

(b) The term "County funds" shall mean any monies received by the County or appropriated or approved by the Council or to which the County may at any time have legal or equitable title.

(c) The term "capital project" shall mean: (1) any physical public betterment or improvement and any preliminary studies and surveys relative thereto; (2) the acquisition of property of a permanent nature for public use; and (3) the purchase of equipment for any public betterment or improvement when first constructed.

(d) The term "capital budget" shall mean the plan of the County to receive and expend funds for capital projects during the first fiscal year included in the capital program.

(e) The term "capital program" shall mean the plan of the County to receive and expend funds for capital projects during the fiscal year covered by the capital budget and the next succeeding five fiscal years thereafter.

(f) The term "current expense budget" shall mean the plan of the County to receive and expend funds for charges incurred for operation, maintenance, interest, and other charges for the ensuing fiscal year.

Section 805. COMPREHENSIVE SCOPE OF BUDGET. The County budget shall consist of the current expense budget, the capital budget and capital program, and the budget message. It shall represent a complete financial plan for the County reflecting all receipts and disbursements from all sources, including all revenues, all expenditures, and the surplus or deficit in the general and all special funds of the County government.

Section 806. FORMULATION OF CAPITAL BUDGET AND CAPITAL PROGRAM. Not later than October 1 of each fiscal year, each agency which receives or disburses County funds shall submit to the County Executive an itemized list of the capital projects which each agency proposes to undertake in the ensuing fiscal year and the next succeeding five fiscal years thereafter. The County Executive may amend the capital budget and capital program proposals and shall cause to be prepared the County budget as set forth in Sections 808, 809, and 810 of this Charter. The County Executive may not amend the capital budget and capital program proposals in violation of obligations imposed by law or by contract.

Section 807. FORMULATION OF CURRENT EXPENSE BUDGET. Not later than March 1 of each fiscal year, the head of each agency which receives or disburses County

funds shall furnish to the County Executive annual work programs setting forth the nature, volume, cost and other factors concerning the work to be performed and the estimates of the revenues and expenditures of their several operations for the ensuing fiscal year. Estimated revenues shall be detailed as to source, and estimated expenditures as to program or project. 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 budget proposals, except for the budget request of the Legislative Branch, and shall cause to be prepared the County budget as set forth in Sections 808, 809, and 810 of this Charter.

Section 808. CONTENTS OF THE CAPITAL BUDGET AND CAPITAL PROGRAM. The proposed capital budget and capital program shall be so arranged as to set forth clearly the plan of proposed capital projects to be undertaken in the ensuing fiscal year and in each of the next five fiscal years, and also the proposed means of financing the same. The capital budget shall include a statement of the receipts anticipated during the ensuing fiscal year from all borrowing and from other sources for capital projects.

Section 809. CONTENTS OF THE CURRENT EXPENSE BUDGET. The proposed current expense budget shall contain the following information: (1) a statement of all revenue estimated to be received by the County during the ensuing fiscal year, classified so as to show the receipts by funds and sources of income; (2) a statement of debt service requirements for the ensuing fiscal year; (3) a statement of the estimated cash surplus if any, available for expenditure during the ensuing fiscal year, and any estimated deficit in any fund required to be made up in the ensuing fiscal year; (4) an estimate of the several amounts which the County Executive deems necessary for conducting the business of the County to be financed from and not to exceed estimated revenue for the ensuing fiscal year; (5) a statement of the bonded and other indebtedness of the County government and its agencies, including self-liquidating and special taxing district debt and contingent liabilities; (6) a statement of the proposed contingency reserves, all of which shall not exceed three per centum of the general fund and of any other fund; (7) a comparative statement of the receipts, amounts budgeted, and actual expenditures for the last completed fiscal year, the estimated receipts and expenditures of the currently ending fiscal year, and the expenditures recommended by the Executive for the ensuing fiscal year for each program or project which shall be classified by agency, character, and object; and (8) any other material which the County Executive may deem advisable or the Council may require.

Section 810. CONTENTS OF THE BUDGET MESSAGE. The budget message shall contain supporting summary tables and shall explain the proposed current 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 fiscal year and describe the important features of the current expense budget. It shall indicate any major changes in fiscal policies and in expenditures, appropriations, and revenues as compared

reasons for such changes.

Section 811. SUBMISSION OF THE COUNTY BUDGET. Not later than April 15 of each fiscal year, the County Executive shall submit to the Council the proposed County budget for the ensuing fiscal year.

Section 812. FILING OF PROPOSED BUDGET; COPIES. The proposed County budget shall be filed with the Clerk of the Council and copies thereof shall be made available to the public upon request.

Section 813. PUBLIC BUDGET HEARINGS. Upon receipt of the proposed County budget, the Clerk of the Council shall cause to be published a notice of the place and time of at least two public hearings on the budget by the Council. Such public notice shall be published in the County newspapers of record. Such hearings shall commence not earlier than May 10 and not later than May 30 of each fiscal year. The Council may hold such other preliminary hearings on the budget for the purpose of obtaining information as it may determine, but no action shall be taken by the Council on the budget except in public session and after the public budget hearings prescribed in this Section.

Section 814. ACTION ON THE BUDGET BY THE COUNCIL. After the public budget hearing, the Council may not add new items but may increase, 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 Executive or to alter the revenue estimates except to correct mathematical errors. The adoption of the current expense budget and the capital budget shall be by the affirmative vote of not less than a majority of the full Council by a law to be known as the Annual Budget and Appropriation Ordinance of Prince George's County. 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. The Council may adopt from time to time bond issue authorization ordinances pursuant to an enabling law or laws then in force and in effect to provide the means of financing such capital projects as are to be financed from borrowing. In those cases where a project has been approved by the voters in a referendum on the capital budget, or a portion thereof, the subsequent bond issue authorization ordinance covering such project shall not be subject to referendum. The Annual Budget and Appropriation Ordinance shall be adopted by the Council on or before June 15 of each fiscal year, and if the Council fails to do so, the proposed current expense budget submitted by the County Executive shall stand adopted, and funds for the expenditures proposed in the current expense budget shall stand appropriated as fully and to the same extent as if favorable action thereon had been taken by the Council.

Section 815. REPRODUCTION OF THE BUDGET. The budget as adopted shall be reproduced and made available to the public upon request.

adopted budget shall take effect on the first day of the fiscal year to which it applies.

Section 817. TAX LEVY AND BALANCED BUDGET. When the County budget shall have been finally adopted in the Annual Budget and Appropriation Ordinance, the Council shall thereupon levy and cause to be raised the amount of taxes required by the budget in the manner provided by law so that the budget shall be balanced as to proposed income and expenditures. The Council shall have no power to levy any tax not required by State law for the support of any agency which has failed to comply with the provisions of Sections 806 and 807 of this Charter concerning the formulation of the capital budget, the capital program, and the current expense budget.

Section 818. TRANSFER OF APPROPRIATIONS. Transfers of appropriations between general classifications of expenditures in the current expense budget within the same agency and within the same fund may be authorized by the County Executive. Transfers between agencies of the County government and within the same fund of the current expense budget may be made only during the last quarter of the fiscal year and then only on the recommendation of the County Executive and with the approval of the Council. Inter-project transfers of appropriations between capital projects in the capital budget may be authorized by legislative act of the Council upon request of the County Executive, but no new project shall be created nor any abandoned except in accordance with Section 824 of this Charter. Nothing contained herein shall be construed to prevent the Council, upon request of the County Executive, from providing by law for inter-fund cash borrowings to meet temporary cash requirements nor to prevent reimbursements among funds for services rendered.

Section 819. SUPPLEMENTARY APPROPRIATIONS. During any fiscal year, the Council, upon the recommendation of the County Executive, may, by law, make additional or supplementary appropriations from unexpended and unencumbered funds set aside for contingencies in the County budget 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.

Section 820. EMERGENCY APPROPRIATIONS. To meet a public emergency affecting life, health, or property, the Council may, by law, upon recommendation of the County Executive, make emergency appropriations from contingent funds, from revenue received from anticipated sources but 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 Council may, by law, authorize the issuance of emergency notes which may be renewed from time to time. 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 of all appropriations made in the budget for such year.

SECTION 821. LAPSED APPROPRIATIONS. UNLESS OTHERWISE provided by law, all unexpended and unencumbered appropriations in the current expense budget remaining at the end of the fiscal year shall lapse into the County treasury. 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 that any capital project shall stand abandoned if three fiscal years elapse without any expenditure from or encumbrance of the appropriation made therefor. The balances remaining to the credit of the completed or abandoned capital projects shall be available for appropriation in subsequent capital budgets.

Section 822. WORK PROGRAMS AND ALLOTMENTS. After the adoption of the budget and before the beginning of each fiscal year, the head of each agency of the County government shall submit a work program to the County Executive. Such program shall include all appropriations included in the current expense and capital budgets for construction, operation, maintenance, and purchasing of equipment and shall show the requested allotments of appropriations for such agency by fiscal periods within the fiscal year. The aggregate of such allotments shall not exceed the total appropriation available to such agency for the fiscal year. A copy of the allotment as finally approved by the County Executive shall be filed with the Director of Finance who shall approve all expenditures for the various agencies of the County government to be made from the appropriations on the basis of the allotments and not otherwise. If at any time during the fiscal year, the County Executive shall ascertain that the available income, plus unexpended balances, for the year may be less than the total appropriations, he shall reconsider the work programs and allotments of the several agencies aforesaid, and shall revise them so as to forestall the making of expenditures in excess of the income and fund balances.

Section 823. APPROPRIATION CONTROL AND CERTIFICATION OF FUNDS. No agency of the County government shall during any fiscal year expend, or contract to expend, any money or incur any liability, or enter into any contract which, by its terms, involves the expenditure of money for any purpose in excess of the amounts appropriated or allotted for the same general classification of expenditure in the budget for such fiscal year, or in any supplemental appropriation as hereinabove provided; and no such payment shall be made nor any obligation or liability incurred, except for purchases in an amount less than one hundred and fifty dollars (\$150.00), unless the Director of Finance or his designee shall first certify that the funds for the designated purpose are available. If any officer, agent or employee of the County government shall knowingly violate this provision, he shall be personally liable and such action shall be cause, after public hearing, for his removal from office by the County Executive or by majority vote of the Council, notwithstanding the provisions of Article IX of this Charter. Nothing in this Charter shall prevent the making of contracts providing for the payment of funds at a time beyond the fiscal year in which such contracts are made, provided the nature of such transactions reasonably requires the making of such contracts. Any contract, lease, or other obligation requiring the payment of funds from the appropriations of

a later fiscal year shall be made or approved by legislative act. No contract for the purchase of real or lease-hold property shall be made unless the funds therefor are included in the capital budget.

Section 824. RESTRICTIONS ON CAPITAL PROJECTS: AMENDMENT TO CAPITAL BUDGET AFTER ADOPTION OF BUDGET. No obligations of the County shall be authorized in any fiscal year for or on account of any capital project not included in the County budget as finally adopted for such year; provided that upon receipt of a recommendation in writing from the County Executive, the Council may, after public hearing and with the affirmative vote of two-thirds of its members, amend the County budget in accordance with such recommendation without increasing the total amount of appropriations therefor.

Section 825. COMPOSITION AND LIMITATIONS UPON COUNTY FUNDS. All revenues and receipts from utility assessments, self-sustaining public service enterprises, and refuse collection; from monies held by the County as trustee or agent; or from bond proceeds shall be paid into and appropriated from special funds created therefor. 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 shall be the primary fund for the financing of current expenses for the conduct of County business. Upon request of the County Executive, the Council may, by the Annual Budget and Appropriation Ordinance, or by other legislative act, 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 County. Notwithstanding other provisions of this Article, the Council may establish a Reserve Fund for Permanent Public Improvements, and self-insurance of County property into which there may be paid by the Annual Budget and Appropriation Ordinance cash surpluses not otherwise appropriated, or toward the financing of which taxes or other sources of revenue may be dedicated.

Section 826. FORM AND TERM OF BONDS. All bonds shall be in serial form and payable, as consecutively numbered, in annual installments, the first of which shall be payable not more than two years from the day of issue. Bonds shall be properly authenticated. Bonds may be registerable or non-registerable as to principal or interest. All interest coupons transferable by delivery shall be attached to the bonds and shall be properly authenticated. All bonds shall be made payable within the probable useful life of the improvement or undertaking with respect to which they are to be issued, or, if the bonds are to be issued for several improvements or undertakings, then within the average probable useful life of all such improvements or undertakings. In the case of a bond issue for several improvements or undertakings having different probable useful lives, the Council shall determine the average of said lives, taking into consideration the amount of bonds to be issued on account of each such improvement or undertaking, and the period so determined shall be the average period of useful life. The determination of the Council as to the probable useful life of any such improvement or undertaking shall be con-

CRUISE. NO BONDS SHALL MATURE AND BE PAYABLE MORE THAN thirty years after their date of issuance.

Section 827. CONTENTS OF BOND ISSUE AUTHORIZATION ORDINANCES. Each Bond Issue Authorization Ordinance as referred to in Section 814 of this Charter shall include a statement of the purpose or purposes of the issue, and if the purpose is to finance one or more capital projects, it shall describe each of them sufficiently for purposes of identification, but no capital project shall be included unless the amount included therein shall be deemed sufficient to complete at least a usable portion of such project. The Ordinance shall estimate the cost of the project or projects and the portion thereof to be defrayed from sources, specifically named, other than the proposed bond issues. The Ordinance shall also include the amount of the proposed issue; a statement showing that the proposed issue is within the legal limitation on the indebtedness of the County; the probable useful life of the project or average probable useful life of the projects to be financed; the date of the issue; the dates of the first and last serial maturities; the dates on which the interest shall be paid; a declaration that the principal of and the interest on the proposed issue are to be paid by *ad valorem* taxes on real estate and tangible personal property and intangible property subject to taxation by the County without limitation of rate or amount, and in addition, upon such other intangible property as may be subject to taxation by the County within limitations prescribed by law, except for self-liquidating bonds; and that the full faith and credit of the County are pledged to such payments. The Ordinance shall also recite the procedure for the public sale of the proposed issue and shall contain such other matters relating to the authorization, issuance or sale of the issue as the Council shall deem desirable.

Section 828. FURTHERING LEGISLATION. The Council may adopt such budget and fiscal laws to implement the objects and purposes of this Article as it shall deem necessary.

ARTICLE IX PERSONNEL

Section 901. THE PERSONNEL SYSTEM. Except for those in exempt positions, the Council shall provide by law for a personnel system governing the appointment and removal of employees, and other personnel procedures for employees in the County government. The personnel system shall insure that personnel actions are based upon merit and fitness, and that no employee or applicant for employment shall be discriminated against in any personnel action by reason of race, color, religion, creed, sex, political affiliation, or country of national origin.

Section 902. CLASSIFIED AND EXEMPT SERVICE. County positions shall be either in the classified or the exempt services. The exempt service shall consist of: (1) elected officials; (2) the Chief Administrative Officer; (3) the heads of offices and departments in the executive branch; (4) members of boards and commissions; (5) the Clerk of the Council; (6) the immediate staff of the County Executive, not to exceed five persons; (7) the County Auditor; (8) persons assigned to hourly rated positions for temporary or seasonal

help, provided that such persons are not compensated for more than 700 hours work per twelve-month period; (9) experts or specialists performing temporary services; (10) persons employed as attorneys-at-law, except hearing examiners; and (11) employees required to be covered by the State merit system.

Section 903. SALARIES AND WAGES. Salaries and wages of both classified and exempt service employees shall be determined in accordance with classification and salary plans. For such plans to become effective, they shall be submitted by the County Executive to the Council for legislative action thereon. If the Council fails to take final action upon a salary plan within sixty calendar days of its submission to the Council by the County Executive, then such plan shall stand approved.

Section 904. THE PERSONNEL LAW. The personnel law of the County shall include but not be limited to: (1) classification and pay plans including the allocation of positions; (2) construction, maintenance, and expiration of eligibility lists; (3) certification and appointment procedures; (4) probationary requirements; (5) promotion, transfer, and separation procedures; (6) disciplinary procedures; (7) career development plans; (8) special rules relating to the fire and police services; and (9) such other matters as may be required by law.

Section 905. OFFICE OF PERSONNEL. There shall be an Office of Personnel headed by a Personnel Officer. The Personnel Officer shall be responsible to the County Executive for administration of the personnel policies established by this Charter or by law.

Section 906. PERSONNEL BOARD. There shall be a Personnel Board consisting of five qualified voters of the County. Members of the Personnel Board shall be appointed by the County Executive for terms coterminous with his and confirmed by the Council. Vacancies shall be filled for the unexpired term in the manner of original appointment. Each member shall serve until his successor is appointed and qualified. A member of the Board may be removed only for cause by the County Executive, subject to approval by the Council. The County Executive shall designate a member of the Board as chairman.

Section 907. POWERS AND DUTIES OF THE PERSONNEL BOARD. The Personnel Board shall have the power and the duty: (1) to recommend to the Council rules and regulations which shall have the force of law upon adoption by the Council; (2) to approve and disapprove agreements for the joint administration of examinations and the use of eligibility lists concluded by the Personnel Officer with other public personnel offices or departments; (3) to hear appeals from employees in the classified service or appeals by any person who has taken or sought to take an examination concerning any action of the Personnel Officer or the appointing authority of the employee. After a hearing, which shall be public if so requested by the aggrieved employee, the Personnel Board may issue such order as it finds proper by the facts presented in the case. All data pertinent to the decision shall be subject to the scrutiny of the aggrieved party or his attorney; (4) to hear and decide for the County appeals from any action pertaining to the methods of ex-

amination, certification, or preparation of eligibility lists for appointment or promotion; (5) to advise and consult, as appropriate, with County officials on matters concerning the administration of the County career service and personnel rules and regulations and to report to the County Executive and the Council on the operation of the personnel system; and (6) to carry out such other functions as may be assigned by law. In case of any appeal to the Personnel Board, its decision shall be final on all parties concerned and may not be appealed to any other administrative board. Any person aggrieved by a final decision of the Personnel Board may, within thirty calendar days, appeal a decision to the Circuit Court of Prince George's County. Such appeal shall be limited to errors of jurisdiction, errors of law, and clear abuse of discretion by the Personnel Board.

Section 908. RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY. In order that County employees may participate in the formulation and implementation of personnel policies affecting their employment, they shall have the right to organize and bargain collectively through representatives of their own choosing, subject to any procedural regulations that the Council shall provide by law. The Council shall provide by law a labor code for County employees, which shall include: (1) the manner of establishing units appropriate for collective bargaining; (2) the manner of designating or selecting bargaining representatives; and (3) definitions of and remedies for unfair labor practices. The County Executive is authorized to submit to binding arbitration any disputes arising out of the interpretation of, or the application of, any collective bargaining agreement with the representative of County employees. Nothing herein shall be deemed to authorize a strike by any County employee or employees engaged in duties directly affecting the public safety.

Section 909. POLITICAL ACTIVITY. All County employees may participate or refrain from participating in partisan political activity. County employees shall not engage in partisan political activity during their hours of employment.

ARTICLE X GENERAL PROVISIONS

Section 1001. CODE OF ETHICS. The Council shall prescribe by law a code of ethics, and provide for the enforcement and penalties for violations thereof, covering all elected and appointed officers and employees of the County paid in whole or in part from County funds, and including persons appointed to serve on boards or commissions established by law. The code of ethics shall provide for the regulation of ex parte communications and for the disqualification of any person participating in the decision process, if there is a conflict between his official duties and his private interests. The code of ethics shall also provide for the establishment of a three-member board to administer the code. Members of such board, to be known as the Board of Ethics, shall be appointed by the County Executive and confirmed by the Council for a term ending with that of the County Executive. Not more than two members of the Board shall be members of the same political party.

Section 1002. CONFLICT OF INTEREST. No officer or employee of the County, whether elected or appointed, shall

in any manner whatsoever be interested in, or receive any benefit from, the profits or emoluments of any contract, job, work, or service for the County. No such officer or employee shall accept any service or thing of value, directly or indirectly, upon more favorable terms than those granted to the public generally, from any person, firm, or corporation having dealings with the County; nor shall he receive, directly or indirectly, any part of any fee, commission, or other compensation paid or payable by the County, or by any person in connection with any dealings with the County, or by any person in connection with any dealings or proceedings before any agency of the County government. No such officer or employee shall directly or indirectly be the broker or agent who procures or receives any compensation in connection with the procurement of any type of bonds for County officers, employees, persons, or firms doing business with the County. No such officer or employee shall solicit any compensation or gratuity in the form of money or otherwise for any act or omission in the course of his public work, except as provided by law or interstate compact; provided that the head of any department or board of the County may permit an employee to receive a reward publicly offered and paid for the accomplishment of a particular task. The provisions of this Section shall be broadly construed and strictly enforced for the purpose of preventing officers and employees from securing any pecuniary advantages, however indirect, from their public associations, other than their compensation provided by law. In order to guard against injustice, the Council may, by resolution, specifically authorize any County officer or employee to own stock in any corporation or to maintain a business in connection with any person, firm, or corporation dealing with the County, if, on full public disclosure of all pertinent facts to the Council by such officer or employee, the Council shall determine that such stock ownership or connection does not violate the public interest. Any officer or employee of the County who willfully violates any of the provisions of this Section shall forfeit his office. If any person shall offer, pay, refund, or rebate any part of any fee, commission, or other form of compensation to any officer or employee of the County in connection with any County business or proceeding, he shall, on conviction, be punishable by imprisonment for not less than one or more than six months or a fine of not less than \$100.00 or more than \$1,000.00, or both. Any contract made in violation of this Section may be declared void by the County Executive or by resolution of the Council. The penalties in this Section shall be in addition to all other penalties provided by law.

Section 1003. PRIVATE USE OF PUBLIC EMPLOYEES. No officer or employee of the County, elected or appointed, shall compel any other officer or employee of the County to do or perform any private service or work outside of his public office or employment.

Section 1004. ADDITIONAL COMPENSATION. No officer or employee of the County, elected or appointed, whose compensation is fixed, in whole or in part, by this Charter, the laws of the County, or its personnel regulations, shall be entitled to any other compensation from the County for performance of public duties, except expenses for travel and subsistence incident to the performance of his official duties as prescribed by law.

Section 1005. OFFICIAL LOBBYING. The Council shall not appropriate or approve any funds for any agency which receives or disburses County funds, other than for the immediate staff of the County Executive and the Council, to be used for the purpose of securing the passage or defeat of any legislation. No officer appointed by the County Executive or by the Council may, in his official capacity, recommend or request the passage or defeat of any legislation without the express prior approval of the County Executive or of the Council. Nothing herein shall preclude any officer or employee from providing public data or information in response to any official inquiry or making any recommendation required by law.

Section 1006. LIMITATION ON AD VALOREM TAXATION. Except as required by State law or the terms of any certificate of indebtedness outstanding on the effective date of this Charter, the Council shall have no power to levy any *ad valorem* tax on real or personal property for the benefit of any particular agency which receives or disburses County funds. Any *ad valorem* tax on real or personal property, with the aforementioned exceptions, shall accrue only to the general fund of the County.

Section 1007. BONDING OF OFFICERS. Officers of the executive branch who have possession of or control over any funds of the County shall be bonded for the faithful performance of their duties in such sum as may be fixed and with sureties to be approved by the Council on recommendation of the County Executive. Surety bond premiums shall be paid by the County.

Section 1008. NEWSPAPERS OF RECORD. The Council shall designate three County newspapers of record for the publication of official County notices. The three newspapers of record shall have a combined circulation of not less than three percent of the population of the County. Such designation shall be for at least one year and shall, insofar as possible, provide County-wide coverage. At least four weeks' public notice shall be given prior to any change in newspapers of record.

Section 1009. PREVAILING HOURS AND WAGES. The Council shall provide by law a system for establishing prevailing hours and wages for all contractors and subcontractors performing work for the County government. Said law shall establish a Wage Determination Board for the purpose of administering the provisions thereof. Said board shall be composed, in part, of representatives of industry and labor.

Section 1010. COUNTY SEAL. The Council shall adopt a County Seal. The Seal shall contain the corporate name of the County and such other information or insignia as the Council may determine. The County Executive, the Chief Administrative Officer, the Clerk of the Council, and such other officers as may be specified by law shall have power to attest to the County Seal.

Section 1011. CUSTODY OF PAPERS AND RECORDS. The Council shall provide for the custody and safekeeping of all deeds, bonds, contracts, releases, and other papers and instruments involving the interests of the County.

SECTION 1012. SUBPOENA POWER. THE COUNCIL SHALL have the power to administer oaths, to compel the attendance of witnesses, and to require the production of records and other materials in connection with any investigation, inquiry, or hearing authorized by law or by this Charter.

Section 1013. GOVERNMENTAL LIABILITY. The County may be sued in actions sounding in tort in the same manner and to the same extent that any private person may be sued. The County shall carry liability insurance with adequate limits to compensate for injury to persons or damage to property resulting from negligence and other wrongdoings of its officers, agents, and employees. Nothing herein shall preclude the County from meeting the requirements of this section by a funded self-insurance program.

Section 1014. CONSTRUCTION OF POWERS. The failure to mention a particular power or to enumerate similar powers in this Charter shall not be construed to exclude such powers or to restrict the authority that the County would have if the particular power were mentioned or the similar powers enumerated. The Charter shall be liberally construed to the end that, within the limits imposed by the Charter and by the Constitution and laws of the State, the County shall have all powers necessary for the conduct of its affairs.

Section 1015. SEPARABILITY. If any article, section, subsection, sentence, clause, or phrase of this Charter shall be held unconstitutional, invalid, or inapplicable to any person or circumstance, then it is intended and declared by the people of the County that all other articles, sections, subsections, sentences, clauses, or phrases of the Charter and their application to all other persons and circumstances shall be separable and shall not be affected by any such decision.

Section 1016. CITATION. This Charter shall be known and may be cited as "The Prince George's County Charter."

Section 1017. DEFINITIONS AND RULES OF CONSTRUCTION. As used in this Charter or the schedule of legislation attached hereto:

(a) The word "bill" shall mean any measure introduced in the Council for legislative action.

(b) The words "act," "ordinance," "public local law," and "legislative act," when used in connection with any action by the Council, shall be synonymous, and shall mean any bill enacted in the manner and form provided in this Charter.

(c) The word "resolution" shall mean a measure adopted by the Council having the force and effect of law but of a temporary or administrative character.

(d) The word "law" shall be construed as including all acts, public local laws, ordinances, resolutions, and other legislative acts of the Council, all ordinances and resolutions of the County Commissioners not hereby or hereafter amended or repealed, and all public general laws and public local laws of the General Assembly in effect from time to time after the adoption of this Charter, whenever such construction would be reasonable.

(e) The words "enact," "enacted," or "enactment," when used in connection with the legislative acts of the Council, shall mean the action by the Council in approving any item

or legislative business prior to its submission to the County Executive for his approval or veto.

(f) The word "State" shall mean the State of Maryland.

(g) The words "State law" shall mean all laws or portions of laws enacted by the General Assembly of Maryland which may not be repealed by the Council after the effective date of this Charter.

(h) The word "shall" shall be construed as mandatory and the word "may" shall be construed as permissive.

(i) The word "person" shall include the words "individual," "corporation," "partnership," and "association" unless such a construction would be unreasonable.

(j) The word "officer" shall include the word "councilman."

(k) The words "County Executive" shall be construed as meaning the chief executive officer of the County and the elected Executive Officer mentioned in Section 3, Article XI-A of the Constitution of Maryland.

(l) Whenever in this Charter the masculine gender is used, such words shall be construed to include the feminine gender, except where such construction would be absurd or unreasonable.

(m) The word "agency" when used to designate a subordinate element of government shall be construed as including all offices, departments, institutions, boards, commissions, and corporations of the County government and, when so specified, all offices, departments, institutions, boards, commissions, and corporations which receive or disburse County funds.

(n) The words "administrative officers" as used in Section 313 of this Charter shall mean the head of any agency which receives or disburses County funds.

(o) Reference to a span of time when computed in days is not intended to include the day the event occurs or Saturdays, Sundays, or holidays of the State or Nation. In those instances where the span of time is intended to include Saturdays, Sundays, and holidays of the State or Nation, the words "calendar days" are used. Reference to a span of time is not intended to include the day the event occurs, but shall include the last day of a period so computed, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the day which is neither a Saturday, Sunday, or legal holiday.

ARTICLE XI EFFECT AND AMENDMENT OF CHARTER

Section 1101. EFFECTIVE DATE OF CHARTER. This Charter shall become effective on the thirtieth day following its adoption, except as otherwise specifically provided in the Transitional Provisions (Article XII) of this Charter.

Section 1102. EXISTING LAWS. The Public Local Laws of Prince George's County and all rules, regulations, resolutions, and ordinances of the County Commissioners in force at the time of the effective date of this Charter are hereby repealed to the extent that they are inconsistent with the provisions of this Charter, but no further; and to the extent that they are not hereby repealed because of such inconsistency, all such public local laws, rules, regulations, reso-

lutions, and ordinances shall continue in full force and effect until repealed or amended.

Section 1103. EXISTING OFFICERS AND EMPLOYEES. All appointed officers and employees of the County government holding office at the effective date of this Charter, except the officers holding the offices specifically abolished by this Charter, shall continue to be employed at their existing compensation subject to the provisions of this Charter.

Section 1104. REFERENCE IN STATE CONSTITUTION AND LAWS TO COUNTY COMMISSIONERS. All references in the Constitution and the laws of this State to the County Commissioners shall, at such time as the elected members of the first Council and the first County Executive take office, be construed to refer to the Council and to the County Executive whenever such construction would be reasonable. The Council and the County Executive shall succeed to all powers vested heretofore in the County Commissioners by the Constitution and laws of this State. Whenever any State law imposes upon the Board of County Commissioners the responsibility of making a recommendation to the Governor of Maryland or to any other official not established by this Charter concerning the appointment of any person, such responsibility shall devolve upon the County Executive.

Section 1105. CHARTER AMENDMENT. Amendments to this Charter may be proposed by an act of the Council approved by not less than two-thirds of the members of the full Council, and such action shall be exempt from executive veto. Amendments may also be proposed by petition filed with the County Executive and signed by 10,000 registered voters of the County. When so proposed, whether by act of the Council or by petition, the question shall be submitted to the voters of the County at the next general election occurring after the passage of said act or the filing of said petition; and if at said election the majority of votes cast on the question shall be in favor of the proposed amendment, such amendment shall stand adopted from and after the thirtieth day following said election. Any amendments to this Charter, proposed in the manner aforesaid, shall be published by the County Executive in the County newspapers of record for five successive weeks prior to the election at which the question shall be considered by the voters of the County.

ARTICLE XII TRANSITIONAL PROVISIONS

Section 1201. NATURE OF THIS ARTICLE. The provisions of this Article relate to the transition from the existing Commissioner form of government to the form of government provided in this Charter. Where inconsistent with the foregoing Articles of this Charter, the provisions of this Article shall constitute exceptions thereto.

Section 1202. THE COUNTY COMMISSIONERS. The County Commissioners in office at the effective date of this Charter, not to exceed five in number, shall continue to hold office until the additional members of the first Council are elected and take office as provided in Sections 1203, 1204, and 1205 of this Charter. During the time between the effective date of this Charter and the time that the additional members of the first Council take office, the said

County Commissioners shall exercise only those powers and perform only those duties assigned to them immediately prior to the effective date of this Charter. At the time that the additional members of the first Council take office, the said County Commissioners shall become at-large Councilmen and the office of County Commissioner shall cease to exist in Prince George's County. Should one or more of the said County Commissioners choose to file as a candidate for the position of County Executive, they shall vacate their office as a County Commissioner at the time the additional members of the first Council take office. In such an event, an additional member shall be elected to the first Council for each office of County Commissioner so vacated.

Section 1203. ELECTION OF ADDITIONAL MEMBERS OF THE FIRST COUNCIL AND THE FIRST COUNTY EXECUTIVE. In order that this Charter may become operative promptly after it becomes law, a special election to elect six or more members of the first Council and the first County Executive shall be held on Tuesday, January 26, 1971. At the said election, the ballot shall contain the names of the nominees in alphabetical order for each respective office, without any indication of the source of their nomination or their affiliation. All at-large councilmanic seats to be filled at the said election shall be deemed to be a single contest.

Section 1204. NOMINATION OF ADDITIONAL MEMBERS OF THE FIRST COUNCIL AND THE FIRST COUNTY EXECUTIVE. Nominations for the additional members of the first Council and for the first County Executive shall be made by petition signed by one thousand qualified voters of the County. Said petition, whether for an individual candidate or a slate of candidates, shall conform, as appropriate, to the requirements for petition signatures contained in Section 319 of this Charter. Nominating petitions of candidates shall be filed in the office of the Board of Supervisors of Elections not later than nine o'clock in the evening on Monday, December 7, 1970, except that nominating petitions of candidates for any Councilmanic seat which shall be filled by virtue of the filing of a petition for the position of County Executive by an incumbent County Commissioner, and the consequent creation of a Councilmanic vacancy, shall be filed in the office of the Board of Supervisors of Elections not later than nine o'clock in the evening on Monday, December 21, 1970.

Section 1205. TERMS OF OFFICE OF THE FIRST COUNCIL AND OF THE FIRST COUNTY EXECUTIVE. The terms of office of the members of the first Council and of the first County Executive shall commence at noon on Monday, February 8, 1971, and shall expire at noon on the first Monday in December, 1974.

Section 1206. COMPENSATION. Members of the first Council to take office under the provisions of this Charter shall receive compensation of fifteen thousand dollars (\$15,000.00) per annum. The first County Executive to take office under the provisions of this Charter shall receive compensation of thirty-five thousand dollars (\$35,000.00) per annum.

Section 1207. TIME CERTAIN ARTICLES BECOME OPERATIVE. Articles I through XI of this Charter shall become operative at the time the first County Executive and the majority of the members of the first Council take office.

Section 1208. ZONING MORATORIUM. No application for a zoning map amendment or for a special exception to a zoning regulation, as defined in Section 701 of this Charter, shall be finally acted upon between the effective date of this Charter and the time the first Council and first County Executive take office. This section shall not serve to result in the disapproval by operation of law of any application in a zoning case by virtue of the expiration of a deadline during the period of this moratorium. Deadlines occurring during this moratorium period shall be extended for a period of time equal to the time lost by virtue of the moratorium.

Section 1209. ADMINISTRATIVE ORGANIZATION. The Administrative organization established by the Schedule of Legislation accompanying this Charter shall not be altered or amended before June 30, 1972.

Section 1210. BUDGET TIMETABLE. In 1971, the County Executive may extend the deadlines established in Sections 807 and 811 of this Charter by thirty calendar days.

Section 1211. NEWSPAPERS OF RECORD. Within thirty (30) days of taking office, the first Council shall designate three newspapers of record as required by Section 1008 of this Charter.

Section 1212. CODE OF ETHICS. Within six (6) months of taking office, the first Council shall adopt a code of ethics as required by Section 1001 of this Charter.

Section 1213. LABOR CODE. Within one (1) year of taking office, the first Council shall adopt a labor code as required by Section 908 of this Charter.

Section 1214. HOURS AND WAGES. Within one (1) year of taking office, the first Council shall adopt a system for establishing prevailing hours and wages as required by Section 1009 of this Charter.

Section 1215. PERSONNEL SYSTEM. Within six (6) months of taking office, the first Council shall establish a personnel system as required by Section 901 of this Charter.

Section 1216. ABOLITION OF CERTAIN POSITIONS AND AGENCIES. Subject to the conditions specified in this Section, the following positions and agencies are abolished:

(a) **THE COUNTY TREASURER.** The Office of Treasurer of Prince George's County shall stand abolished on June 30, 1971. The duties, personnel, records, property, and equipment of the office of the County Treasurer shall thereupon be transferred to the Office of Finance established by Section 801 of this Charter.

(b) **THE CLERK TO THE BOARD OF COUNTY COMMISSIONERS.** The position of the Clerk to the Board of County Commissioners shall stand abolished at the time the first Council takes office. The personnel, records, property, and equipment of the office of the Clerk to the Board of County Commissioners shall thereupon be transferred to the office of the Clerk of the Council established by Section 312 of this Charter.

(c) **THE ADMINISTRATIVE ASSISTANT TO THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS.** The position of Administrative Assistant to the Chairman of the

time the first County Executive takes office. The personnel, records, property, and equipment of the Administrative Assistant to the Chairman of the Board of County Commissioners shall thereupon be transferred to the office of the Chief Administrative Officer established by Section 412 of this Charter.

(d) **THE OFFICE OF INTERNAL AUDITOR.** The Office of Internal Auditor shall stand abolished at the time the first Council takes office. The personnel, records, property, and equipment of the Office of Internal Auditor shall thereupon be transferred to the Office of Audits and Investigations established by Section 313 of this Charter.

(e) **THE ACCOUNTING DEPARTMENT.** The Accounting Department shall stand abolished on June 30, 1971. The duties, personnel, records, property, and equipment of the Accounting Department shall thereupon be transferred to the Office of Finance established by Section 801 of this Charter.

(f) **THE BUDGET DEPARTMENT.** The Budget Department shall stand abolished on June 30, 1971. The personnel, records, property, and equipment of the Budget Department shall thereupon, as appropriate, be transferred to the Office of Finance established by Section 801 of this Charter or to the Office of Budget and Programming established by Section 802 of this Charter.

Section 1217. HEADS OF NEWLY ESTABLISHED OFFICES AND DEPARTMENTS. Prior to June 30, 1971, the County Executive shall, subject to the provisions of Section 322 of this Charter, appoint a single head for each of the offices and departments established by this Charter or the Schedule of Legislation accompanying this Charter. Such appointments shall be made in accordance with the provisions of this Charter.

Section 1218. OTHER OFFICES AND DEPARTMENTS. Offices and departments not specifically abolished or otherwise provided for in this Charter, or its Schedule of Legislation, shall stand abolished on June 30, 1971, unless specific action is taken to incorporate them into one or more of the agencies established by the Schedule of Legislation accompanying this Charter. This section shall not apply to offices and departments established by State law.

Section 1219. OTHER BOARDS AND COMMISSIONS. Boards and commissions not abolished or reestablished by this Charter or the accompanying Schedule of Legislation shall retain their present organization and functions for a period of one (1) year from the effective date of this Charter. Such boards and commissions shall cease to exist at the end of this one (1) year unless they are reestablished by legislative act. This section shall not apply to boards and commissions established by State law, or to the County Board of Appeals.

SCHEDULE OF LEGISLATION

The purpose of this Schedule is to allocate the functions and duties of the executive branch among and within the herein established service offices and operating departments

of the County government. This Schedule takes effect under the authority of its adoption by the people of Prince George's County together with the Charter to which it is attached. Provisions contained in this Schedule shall become effective on July 1, 1971.

Section 1. OFFICE OF BUDGET AND PROGRAMMING. There shall be an Office of Budget and Programming headed by the Director of the Budget. The Director of the Budget shall be responsible for assisting in the preparation of the annual current expense and capital budgets of the County and advising upon any request for County funds and upon revenue needs. He shall review and recommend upon allotment requests. He shall study budget execution and the efficiency of organization, methods, and procedures and prepare reports thereon. He shall study and report upon master plans, capital improvement programs, and any planning and zoning matters which may be referred to the executive branch. He shall coordinate intergovernmental relationships on behalf of the County.

Section 2. OFFICE OF FINANCE. There shall be an Office of Finance headed by the Director of Finance. The Director of Finance shall be responsible for keeping a system of accounts; controlling appropriations and allotments; preparing monthly and annual financial statements for the County Executive and the Council; auditing, prior to payment, any claims against the County of whatever kind; depositing, investing and having custody of all funds; prescribing accounting systems; preparing for bond sales and advising on debt management; administering tax sales; and collecting and billing for all revenues and receipts due the County.

Section 3. OFFICE OF PERSONNEL. There shall be an Office of Personnel headed by the Personnel Officer. The Office of Personnel shall consist of the Personnel Officer, his subordinate agents and employees, and the Personnel Board. The Personnel Officer shall be responsible for administering the personnel system required by Article IX of this Charter.

Section 4. OFFICE OF PUBLIC INFORMATION. There shall be an Office of Public Information headed by a Director of Public Information. The Director of Public Information shall be responsible for informing the public on all major actions and programs of the County government.

Section 5. OFFICE OF CENTRAL SERVICES. There shall be an Office of Central Services headed by a Director of Central Services. The Director of Central Services shall be responsible for administering such central services as may be required by law. These central services shall include, but need not be limited to: (1) central purchasing; (2) printing and reproduction service; (3) mail service; (4) messenger service; (5) central warehousing; and (6) maintaining a modern system for the collection, storage, and processing of data and information.

Section 6. OFFICE OF LAW. There shall be an Office of Law headed by the County Attorney. To the extent permitted by State law, the County Attorney shall be the legal advisor to the County Executive and all agencies that receive or disburse County funds. He shall also be the legal advisor and legislative draftsman of the Council, unless the Council shall specifically direct otherwise. He shall represent the

be responsible for all County activities directed toward the civil enforcement of laws for the protection of consumer interests. He shall appoint necessary assistants. With the approval of the County Executive and subject to budget limitations, he may engage attorneys on a temporary basis for extraordinary work.

Section 7. DEPARTMENT OF PUBLIC WORKS. There shall be a Department of Public Works headed by a Director of Public Works. The Director of Public Works shall administer construction and maintenance of all public works, construction and maintenance of buildings, refuse collection and disposal, and such other functions as may be required by law.

Section 8. DEPARTMENT OF RECREATION. There shall be a Department of Recreation headed by the Director of Recreation. The Director of Recreation shall administer recreational programs and, when permitted by law, parks and park-related facilities. The Recreation Advisory Committee is hereby continued as the Recreation Advisory Board.

Section 9. DEPARTMENT OF HUMAN RESOURCES AND COMMUNITY DEVELOPMENT. There shall be a Department of Human Resources and Community Development headed by a Director of Human Resources and Community Development. The Director of Human Resources and Community Development shall be responsible for coordinating the activities of those agencies engaged in the development of human and community resources. These agencies include the Community Action Committee, the Citizens Committee for Community Improvement, the Division of Services and Programs on the Aging, the Human Relations Committee, the Housing Authority, and the Youth Action Committee. The responsibility of the Director shall also include those County social services not handled by the Department of Social Services which functions under State law. The Department may have associated with it such advisory boards or committees as may be established by law.

Section 10. DEPARTMENT OF HOSPITALS. There shall be a Department of Hospitals headed by a Director of Hospitals. The Director of Hospitals shall be responsible for administering all hospitals and nursing homes owned or leased by the County. The Prince George's County Hospital Board is hereby continued as the Prince George's County Hospital Advisory Board. The Hospital Advisory Board shall have authority to advise upon, but not to direct, hospital and nursing home services and shall not have personnel appointment authority. Nothing herein shall preclude the County government from divesting itself of ownership and responsibility for hospitals and nursing homes.

Section 11. DEPARTMENT OF ECONOMIC DEVELOPMENT. There shall be a Department of Economic Development headed by a Director of Economic Development. The Director of Economic Development shall be responsible for broadening the tax base and expanding employment opportunities by attracting and expanding desirable industrial and commercial operations in the County. The Economic Development Committee is hereby continued as the Economic Development Advisory Committee and, as such, it shall function in an advisory capacity to the Director of Economic Development.

There shall be a Department of Licenses and Permits headed by a Director of Licenses and Permits. The Director of Licenses and Permits shall be responsible for specified functions relating to protection of the public, except for those functions relating to police, fire, and civil defense activities. These functions shall include, but need not be limited to: (1) building inspections; (2) electrical inspections; (3) zoning enforcement; (4) weights and measures; and (5) the animal shelter. The Director shall also provide administrative services to boards which regulate, examine, or inspect the work of occupational groups. Additional responsibilities relating to permit granting and inspectional authority may be assigned by law.

Section 13. POLICE DEPARTMENT. There shall be a Police Department headed by the Chief of Police. The Chief of Police shall be responsible for all law enforcement in the County, except where otherwise specified by State law, any municipal charter, or this Charter and its Schedule of Legislation. The Chief of Police shall have had at least five years experience in the field of law enforcement.

Section 14. FIRE DEPARTMENT. There shall be a Fire Department headed by a Fire Chief. The Fire Department shall be responsible for fire prevention, fire suppression, fire and rescue communications, research and training activities, and coordination of the volunteer fire companies. The Fire Chief shall have had at least five years administrative experience in the field of fire prevention, fire training, or fire suppression. There shall be a Fire Commission composed of nine members elected by the volunteer fire companies of Prince George's County. Each company shall be entitled to cast one vote for each member of the Commission. The first election shall take place in the month of December, 1970, and an election shall take place annually thereafter during the month of July. The Fire Commission shall review the financial needs and requests for public funds of each volunteer fire company. It shall formulate annually one capital budget, one capital improvement program, and one current expense budget for all volunteer fire companies with respect to the expenditure of public funds, and shall submit said budgets and program, together with appropriate justification, to the County Executive in accordance with the provisions of this Charter.

OFFICE OF COUNTY COMMISSIONERS
COURTHOUSE, UPPER MARLBORO, MD, 20870

BULK RATE
U.S. POSTAGE
PAID
Permit No. 23
Bethesda, Md.

Section 320. - Publication of Laws.

The Council shall cause all laws and all amendments to this Charter to be published promptly following their enactment as provided by law. Such laws and Charter amendments shall also be made available to the public at reasonable prices to be fixed by the Council.

Section 321. - Compilation of Laws.

At intervals not greater than every four years, the Council shall compile and codify all laws of the County in effect at such times. Each such codification shall be submitted to the Council, and, if adopted by law, shall be known as the "Prince George's County Code." Such code shall be published with an index and such appropriate notes, citations, annotations, and appendices as the Council may determine. At least annually the Council shall prepare and publish a Supplement to the County Code of laws.

(Amended, CB-67-1978, ratified Nov. 7, 1978)

Federal Gov't Recommendations

Inspection of Public Records

Recommendations:

That there be provisions providing for the inspection of identifiable public records and for the obtaining of copies of such records at a reasonable fee. However, the following types of public records shall not be subject to these provisions:

- don't apply* {
- (a) Formulae, designs, patents, drawings, and other records of intrinsic financial value, which value would be impaired or destroyed by disclosure;
 - (b) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;
 - (c) Records related solely to internal personnel rules and practices; *why*
 - (d) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
 - (e) Investigatory files compiled for law enforcement purposes except to the extent available by law to a private party;
 - (f) Memorandums or letters which would not be available by law to a private party in litigation with the county;
 - (g) Records specifically exempted from disclosure by statute;
 - (h) Staff manuals and instructions to staff which do not affect a member of the public; and
 - (i) Details in staff manuals, instructions to staff, policy statements, opinions, and interpretations to the extent required to prevent a clearly unwarranted invasion of personal privacy.

Instrument of Government
A

CHARTER OF PRINCE GEORGE'S COUNTY,
MARYLAND

PREAMBLE

We, the People of Prince George's County, Maryland, in order to obtain the benefits of self-government and home rule under the Constitution and laws of the State of Maryland, do adopt and establish as our Instrument of Government this

CHARTER OF PRINCE GEORGE'S COUNTY, MARYLAND

ARTICLE I

NAME AND RIGHTS OF THE COUNTY

Section 101. BODY CORPORATE AND POLITIC. Prince George's County as it now exists constitutes a body corporate and politic. Under this Charter it shall have all rights and powers of local self-government and home rule as are now or may hereafter be provided or necessarily implied by this Charter and by the Constitution and laws of the State of Maryland. The County shall have all such powers as freely and completely as though they were specifically enumerated in this Charter and no enumeration of powers in this Charter shall be deemed exclusive or restrictive.

Section 102. EXERCISE OF POWERS. The powers mentioned in the preceding section shall be exercised only by the County Council, the County Executive, and other agents, officers, and employees of the County acting under their respective authorities or under such other authority as may be provided by this Charter or the laws of this State. In the exercise of such powers, the citizens of Prince George's County shall be accorded equal treatment in all matters under the jurisdiction of the County government.

Section 103. NAME AND BOUNDARIES. The corporate name shall be "Prince George's County, Maryland", and it shall thus be 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. ~~omit~~)

ARTICLE II

THE LEGISLATIVE BRANCH

Section 201. COMPOSITION. The legislative branch of the County government shall be composed of the County Council and the officers and employees thereof.

Section 202. THE COUNTY COUNCIL. The County Council shall consist of ⁵~~nine~~ members who shall be elected from the County at-large. ?

(a) ELECTION. Members of the Council shall be nominated and elected by the qualified voters of the County at the same time as State officers and in the manner provided by law.

(b) QUALIFICATIONS.

1. IN GENERAL. A Councilman shall have been a registered voter of the County for at least four years immediately preceding his election or appointment. At the time of his election or appointment a Councilman shall have attained the age of twenty-five years.

2. OTHER OFFICES. No member of the Council shall hold any other office of profit in State, County, or Municipal Government. No member of the Council shall, during the whole term for which he was elected or appointed, be eligible for appointment to any County office, position, or employment carrying compensation.

3. FORFEITURE OF OFFICE. If a member of the Council ceases to be a registered voter of the County or is convicted of a crime involving moral ^{felony?} turpitude, he shall immediately forfeit his office.

(c) TERM OF OFFICE. A member of the Council shall serve for a term beginning at noon on the first Monday in December following his election and ending at noon on the first Monday in December in the fourth year thereafter.

(d) VACANCIES. A vacancy occurring in the office of Councilman prior to the expiration of his term shall be filled within thirty days after the vacancy occurs by a majority vote of the remaining members of the Council.

(e) COMPENSATION. A member of the Council shall receive a ^{salary} minimum ^{salary} of ten thousand dollars (\$10,000.00) per annum. Such salary may be changed by law passed by a two-thirds vote of the Council. Any salary increase or decrease enacted during one term of office shall not become effective before the next term.

Section 203. OFFICERS AND EMPLOYEES OF THE COUNCIL.

(a) PRESIDING OFFICER. The Council at its first meeting in December of each year shall elect from its membership a Chairman and a Vice Chairman. The Chairman, or in his absence the Vice Chairman, shall preside at all meetings. On all questions before the Council the Chairman and Vice Chairman shall have and may exercise the vote to which each is entitled as a Council member.

(b) SECRETARY OF THE COUNCIL. There shall be a Secretary

appointed by the Council, who shall keep minutes of its meetings, maintain its Journal, and perform such other duties as the Council may direct.

(c) COUNTY AUDITOR. The Council shall appoint a County Auditor who shall hold office for an indefinite term at the pleasure of the Council and shall receive such compensation as the Council may determine. He shall be a certified public accountant licensed for the practice of his profession under the laws of this State, and shall be appointed on the basis of his knowledge of governmental accounting and auditing and his experience pertaining to the duties of his office. He shall, not later than three months after the close of each fiscal year, prepare and submit to the Council and to the County Executive, a complete financial audit for the preceding fiscal year of all offices, departments, institutions, boards, commissions, corporations, and other agencies of the County government. The Council may, in its discretion, exempt ^{only} those agencies whose entire records, accounts, and affairs are completely audited each year with the approval of or by the State government. Such audit shall include a report thereon together with such explanatory comments as the Auditor may deem appropriate. The report and explanatory comments shall be published in at least two newspapers of general circulation in the County, and copies of the complete audit shall be open for the inspection of the public and the press in the County Auditor's office. All records and files pertaining to the receipt and expenditure of County funds by all officers, agents, and employees of the County and all offices, departments, institutions, boards, commissions, corporations, and other agencies thereof, shall at all times be open to the inspection of

Di-county
agencies
auditable?

the County Auditor. He shall promptly call to the attention of the Council and the County Executive any irregularity or improper procedure which he may, from time to time, discover. The Council shall have the power to implement the provisions of this section and to assign additional functions, duties and personnel to the County Auditor. All actions of the Council pursuant to this section shall be exempt from the executive veto.

(d) OTHER EMPLOYEES. The Council may provide for the appointment of such other employees as it may deem desirable for the exercise of its powers.

Section 204. POWERS OF THE COUNCIL. All legislative power of the County under the Constitution and laws of Maryland shall be vested in the Council.

Section 205. COUNCIL RULES OF PROCEDURE. The Council shall adopt and publish Rules of Procedure not inconsistent with the following:

(a) PUBLIC SESSIONS. All sessions of the Council at which a vote is taken shall be open to the public. ~~Recorded?~~

(b) TOTAL LEGISLATIVE SESSION DAYS. The Council may sit up to forty-five days in each year for the purpose of enacting legislation.

(c) ANNUAL LEGISLATIVE SESSION. The Council shall convene for an annual legislative session on the first Monday in May and may continue its session for a period of not longer than thirty days, exclusive of Saturdays, Sundays and legal holidays of the State (or Nation[?].)

(d) MONTHLY LEGISLATIVE SESSION-DAY. The Council shall also convene on the first Monday of each month, except December in a councilmanic election year, for the purpose of enacting legislation, but if said

first Monday shall be a holiday, the said session-day shall be held on the next succeeding day which is not a holiday. (Sept)

(e) EMERGENCY LEGISLATIVE SESSIONS. The Council may be called into emergency session at any time for the purpose of enacting emergency legislation either by the County Executive or by a majority (3) of the full Council.

(f) NON-LEGISLATIVE SESSIONS. The Council may also convene for the purpose of performing duties, other than enacting legislation, properly exercisable by the Council under the provisions of this Charter. These sessions may be held at such times and at such places as the Council may determine.

(g) QUORUM. A majority of the members of the Council shall constitute a quorum for the transaction of business, except that for emergency legislative sessions two-thirds of the members of the Council shall be required. 4

(h) VOTING. All voting, except on procedural motions, shall be by roll call, and the ayes and nays shall be recorded in the Journal.

(i) JOURNAL. The Council shall provide for the keeping of a Journal which shall be open to public inspection at all reasonable times.

Section 206. ENACTMENT OF LEGISLATION.

(a) FORM OF LAWS. Every law of the County shall be styled:

"Be it enacted by the County Council of Prince George's County, Maryland."

The Council shall enact no law except by bill. The subject of every law shall be described in its title. Every law enacted by the Council, except the

budget law and supplementary appropriation laws, shall embrace but one subject. No law or section of law shall be revived or amended by reference to its title only.

(b) PUBLICATION OF BILLS. On the introduction of any bill, a copy thereof and notice of the time and place of the hearing on the bill shall be posted by the Secretary of the Council, within twenty-four hours, on an official bulletin board to be set up by the Council in a public place. Additional copies of the bill shall be made available to the public and to the press. Every copy of each bill shall bear the name of the member of the Council introducing it and the date it was introduced.

(c) INTRODUCTION, PUBLIC HEARING, AND PASSAGE OF BILLS.

A bill may be introduced by any member of the Council on any legislative session-day of the Council. Within twenty-four hours following the introduction of a bill the Chairman of the Council shall schedule and give public notice of a public hearing on the bill which shall not be less than fourteen days after its introduction; but the Council may reject any bill on its introduction without a hearing by a vote of two-thirds of the members of the full Council. Such public notice shall be published in the County newspapers of record as ~~provided~~^{defined} in Article 9, Section 902 of this Charter. The public hearing may, but need not be, held on a legislative session-day and may be adjourned from time to time. After the public hearing, a bill may be finally passed on a legislative session-day with or without amendment, except, that if a bill is amended before final passage and the amendment constitutes a change of substance, the bill shall not be passed until it

is reprinted or reproduced as amended and a public hearing shall be set thereon and proceedings had as in the case of a newly introduced bill. Any bill not passed within sixty-five days after its introduction, or prior to November in a councilmanic election year, shall fail.

(d) EMERGENCY BILLS. To meet a public emergency affecting the public health, safety, or welfare, the County may pass emergency bills. Every emergency bill shall be plainly designated as such and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the claimed emergency in clear and specific terms. The term "emergency bill" shall not include any measure creating or abolishing any office; changing the salary, term, or duty of any officer; granting any franchise or special privilege; or creating any vested right or interest.

(e) VOTES REQUIRED. No bill shall be passed except by the affirmative vote of not less than a majority of the Council members present. No emergency bill shall be passed except by an affirmative vote of two-thirds of the members of the full Council.

(f) EFFECTIVE DATE OF LAWS. All laws, except emergency laws, shall take effect sixty days after their enactment, unless by a provision of the law it is to take effect at a later date. An emergency law shall take effect from the date of its enactment.

Section 207. RECORDING, PRINTING, AND COMPILATION OF LAWS.

(a) RECORDING OF LAWS. All laws enacted shall be authenticated by the signature of the Secretary to the Council and shall be recorded in full in a properly indexed book kept for the purpose.

(b) PUBLICATION OF LAWS. The Council shall cause all public local laws, ordinances, resolutions, rules, and regulations having the force and effect of law, and all amendments to this Charter to be published promptly following their enactment. Such public local laws, ordinances, resolutions, rules, regulations, and Charter amendments shall be made available to the public at reasonable prices to be fixed by the Council.

(c) COMPILATION OF LAWS. At intervals not greater than every five years ~~thereafter~~, the Council shall provide for a compilation and codification of all public local laws, ordinances, resolutions, rules, and regulations of the County in effect at such times. Each such codification shall be submitted to the Council, and if adopted by law, shall be known as "The Prince George's County Code." It shall be published, together with an index and such appropriate notes, citations, annotations, and appendices as may be determined by the Council.

(d) CUMULATIVE SUPPLEMENT. Not earlier than ninety calendar days after the close of each annual legislative session, the Council shall cause to be prepared and published a cumulative supplement to The Prince George's County Code, with an index and such appropriate notes, citations, annotations, and appendices as may be determined by the Council.

Section 208. REFERENDUM.

(a) SCOPE OF THE REFERENDUM. The people reserve to themselves the power of referendum. Any law enacted by the Council may be petitioned to referendum except laws imposing a tax or making an appropriation for current expenses of the County government.

(b) MANNER OF REFERRAL. A law shall be referred to a vote of the people after a petition, in the form prescribed by law, has been signed by a number of registered voters of the County equal to at least ten per cent of the total votes cast in the County in the most recent gubernatorial election. If the total number of required signatures is filed with the Board of Supervisors of Election within sixty days after the bill becomes law, it shall be submitted to a vote of the people at the next general election held not less than four months after the bill becomes law.

(c) SUSPENSION OF LAWS. Any law, except an emergency law, which is petitioned to referendum is thereby suspended.

(d) EFFECT OF REFERENDUM. A referred law shall be repealed thirty days after it has been rejected by a majority of those voting on it provided that the number voting on the question is not less than one-fourth the number voting in the election. A suspended law which is not repealed shall take effect thirty days after the referendum or at a later time if prescribed in the law.

Section 209. SPECIAL AUDITS. The Council may at any time order an audit of any department, office, or agency receiving funds from the County government by a majority vote of the full Council. Special audits may be conducted by the County Auditor or by an independent auditor employed for that specific purpose. The results of a special audit shall be reported to the Council and the County Executive, and copies shall be made available to the public and press no later than four months after the ordering of the audit. If, as a result of any such audit, an officer shall be found to be

indebted to the County, the County Executive shall proceed forthwith to collect the indebtedness. All actions of the Council pursuant to this section shall be exempt from the executive veto.

Section 210. INVESTIGATION BY THE COUNCIL. The Council, by a majority vote of all members, may make, or cause to be made, investigations into the affairs of the County government and the conduct of any County department, office, or agency. { For this purpose the Council may, ^{upon application to} subpoena witnesses, administer oaths, take testimony, and require the production of evidence. } It shall be deemed a misdemeanor for any person to fail or refuse to obey a lawful order issued in the exercise of this power by the Council and upon conviction thereof shall be punishable by fine of not more than one-hundred dollars (\$100), or by imprisonment for not more than thirty days, or both.

Power of Commission of Circuit Court;

Section 211. LIMITATIONS ON THE COUNCIL.

(a) COUNCIL TO ACT AS A BODY. In all of its functions and deliberations, the 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.

(b) APPOINTMENTS AND REMOVALS. Neither the Council nor any of its members shall in any manner direct or request the appointment or removal of any county administrative officer or employee whom the County Executive or any of his subordinates are empowered to appoint.

(c) RELATIONS WITH EMPLOYEES OF THE EXECUTIVE BRANCH. Except for the purpose of inquiries or investigations under Section 210 of

this Article, neither the Council nor any of its members shall conduct official business with county officers and employees who are subject to the direction and supervision of the County Executive except through the County Executive.

ARTICLE III

THE EXECUTIVE BRANCH

Section 301. COMPOSITION. The Executive Branch of the County government shall consist of the County Executive and all officers, agents, and employees under his supervision and authority.

Section 302. THE COUNTY EXECUTIVE. The County Executive shall be elected from the County at-large. He shall devote full time to the duties of his office.

(a) ELECTION. The Executive shall be nominated and elected by the qualified voters of the County at the same time as State officers and in the manner provided by law.

(b) QUALIFICATIONS.

1. IN GENERAL. The Executive shall have been a registered voter of the County for at least five years immediately preceding his election or appointment. At the time of his election or appointment the Executive shall have attained the age of thirty years.

2. OTHER OFFICES. No Executive shall hold any other office of profit in State, County, or Municipal government. No Executive shall, during the whole term for which he was elected or appointed, be eligible for appointment to any County office, position, or employment carrying compensation.

3. FORFEITURE OF OFFICE. If the Executive ceases to be a registered voter of the County or is convicted of a crime involving moral turpitude, he shall immediately forfeit his office.

(c) TERM OF OFFICE. The Executive shall serve for a term beginning at noon on the first Monday in December following his election and ending at noon on the first Monday in December in the fourth year thereafter, or continuing until a successor shall have qualified.

(d) TEMPORARY ABSENCE OR DISABILITY. The Executive shall, within ten days after taking office, designate in writing the Chief Administrative Officer or some other person in the Executive Branch to perform the duties of the Executive during the latter's temporary inability to perform by reason of absence from the County or disability. Such designation shall be filed with the Secretary of the Council. Any such designation may be revoked by the Executive at any time by filing a new designation with the Secretary of the Council. An Acting Executive shall have the same rights, duties, powers, and obligations as an elected incumbent in said office except the power of veto. - ~~appointment?~~

(e) INABILITY TO PERFORM DUTIES. If an Executive is unable to perform the duties and responsibilities of his office for a continuous period of three months, his office may be declared vacant by the affirmative vote of not less than two-thirds of the members of the Council and such vacancy shall thereupon be filled in the manner provided in Section 302(f) of this Article.

(f) VACANCY. Whenever, for any cause, the office of the Executive shall become vacant, the Council shall act as follows:

1. VACANCY DURING FIRST TWO YEARS OF A TERM. If a vacancy occurs during the first two years of a term, the Council shall call a special election to be held within ninety days after the vacancy has occurred. The remainder of the term shall be filled at that special election. ^{the period not less than 30 nor more than 90 days} Any such special election date ~~shall~~ ^{shall} coincide with any other regular, special, or primary election occurring within the ~~ninety~~ ⁶⁰ day period. The manner of nomination of candidates for Executive to fill a vacancy shall be prescribed by law.

2. VACANCY DURING LAST TWO YEARS OF A TERM. If a vacancy occurs during the last two years of a term, the Council shall, within thirty days, appoint an Executive for the remainder of the term. Such appointment shall be made by a majority vote of the full Council.

(g) COMPENSATION. The Executive shall receive a minimum salary of thirty thousand dollars (\$30,000.00) per annum. Such salary may be changed by law passed by two-thirds of the Council. Any salary increase or decrease enacted during one term of office shall not become effective before the next term.

Section 303. POWERS OF THE EXECUTIVE. All executive power of the County under the Constitution and laws of Maryland shall be vested in the County Executive. He shall be chief executive officer of Prince George's County and shall faithfully execute the laws. His express responsibilities, duties and powers shall include, but not be limited to, the following:

1. To supervise, direct, and control, subject to law and the provisions of this Charter, the administrative services of the County government;
2. To present to the Council the annual County budget in the manner

and form provided in Article VI of this Charter;

3. To report to the Council and the public, at least once a year, a general statement of the finances, government, and affairs of the County government, with a summary statement of the activities of the several departments and offices;

4. To present to the Council such other information concerning the business and affairs of the County as he may deem necessary, or as the Council may request, and to recommend such measures for legislative action as he may deem to be in the best interests of the County;

5. To see that the officers, boards, agencies, commissions, departments, and employees of the County government faithfully perform their duties.

6. To appoint, subject to rejection by a majority vote of the full Council within ten days, the Chief Administrative Officer and the heads of all offices, departments, and agencies which are under his supervision and control; and to remove the same at his ~~direction~~, *discretion*

7. To determine the compensation of the Chief Administrative Officer and the heads of offices, departments, or agencies of the County government, subject to the approval of a majority of the full Council.

8. To appoint the members of boards and commissions of the County government subject to confirmation by a majority of the full Council, unless otherwise prescribed by law.

9. To sign or cause to be signed on the County's behalf all deeds, contracts, and other instruments and to affix the County seal thereto;

10. To issue, or cause to be issued, all licenses and permits under the authority of the County government;

11. To insure that County funds in excess of those required for immediate needs are invested in the best interests of the County.

Section 304. EXECUTIVE VETO. Upon the passage of any bill by the Council, with the exception of such measure made expressly exempt from the executive veto by this Charter, it shall be presented to the Executive within three days for his approval or disapproval. Within ten days after such presentation, he shall return any such bill to the Council with his approval endorsed thereon or with a statement, in writing, of his reasons for not approving the same. Upon approval by the Executive, any such bill shall stand enacted. Upon veto by the Executive, his veto message shall be entered in the Journal of the Council, and not later than at its next legislative session-day, the Council may reconsider the bill. If, upon reconsideration, two-thirds of the members of the Council vote in the affirmative, the bill shall stand enacted. Whenever the Executive shall fail to return any such bill within ten days after the date of its presentation to him, the Secretary of the Council shall forthwith record the fact of such failure in the Journal, and such bill shall thereupon stand enacted. The Executive may also reduce or strike out any item in a supplementary appropriation bill. Each item or portion of an item not disapproved in a supplementary appropriation bill shall become law, and each item or portion of an item disapproved in a supplementary appropriation bill shall be subject to the same procedure as a bill vetoed by the Executive.

Section 305. THE CHIEF ADMINISTRATIVE OFFICER. There shall be a Chief Administrative Officer who shall be appointed solely on the basis of his managerial and administrative qualifications.

(a) QUALIFICATIONS. The Chief Administrative Officer shall have had, prior to his appointment, at least five years experience as a manager, either in public service or private business, or both. He shall also be thoroughly familiar with modern office management procedures, including budgeting, personnel administration, data processing, and purchasing. At the time of his appointment, he may, but need not be, a resident of Prince George's County or of the State of Maryland, but during his tenure of office he shall reside within the County.

(b) DUTIES. The Chief Administrative Officer shall perform such administrative duties and exercise such general supervision over the offices, departments, boards, and agencies of the County government as the Executive may direct.

Section 306. TEMPORARY ADMINISTRATIVE APPOINTMENTS.

(a) CHIEF ADMINISTRATIVE OFFICER. During the temporary absence of the Chief Administrative Officer, or if the office of Chief Administrative Officer shall become vacant, the Executive shall appoint an Acting Chief Administrative Officer pending, in the case of a vacancy, the appointment of a successor. In his capacity as Acting Chief Administrative Officer, the appointee need not possess, but the successor shall possess, all qualifications specified in Section 305(a) of this Article.

(b) OTHER ADMINISTRATIVE OFFICERS. The Executive, in the case of a vacancy or temporary absence, may designate any person to serve as acting head of any office, department, or agency in the executive branch until the appointment of a successor.

(c) LIMITATION ON TERM OF TEMPORARY APPOINTEES. No person shall serve as Acting Chief Administrative Officer or acting head of any office, department, or agency for a period longer than sixty days, provided, however, such limit may be extended an additional four months by resolution of the Council.

ARTICLE IV

ADMINISTRATIVE ORGANIZATION

Section 401. SUPERVISION AND CONTROL. Except as otherwise provided in this Charter the offices, departments, boards, and agencies of the County government shall be subject to the direction, supervision, and control of the Executive.

Section 402. STRUCTURE. All functions and duties of the Executive Branch shall be allocated according to major purposes among and within such offices, departments, boards, and agencies as may be established by law.

Section 403. REORGANIZATION. The Executive may propose changes in the organization of the Executive Branch, including the establishment or abolition of offices, departments, boards, and agencies, and in the assignment of functions, powers, and duties among the offices, departments, boards, and agencies of the Executive Branch. Such proposals shall be set forth in executive orders in statutory form and be submitted to the Council. Such executive order shall become effective and have the force of law sixty days after submission unless specifically disapproved by majority vote of the full Council.

Section 404. CITIZENS ADVISORY BOARDS. The Council or the Executive may appoint for designated periods one or more temporary advisory boards of citizens of the County who shall, without compensation

other than such necessary expenses as may be provided in the budget, assist in the consideration of County administrative policies and programs. It shall be the duty of each such advisory board to study conditions in its respective field, and to report its findings and recommendations to the Council or the Executive, as appropriate.

Section 405. REMOVAL OF MEMBERS OF BOARDS. A member of any appointed Board may be removed from office for cause by the Executive with the approval of a majority of the full Council, but such member shall first be presented with a written statement of the reasons therefor, and shall have the privilege of a public hearing if he so requests. (A member of any appointed Board who shall be absent from three consecutive regular meetings of such Board, unless excused by resolution thereof, shall be deemed to have vacated his office.) Vacancies occurring in such office, other than by the expiration of the term, shall be filled for the unexpired balance of the term. *delete*

(Section 406. AGENCIES ORGANIZED AND ADMINISTERED UNDER STATE LAW. The organization and administration of certain agencies of the County government are, in varying degrees, provided for in State law. These agencies include the Washington Suburban Sanitary Commission, the Maryland-National Park and Planning Commission, the Office of Civil Defense, the Office of the Supervisor of Assessments, the Board of Education, the Department of Libraries, the Department of Health, and the Department of Welfare. If the General Assembly shall *delete*

at any time transfer to the County jurisdiction or control over the affairs of any of these agencies in excess of the jurisdiction or control vested in the County government by law or by this Charter, then to the extent of the transfer, such agency shall be incorporated into the Executive Branch of the County government.]

ARTICLE V

COUNTY BOARD OF APPEALS

Section 501. APPOINTMENT: TERM; QUORUM; COMPENSATION.

There shall be a County Board of Appeals consisting of five qualified voters of the County appointed by the Council. Appointees shall serve for a term coterminous with that of the appointing Council. Three members of the Board shall constitute a quorum. The members of the Board shall be paid an annual salary established by law, except that the salary of a board member may not be increased or decreased during the term for which he was appointed. [Members of the Board shall also receive reasonable and necessary expenses as may be provided in the budget.] *delete*

Section 502. POWERS AND FUNCTIONS. The Board of Appeals shall have and may exercise functions and powers relating to the hearing and deciding, [either originally or *3 delete* on appeal or review] such matters as are established by this Charter or by law including, but not limited to, the following:

- (a) Appeals from orders relating to licenses and permits.
- (b) Appeals from orders relating to building.
- (c) Appeals from executive *PR* administrative and *delete* (adjudicatory) orders.

Section 503. RULES OF PRACTICE AND PROCEDURE. The Board of Appeals shall have authority to adopt and amend rules of practice governing its proceedings which shall have the force and effect of law when approved

by legislative act of the Council. Such rules of practice and procedure shall ^{not} be ⁱⁿ inconsistent with the Administrative Procedure Act, Article 41 of the Annotated Code of Maryland. All decisions by the Board of Appeals shall be made after reasonable notice and hearing de novo upon the issues before said Board. All hearings held by the Board shall be open to the public. ^{and provision shall be made for all interested citizens and citizens} ~~delete~~ groups to be heard. []] The Board shall cause to be maintained complete public records of its proceedings, with a suitable index.

Section 504. APPEALS FROM DECISIONS OF THE BOARD. Within thirty days after any decision of the Board of Appeals is entered, any person, officer, department, board or bureau of the County, jointly or severally aggrieved by any such decision, may appeal to the Circuit Court for Prince George's County, in accordance with the Maryland Rules of Procedure. []] ~~delete~~ The Board of Appeals shall be a party to all appeals and shall be represented at any such hearing by the legal officer of the County government. []]

Section 505. EMPLOYEES OF THE BOARD. The Board may appoint, within budgetary limitations, such employees, and the Executive shall make available to the Board such services and facilities of the County as are necessary or appropriate for the proper performance of its duties.

Section 506. FURTHERING LEGISLATION. The Council shall have the power to enact furthering legislation to implement and define the powers and functions of the Board of Appeals as herein specified. To the extent permitted by State law, the Council shall also have the power to prescribe by law other appeals to be heard by the Board of Appeals in addition to those specified in this Article.

ARTICLE VI

BUDGETARY AND FISCAL PROCEDURES

Section 601. FISCAL YEAR AND TAX YEAR. The fiscal or budget year and the tax year of the County shall begin on the first day of July and shall end on the thirtieth day of June of the succeeding year.

Section 602. DEFINITION OF TERMS USED IN THIS ARTICLE.

(a) The term "County government" shall include all County offices, departments, institutions, boards, commissions, agencies and their officers, agents, and employees who receive or disburse County funds in accordance with appropriate State or County laws.

(b) The term "capital project" shall mean: (1) any physical public betterment or improvement and any preliminary studies and surveys relative thereto; (2) the acquisition of property of a permanent nature for public use; and (3) the purchase of equipment for any public betterment or improvement when first constructed.

(c) The term "capital budget" shall mean the plan of the County to receive and expend funds for capital projects during the first fiscal year included in the capital program.

(d) The term "capital program" shall mean the plan of the County to receive and expend funds for capital projects during the fiscal year covered by the capital budget and the next succeeding five fiscal years thereafter.

(e) The term "current expense budget" shall mean the plan of the County to receive and expend funds for charges incurred for operation, maintenance, interest, and other charges for the ensuing fiscal year.

Section 603. COMPREHENSIVE SCOPE OF BUDGET. The County budget shall consist of the current expense budget, the capital budget and capital program and the budget message. It shall represent a complete financial plan for the County reflecting all receipts and disbursements from all sources, including all revenues, all expenditures, and the surplus or deficit in the general and all special funds of the County government.

Section 604. FORMULATION OF CURRENT EXPENSE BUDGET. Not less than one hundred twenty days prior to the end of each fiscal year, the head of each office, department, institution, board, commission, and other agency of the County government shall furnish to the Executive annual work programs setting forth the nature, volume, cost, and other factors concerning the work to be performed and the estimates of the revenues and expenditures of their several operations for the ensuing fiscal year. Estimated revenues shall be detailed as to source, and estimated expenditures as to program or project. All such estimates shall be submitted in such form and with such other supporting data as the Executive may request. The Executive may amend the budget proposals, except for the budget request of the Legislative Branch and the Board of Appeals, and shall cause to be prepared the County budget as set forth in Section 606 of this Article along with his budget message.

Section 605. FORMULATION OF CAPITAL BUDGET AND CAPITAL PROGRAM. At such time or times as the Executive may direct, each office, department, institution, board, commission, or other agency of the County government shall submit an itemized list of the capital projects which each agency proposes to undertake in the ensuing fiscal year and the next succeeding five fiscal years thereafter. The Executive may amend the capital budget and capital program proposals and shall cause to be prepared the County budget as set forth in Section 606 of this Article along with his budget message.

Section 606. SUBMISSION AND CONTENTS OF THE COUNTY BUDGET. Not later than seventy-five days prior to the end of the fiscal year, the Executive shall submit to the Council the proposed County budget for the ensuing fiscal year.

(a) CONTENTS OF THE CURRENT EXPENSE BUDGET. The proposed current expense budget shall contain the following information: (1) a statement of all revenue estimated to be received by the County during the ensuing fiscal year, classified so as to show the receipts by funds and sources of income; (2) a statement of debt service requirements for the ensuing fiscal year; (3) a statement of the estimated cash surplus, if any, available for expenditure during the ensuing fiscal year, and any estimated deficit in any fund required to be made up in the ensuing fiscal year; (4) an estimate of the several amounts which the Executive deems necessary for conducting the business of the County to be financed from and not to exceed estimated revenue for the ensuing fiscal year; (5) a statement of the bonded and other

indebtedness of the County government and its agencies, including self-liquidating and special taxing district debt and contingent liabilities; (6) a statement of the proposed contingency reserves which shall not exceed three per centum of the general fund and of any other fund; (7) a comparative statement of the receipts, amounts budgeted, and actual expenditures for the last completed fiscal year, the estimated receipts and expenditures of the currently ending fiscal year, and the expenditures recommended by the Executive for the ensuing fiscal year for each program or project which shall be classified by agency, character, and object; and (8) any other material which the Executive may deem advisable or the Council may require.

(b) CONTENTS OF THE CAPITAL BUDGET AND CAPITAL PROGRAM.

The proposed capital budget and capital program shall be so arranged as to set forth clearly the plan of proposed capital projects to be undertaken in the ensuing fiscal year and in each of the next five fiscal years, and also the proposed means of financing the same. The capital budget shall include a statement of the receipts anticipated during the ensuing fiscal year from all borrowing and from other sources for capital projects.

(c) CONTENTS OF THE BUDGET MESSAGE. The budget message shall contain supporting summary tables and shall explain the proposed current 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 fiscal year and describe the important features of the current expense budget. It shall indicate any major changes in fiscal policies and in expenditures, appropriations, and revenues as compared

with the fiscal year currently ending, and shall set forth the reasons for such changes.

Section 607. FILING OF PROPOSED BUDGET; COPIES. The proposed County budget shall be filed with the Secretary of the Council and a copy shall be delivered to each member of the Council. At least three complete copies shall be open to inspection by the public during regular business hours. One copy shall be supplied to each newspaper of general circulation in the County and to each public library in the County. Copies of the budget shall likewise be given to any interested person on request; provided, however, that the Council may prescribe a charge for each copy of the proposed budget not to exceed the actual cost of its reproduction. The budget message and supporting summary tables shall be reproduced in multiple copies, and a copy shall be made available to any interested person on request.

Section 608. PUBLIC BUDGET HEARING. Upon receipt of the proposed County Budget, the Secretary of the Council shall cause to be published a notice of the place and time of a public hearing on the budget by the Council. Such public notice shall be published in the County newspapers of record. Such hearing shall be held not less than fourteen nor more than twenty-one days after the date of publication of notice. The Council may hold such other preliminary public hearings on the budget for the purpose of obtaining information as it may determine, but no action shall be taken by the Council on the budget except in public session and after the public budget hearing.

Section 609. ACTION ON THE BUDGET BY THE COUNCIL.

After the public budget 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 Executive, to alter the revenue estimates except to correct mathematical errors, or to increase any expenditure recommended by the Executive for current or capital purposes. The adoption of the current expense budget and the capital budget shall be by the affirmative vote of not less than a majority of the Council on an ordinance to be known as the Annual Budget and Appropriation Ordinance of Prince George's County. 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. The Council may adopt from time to time bond issue authorization ordinances pursuant to an enabling law or laws then in force and in effect to provide the means of financing such capital projects as are to be financed from borrowing. Such bond issue authorization ordinances are not subject to referendum. All of said ordinances referred to in this Section shall be exempt from the executive veto. The Annual Budget and Appropriation Ordinance shall be adopted by the Council on or before the fifteenth day of the last month of the fiscal year currently ending, and if the Council fails to do so, the proposed current expense budget submitted by the Executive shall stand adopted, and funds for the expenditures proposed in the current expense budget shall stand appropriated as fully and to the same extent as if favorable action thereon had been taken by the Council.

Section 610. REPRODUCTION OF BUDGET; EFFECTIVE DATE;
TAX LEVY AND BALANCED BUDGET.

(a) REPRODUCTION OF BUDGET. The budget as adopted shall be reproduced in sufficient copies for distribution, free of charge, to the press and the head of each office, department, or agency of the County government. Copies of the budget shall likewise be given to any interested person on request; provided, however, that the Council may prescribe a charge for each copy of the adopted budget not to exceed the actual cost of its reproduction.

(b) EFFECTIVE DATE. The adopted budget shall take effect on the first day of the fiscal year to which it applies.

(c) TAX LEVY AND BALANCED BUDGET. When the County Budget shall have been finally adopted in the Annual Budget and Appropriation Ordinance, the Council shall thereupon levy and cause to be raised the amount of taxes required by the budget in the manner provided by law so that the budget shall be balanced as to proposed income and expenditures.

Section 611. TRANSFER OF APPROPRIATIONS.

(a) CURRENT EXPENSE BUDGET. Transfers of appropriations between general classifications of expenditures in the current expense budget within the same office or department and within the same fund may be authorized by the Executive. Transfers between offices, departments, institutions, boards, commissions, or other agencies of the County government and within the same fund of the current expense budget may be made during the last quarter of the fiscal year and then only on the recommendation

of the Executive and with the approval of the Council.

(b) CAPITAL BUDGET. Interproject transfers of appropriations between capital projects in the capital budget may be authorized by legislative act of the Council upon request of the Executive, but no new project shall be created nor any abandoned except in accordance with Section 616 of this Article.

(c) BORROWINGS AND REIMBURSEMENTS. Nothing contained herein shall be construed to prevent the Council, upon request of the Executive, from providing by ordinance for inter-fund cash borrowings to meet temporary cash requirements nor to prevent reimbursements among funds for services rendered.

Section 612. SUPPLEMENTARY AND EMERGENCY APPROPRIATIONS.

(a) SUPPLEMENTARY. During any fiscal year, the Council, upon the recommendation of the Executive, may make additional or supplementary appropriations from unexpended and unencumbered funds set aside for contingencies in the County budget, provided that the chief fiscal officer of the County 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.

(b) EMERGENCY. To meet a public emergency affecting life, health, or property, the Council may, by ordinance, upon recommendation of the Executive, make emergency appropriations from contingent funds, from revenue received from anticipated sources but 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 Council may, by ordinance, 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 of all appropriations made in the budget for such year.

Section 613. LAPSED APPROPRIATIONS. Unless otherwise provided by law, all unexpended and unencumbered appropriations in the current expense budget remaining at the end of the fiscal year shall lapse in to the County treasury. 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 fiscal years elapse without any expenditure from or encumbrance of the appropriation made therefor. The balances remaining to the credit of the completed or abandoned capital projects shall be available for appropriation in subsequent capital budgets.

Section 614. WORK PROGRAMS AND ALLOTMENTS. After the adoption of the budget and before the beginning of each fiscal year the head of each office, department, institution, board, commission, or other agency of the County government shall submit a work program to the Executive. Such program shall include all appropriations included in the current expense

and capital budgets for construction, operation, maintenance, and purchasing of equipment and shall show the requested allotments of appropriations for such office, department, institution, board, commission or agency by fiscal periods within the fiscal year. The aggregate of such allotments shall not exceed the total appropriation available to such office or agency for the fiscal year. A copy of the allotment as finally approved by the Executive shall be filed with the chief fiscal officer of the County who shall approve all expenditures for the various offices, departments, institutions, boards, commissions, and other agencies of the County government to be made from the appropriations on the basis of the allotments and not otherwise. If at any time during the fiscal year, the Executive shall ascertain that the available income, plus unexpended balances, for the year may be less than the total appropriations, he shall reconsider the work programs and allotments of the several offices, departments, and agencies aforesaid, and shall revise them so as to forestall the making of expenditures in excess of the income and fund balances.

Section 615. APPROPRIATION CONTROL AND CERTIFICATION OF FUNDS. No office, department, institution, board, commission, or other agency of the County government shall during any fiscal year expend, or contract to expend, any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, for any purpose in excess of the amounts appropriated or allotted for the same general classification of expenditure in the budget for such fiscal year, or in any supplemental appropriation as hereinabove provided; and no such payment

shall be made nor any obligation or liability incurred, except for small purchases in an amount less than fifty dollars (\$50.00), unless the chief fiscal officer of the County shall first certify that the funds for the designated purpose are available. Any contract, verbal or written, made in violation of this section shall be null and void, and if any officer, agent or employee of the County government shall knowingly violate this provision, he shall be personally liable and such action shall be cause, after public hearing, for his removal from office by the Executive or by majority vote of the Council, notwithstanding the provisions of Article VII of this Charter. Nothing in this section or elsewhere in this Charter shall prevent the making of contracts providing for the payment of funds at a time beyond the fiscal year in which such contracts are made, provided the nature of such transactions reasonably requires the making of such contracts. But any contract, lease, or other obligation requiring the payment of funds from the appropriations of a later fiscal year shall be made or approved by legislative act. No contract for the purchase of real or lease-hold property shall be made unless the funds therefor are included in the capital budget.

Section 616. RESTRICTIONS OF CAPITAL PROJECTS;

AMENDMENT TO CAPITAL BUDGET AFTER ADOPTION OF BUDGET.

No obligations of the County shall be authorized in any fiscal year for or on account of any capital project not included in the County budget as finally adopted for such year; provided, however, that upon receipt of a recommendation in writing from the Executive, the Council may, after public hearing and with the affirmative vote of two-thirds of its members, amend

the County budget in accordance with such recommendation without increasing the total amount of appropriations therefor.

Section 617. COMPOSITION AND LIMITATION UPON COUNTY FUNDS.

(a) SPECIAL FUNDS. All revenues and receipts from utility assessments; from special services or benefit charges; from special taxes or assessments imposed upon special taxing areas for special or particular services, purposes or benefits; from funds held by the County as trustee or agent; or from bond proceeds, shall be paid into and appropriated from special funds created therefor.

(b) GENERAL FUND. 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 shall be the primary fund for the financing of current expenses for the conduct of County business. No general fund revenues or receipts defined in this sub-section shall be dedicated to, expended for, or used to supplement appropriations from the special funds referred to in Section 617(a) of this Article, except as a loan to such special fund as authorized by Section 611(c) of this Article which authorizes inter-fund borrowing.

(c) WORKING CAPITAL FUNDS. Upon request of the Executive, the Council may, by the annual budget and appropriation ordinance, or by other legislative act, 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 County.

(d) RESERVE FUND FOR PERMANENT PUBLIC IMPROVEMENTS.

Notwithstanding the provisions of Section 617(b) of this Article, the Council may establish a Reserve Fund for Permanent Public Improvements, into which there may be paid by the annual budget and appropriation ordinance cash surpluses not otherwise appropriated or toward the financing of which taxes or other sources of revenue may be dedicated.

Section 618. BORROWING LIMITATIONS. Unless and until otherwise provided by legislative act of the Council, within such limitations as may be provided by State law, the aggregate amount of bonds and other evidences of indebtedness outstanding at any one time shall not exceed fifteen per centum upon the assessable basis of the County; provided however, that (a) tax anticipation notes or other evidences of indebtedness having a maturity not in excess of twelve months; (b) 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 (c) 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 subject to, or be included as bonds or evidences of indebtedness in computing or applying the per centum limitation above provided. [The use of the borrowing power of the County for the benefit of private enterprise is prohibited.] *delete*

Section 619. FORM AND TERM OF BONDS. All bonds shall be in

serial form and payable, as consecutively numbered, in annual installments, the first of which shall be payable not more than two years from the day of issue. Bonds shall be properly authenticated. Bonds may be registerable or non-registerable as to principal or interest. All interest coupons transferable by delivery shall be attached to the bonds and shall be properly authenticated. All bonds shall be made payable within the probable useful life of the improvement or undertaking with respect to which they are to be issued, or, if the bonds are to be issued for several improvements or undertakings, then within the average probable useful life of all such improvements or undertakings. In the case of a bond issue for several improvements or undertakings having different probable useful lives, the Council shall determine the average of said lives, taking into consideration the amount of bonds to be issued on account of each such improvement or undertaking, and the period so determined shall be the average period of useful life. The determination of the Council as to the probable useful life of any such improvement or undertaking shall be conclusive. No bonds shall mature and be payable more than thirty years after their date of issuance.

Section 620. CONTENTS OF BOND ISSUE AUTHORIZATION

ORDINANCES. Each Bond Issue Authorization Ordinance as referred to in Section 609 of this Article shall include a statement of the purpose or purposes of the issue, and if the purpose is to finance one or more capital projects, it shall describe each of them sufficiently for purposes of identification, but no capital project shall be included unless the amount included therein shall be deemed sufficient to complete at least a usable portion of

such project. The Ordinance shall estimate the cost of the project or projects and the portion thereof to be defrayed from sources, specifically named, other than the proposed bond issue. The Ordinance shall also include the amount of the proposed issue; a statement showing that the proposed issue is within the legal limitation on the indebtedness of the County; the probable useful life of the project or average probable useful life of the projects to be financed; the date of the issue; the dates of the first and last serial maturities; the dates on which the interest shall be paid; a declaration that the principal of and the interest on the proposed issue are to be paid by AD VALOREM taxes on real estate and tangible personal property and intangible property subject to taxation by the County without limitation of rate or amount, and in addition, upon such other intangible property as may be subject to taxation by the County within limitations prescribed by law, except for self-liquidating bonds; and that the full faith and credit of the County are pledged to such payments. The Ordinance shall also recite the procedure for the public sale of the proposed issue and shall contain such other matters relating to the authorization, issuance or sale of the issue as the Council shall deem desirable.

Section 621. SUPPLEMENTAL LEGISLATION. The Council may adopt such budget and fiscal laws to implement the objects and purposes of this Article as it shall deem necessary.

ARTICLE VII

PERSONNEL PROVISIONS

Section 701. MERIT SYSTEM. The Council shall prescribe by law a merit system governing the appointment, removal and other personnel matters for all officers and employees of the County government except:

*Comment
by Merit Bd.
included*

(1) all elected officials; (2) all boards and commissions; (3) the Chief Administrative Officer; (4) the heads of departments, offices, and agencies *appointed by* ~~reporting directly to~~ the Executive or the Council; (5) ~~not more than one~~ clerk or secretary to the Executive; *Chief Admin. Officer, heads of Dept., offices + agencies appt by Exec.* (6) the Secretary to the Council; (7) all attorneys-at-law; (8) temporary employees; and (9) employees excluded from the merit system by the laws of the State of Maryland.

(a) SALARIES AND WAGES. Salaries and wages of all employees in the merit system shall be determined pursuant to a uniform salary and classification plan prescribed by law.

(b) POLITICAL RIGHTS. Merit system employees shall have the right to hold membership in political parties, ~~[to vote as they choose,]~~ *delete* to express ~~privately~~ their opinions on all political subjects and candidates, ~~[to attend political meetings]~~ *but not to hold office in regulars* ~~[without actively participating]~~ to maintain political neutrality, and to be free from political exploitation. Any employee who wishes to seek, or accept appointment to, an elected political office shall resign from County service upon indicating such intention by formal declaration or by evidence of candidacy; provided that this provision

*to belong
to political
org. clubs
without
holding
office,*

shall not be applicable to employees participating in non-partisan municipal elections.

(c) NON-DISCRIMINATION. All personnel actions shall be based solely upon merit and fitness. No employee or applicant shall be discriminated against in any personnel action on account of race, color, religion, creed, sex, political affiliation or country of national origin.

Section 702. CODE OF ETHICS. The Council shall prescribe by law a code of ethics and provide for the enforcement and penalties for violations thereof covering all elected and appointed officers and employees of the County paid in whole or in part from County funds and including persons appointed to serve on boards or commissions established by law. The code of ethics shall provide for governing the conduct of adversary proceedings and the regulation of ex parte communications. The code of ethics shall also provide for the disqualification of any person participating in the decision process if there is a conflict between his official duties and his private interests.

Section 703. CONFLICT OF INTEREST.

(a) PROHIBITIONS. No officer or employee of the County, whether elected or appointed, shall in any manner whatsoever be interested in or receive any benefit from the profits or emoluments of any contract, job, work, or service for the County. No such officer or employee shall accept any service or thing of value, directly or indirectly, from any person, firm, or corporation having dealings with the County, upon more favorable terms than those granted to the public generally; nor shall he receive, directly or

indirectly, any part of any fee, commission, or other compensation paid or payable by the County, or by any person in connection with any dealings with the County, or by any person in connection with any dealings or proceedings before any branch, office, department, board, commission, or other agency of the County. No such officer or employee shall directly or indirectly be the broker or agent who procures or receives any compensation in connection with the procurement of any type of bonds for County officers, employees, persons, or firms doing business with the County. No such officer or employee shall solicit or accept any compensation or gratuity in the form of money or otherwise for any act or omission in the course of his public work; provided, however, that the head of any department or board of the County may permit an employee to receive a reward publicly offered and paid for, for the accomplishment of a particular task.

(b) RULES OF CONSTRUCTION; EXCEPTIONS BY COUNCIL. The provisions of this Section shall be broadly construed and strictly enforced for the purpose of preventing officers and employees from securing any pecuniary advantages, however indirect, from their public associations, other than their compensation provided by law. In order, however, to guard against injustice, the Council may, by resolution, specifically authorize any County officer or employee to own stock in any corporation or to maintain a business in connection with any person, firm, or corporation dealing with the County, if, on full public disclosure of all pertinent facts to the County Council by such officer or employee, the Council shall determine that such stock ownership or connection does not violate the public interest.

(c) PENALTIES. Any officer or employee of the County who willfully violates any of the provisions of this Section shall forfeit his office. If any person shall offer, pay, refund, or rebate any part of any fee, commission, or other form of compensation to any officer or employee of the County in connection with any County business or proceeding, he shall, on conviction, be punishable by imprisonment for not less than one or more than six months or a fine of not less than \$100.00 or more than \$1,000.00, or both. Any contract made in violation of this Section may be declared void by the Executive or by resolution of the Council. The penalties in this Section shall be in addition to all other penalties provided by law.

Section 704. RENDERING PERSONAL SERVICES. No officer or employee of the County, elected or appointed, shall detail or cause any officer or employee of the County to do or perform any service or work outside of his public office or employment.

Section 705. ADDITIONAL COMPENSATION. No elected or appointed official and no officer or employee whose salary is fixed, in whole or in part, by this Charter or by laws of the Council shall be entitled, directly or indirectly, to any other salary 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 laws of the County.

Section 706. BONDING OF OFFICERS. Each officer of the Executive Branch who has possession of or control over any funds of the County shall give bond for the faithful performance of his duties in such sum as may be fixed and with sureties to be approved by the Council on recommendation of the Executive.

state law?

ARTICLE VIII

PURCHASING AND BIDDING

Section 801. PURCHASING. The Council shall prescribe by law a centralized system of purchasing and contracting for all goods and services used by the County.

Section 802. BIDDING. The Council shall prescribe by law standards for competitive bidding for purchase by, and contracts with, the County government.

ARTICLE IX

GENERAL PROVISIONS

Section 901. RIGHT TO INFORMATION. Any person shall have the right to inspect any document, except confidential police records, personnel records, or records of a confidential private nature as defined by law. The Executive or Council may prescribe reasonable regulations for such inspection. A certified copy of any such document shall be furnished upon payment of a reasonable fee prescribed by law. This section shall not apply to a document or other material obtained or prepared in anticipation of litigation or for use in legal proceedings to which the County is a party. *medical*

Section 902. NEWSPAPERS OF RECORD. The Council shall designate three County newspapers of record for the publication of public notices. Such designation shall be for at least one year and shall, insofar as possible, provide county wide coverage. At least four weeks public notice shall be given prior to any change in newspapers of record.

Section 903. PREVAILING HOURS AND WAGES. The Council shall establish prevailing hours and wages for all contractors and subcontractors performing work for the County government.

Section 904. SUBPOENA POWER. The Council, the County Board of Appeals, and such other officers or agencies of the County as may be so empowered by law shall have the power to administer oaths, to compel the attendance of witnesses, and to require the production of records and

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other materials in connection with any investigation, inquiry, or hearing authorized by this Charter or by law.

Section 905. COUNTY SEAL. The Council shall adopt a County Seal, and thereafter it may use and alter the same at its pleasure. The Seal shall contain the corporate name of the County and such other information or insignia as the Council may determine. The Executive, the Chief Administrative Officer, the Secretary of the Council, and such other officers as may be specified by law shall have power to attest to the County Seal.

Section 906. CUSTODY OF PAPERS AND RECORDS. The Council shall provide for the custody and safekeeping of all deeds, bonds, contracts, releases, and other papers and instruments involving the interests of the County.

Section 907. CONSTRUCTION OF POWERS. The failure to mention a particular power or to enumerate similar powers in this Charter shall not be construed to exclude such powers or to restrict the authority that the County would have if the particular power were mentioned or the similar powers enumerated. The Charter shall be liberally construed to the end that, within the limits imposed by the Charter and by the Constitution and laws of the State, the County shall have all powers necessary and convenient for the conduct of its affairs.

Section 908. SEPARABILITY. If any Article, section, or provision of this Charter shall be held unconstitutional, invalid, or inapplicable to any person or circumstance, then it is intended and declared by the people of the County that all other Articles, sections, or provisions of this Charter

and their application to all other persons and circumstances shall be separable and shall not be affected by any such decision.

Section 90~~8~~⁹. CITATION. This Charter shall be known and may be cited as "The Prince George's County Charter".

Section 90~~9~~⁰q. DEFINITIONS AND RULES OF CONSTRUCTION.

As used in this Charter:

(a) The word "bill" shall mean any measure introduced in the Council for legislative action.

(b) The words "act," "ordinance," "public local law" and "legislative act," when used in connection with any action by the Council, shall be synonymous, and shall mean any bill enacted in the manner and form provided in this Charter.

(c) The word "resolution" shall mean a measure adopted by the Council having the force and effect of law but of a temporary or administrative character.

(d) The word "law" shall be construed as including all acts, public local laws, ordinances, resolutions, and other legislative acts of the Council, all ordinances and resolutions of the County Commissioners not hereby or hereafter amended or repealed, and all public general laws and public local laws of the General Assembly in effect from time to time after the adoption of this Charter, whenever such construction would be reasonable.

(e) The words "passage" and "adoption," when used in connection with the legislative acts of the Council, shall mean the action by the Council in approving any item of legislative business prior to its submission to the Executive for his approval or veto.

- (f) The word "enactment" shall mean the action or means whereby any bill after its passage attains the status of law.
- (g) The word "State" shall mean the State of Maryland.
- (h) The word "shall" shall be construed as mandatory and the word "may" shall be construed as permissive.
- (i) The word "person" shall include the words "individual, " "corporation, " "partnership, " and "association" unless such a construction would be unreasonable.
- (j) The word "officer" shall include the word "councilman. "
- (k) Whenever in this Charter the masculine gender is used, such words shall be construed to include the feminine gender, except where such construction would be absurd or unreasonable.
- (l) The phrase "two-thirds of the members of Council" shall mean at least two-thirds of the full membership of the Council.

ARTICLE X

EFFECT AND AMENDMENT OF CHARTER

Section 1001. EFFECTIVE DATE OF THIS CHARTER. This Charter shall become effective on the thirtieth day following its adoption, except as otherwise specifically provided in the Transitional Provisions (Article XI) of this Charter.

Section 1002. EXISTING LAWS. The Public Local Laws of Prince George's County and all rules, regulations, resolutions, and ordinances of the County Commissioners in force at the time of the effective date of this Charter are hereby repealed to the extent that they are inconsistent with the provisions of this Charter, but no further; and to the extent that they are not hereby repealed because of such inconsistency, all such public local laws, rules, regulations, resolutions, and ordinances shall continue in full force and effect until repealed or amended.

Section 1003. EXISTING OFFICERS AND EMPLOYEES. All appointed officers and employees of the County government holding office at the effective date of this Charter, except the officers holding the offices specifically abolished by this Charter, shall continue to be employed at their existing salaries subject to the provisions of this Charter.

Section 1004. REFERENCE IN STATE CONSTITUTION AND LAWS TO COUNTY COMMISSIONERS. All references in the Constitution and the laws of this State to the County Commissioners shall, at such time as the elected members of the first Council and the first Executive take office, be

construed to refer to the Council and to the Executive whenever such construction would be reasonable. The Council and the Executive shall succeed to all powers vested heretofore in the County Commissioners by the Constitution and laws of this State.

Section 1005. CHARTER AMENDMENT. Amendments to this Charter may be proposed by an act of the Council approved by not less than two-thirds of its members, and such action shall be exempt from executive veto. Amendments may also be proposed by petition filed with the Executive and signed by not less than twenty per centum of the registered voters of the County, or 10,000 of such registered voters in case twenty per centum of the number of registered voters is greater than 10,000. When so proposed, whether by act of the Council or by petition, the question ~~which~~ shall be submitted to the voters of the County at the next general election occurring after the passage of said act or the filing of said petition; and if at said election the majority of votes cast on the question shall be in favor of the proposed amendment, such amendment shall stand adopted from and after the thirtieth day following said election. Any amendments to this Charter, proposed in the manner aforesaid, shall be published by the Executive in the County newspapers of record for five successive weeks prior to the election at which the question shall be considered by the voters of the County.

Section 1006. DECENNIAL CHARTER REVISION COMMISSION. At or before the first annual legislative session of the Council after the publication of each decennial census of the population of the United States, beginning with the publication of the 1980 decennial census, the Council shall appoint a

* Footnote

Charter Revision Commission for the purpose of making a comprehensive study of the County government and the updating of its Charter where necessary. The Commission shall be composed of five or more representative citizens of the County who shall report to the Council their findings and recommendations, together with drafts of any recommended revisions of the Charter, within twelve months after their appointment. The Charter Revision Commission shall receive from the County an appropriation sufficient to carry out its duties and responsibilities.



ARTICLE XI

TRANSITIONAL PROVISIONS

Section 1101. NATURE OF THIS ARTICLE. The provisions of this Article relate to the transition from the existing Commissioner form of government to the form of government provided in this Charter. Where inconsistent with the foregoing Articles of this Charter, the provisions of this Article shall constitute exceptions thereto.

Section 1102. MANNER OF ELECTION OF FIRST COUNCIL. In order that this Charter may become operative promptly after it becomes law, the following procedure shall govern the method of selection of the first Council.

(a) THE EXISTING COUNTY COMMISSIONERS. The County Commissioners in office at the effective date of this Charter shall continue to hold office and exercise and perform their present powers and duties until the Executive is elected and takes office as provided in Sections 1103 and 1105 of this Article. At such time, the existing County Commissioners become Councilmen and the Office of County Commissioner shall cease to exist in Prince George's County. Should one or more of the ~~incumbent~~ County Commissioners ^{elect} choose to seek election to the position of Executive they shall vacate their office as a County Commissioner at the time the members of the first Council take office as provided in Section 1105 of this Article. In such an event an additional member shall be elected to the first Council as provided in Sections 1102(b) and 1104 of this Article for each office on the Board of County Commissioners so vacated. ^{elect} County Commissioners choosing to file as a candidate for the position of Executive ^{elect} must be nominated as provided in Section 1104 of this Article

and must file in the office of the Board of Supervisors of Elections not later than nine o'clock in the evening on Wednesday, November 18, 1970.

(b) MANNER OF ELECTION OF THE ADDITIONAL MEMBERS, IF ANY, OF THE FIRST COUNCIL. A special election for additional members for the first Council, if any, shall be held on Tuesday, January 19, 1971. The members of the Council so to be elected, if any, shall meet the qualifications set forth in Article II of this Charter.

Section 1103. MANNER OF ELECTION OF THE FIRST EXECUTIVE. In order that this Charter may become operative promptly after it becomes law, a special election for the first Executive shall be held on Tuesday, January 19, 1971. The Executive shall meet the qualifications set forth in Article III of this Charter.

Section 1104. MANNER OF NOMINATION. Nominations for the additional members of the Council, if any, and for the Executive shall be made by: ~~(1) the State Central Committees of Prince George's County of the Democratic and Republican parties; and (2) by petition signed by one per centum (1%) of the total number of the qualified voters of the County, voting in the most recent gubernatorial election.~~ Nominations of candidates, other than ~~incumbent~~ County Commissioners, ^{elect} shall be filed in the office of the Board of Supervisors of Elections not later than nine o'clock in the evening on Monday, December ¹⁵~~14~~, 1970.

Section 1105. TERMS OF OFFICE OF THE FIRST EXECUTIVE AND MEMBERS OF THE FIRST COUNCIL. The terms of the first Executive and the members of the first Council shall commence at noon on Monday, January 25, 1971 and shall expire at noon on the first Monday in December, 1974.

ARTICLE XI

TRANSITIONAL PROVISIONS

Section 1101. NATURE OF THIS ARTICLE. The provisions of this Article relate to the transition from the existing Commissioner form of government to the form of government provided in this Charter. Where inconsistent with the foregoing Articles of this Charter, the provisions of this Article shall constitute exceptions thereto.

Section 1102. MANNER OF ELECTION OF FIRST COUNCIL. In order that this Charter may become operative promptly after it becomes law, the following procedure shall govern the method of selection of the first Council.

(a) THE EXISTING COUNTY COMMISSIONERS. The County Commissioners in office at the effective date of this Charter shall continue to hold office and exercise and perform their present powers and duties until the additional members provided for in Section 1102(b) of this Article are elected and take office. At such time, the existing County Commissioners become Councilmen and the Office of County Commissioner shall cease to exist in Prince George's County. Provided, however, that should one or more of the incumbent County Commissioners choose to file as a candidate for the position of Executive they shall vacate their office as a County Commissioner at the time the additional members of the first Council take office as provided in Section 1105 of this Article. Provided further, that in such an event an additional member shall be elected to the first Council as

provided in Sections 1102(b) and 1104 of this Article for each office on the Board of County Commissioners so vacated.

(b) MANNER OF ELECTION OF THE ADDITIONAL MEMBERS OF THE FIRST COUNCIL. A special election for four or more additional members for the first Council shall be held on Tuesday, January 19, 1971. The four or more members of the Council so to be elected shall meet the qualifications set forth in Article II of this Charter.

Section 1103. MANNER OF ELECTION OF THE FIRST EXECUTIVE. In order that this Charter may become operative promptly after it becomes law, a special election for the first Executive shall be held on Tuesday, January 19, 1971. The Executive shall meet the qualifications set forth in Article III of this Charter.

Section 1104. MANNER OF NOMINATION. Nominations for the four or more additional members of the Council and for the Executive shall be made by: (1) the State Central Committees of Prince George's County of the Democratic and Republican parties; and (2) by petition signed by one per centum (1%) of the total number of the qualified voters of the County voting in the most recent gubernatorial election. Nominations of candidates shall be filed in the office of the Board of Supervisors of Elections not later than nine p. m. on Monday, December 7, 1970.

Section 1105. TERMS OF OFFICE OF THE FIRST EXECUTIVE AND MEMBERS OF THE FIRST COUNCIL. The terms of the first Executive and the members of the first Council shall commence at noon on Monday, January 25, 1971 and shall expire at noon on the first Monday in December, 1974.

Section 1106. TIME CERTAIN ARTICLES BECOME OPERATIVE.

Articles I through X of this Charter shall become operative at the time the first Executive and the majority of the members of the first Council take office.

Section 1107. ADMINISTRATIVE ORGANIZATION. Within twelve (12) months of taking office, the first Executive shall propose an initial administrative organization for the Executive Branch of the County government in accordance with the provisions of Article IV of this Charter.

Section 1108. NEWSPAPERS OF RECORD. Within thirty (30) days of taking office, the first Council shall designate three newspapers of record as required by Article IX, Section 902 of this Charter.

Section 1109. CODE OF ETHICS. Within six (6) months of taking office, the first Council shall adopt a code of ethics as required by Article VII, Section 702 of this Charter.

Section 1110. ABOLITION OF CERTAIN OFFICES. Subject to the conditions specified in this Section, the following are abolished:

(a) THE COUNTY TREASURER. Within thirty (30) days of taking office, the first Executive shall propose a change in the administrative organization of the Executive Branch of the County government, in accordance with the provisions of Article IV of this Charter, to provide for the assumption of the duties of the County Treasurer. The position of County Treasurer shall stand abolished ninety (90) days after the first Executive and first Council take office.

(b) THE CLERK TO THE BOARD OF COUNTY COMMISSIONERS.

Within thirty (30) days of taking office, the first Council shall provide for the assumption of the duties of the Clerk to the Board of the County Commissioners by the Secretary to the Council. The position of the Clerk to the Board of County Commissioners shall thereupon stand abolished.

Section 1111. OTHER DEPARTMENTS, OFFICES, BOARDS, AND AGENCIES. All departments, offices, boards, and agencies of the County government not abolished or otherwise altered by this Charter shall retain their present organization and functions until such time as these may be changed in accordance with the provisions of this Charter.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
1981 LEGISLATIVE SESSION

BILL NO. 25-184-1981

AN ACT CONCERNING Boundaries of County Council Districts

DATE OF INTRODUCTION: 10/27/81

SPONSORED BY COUNCIL MEMBERS: Mc Donough

RECORD OF FINAL COUNCIL VOTE

COUNCILMAN	AYE	NAY	ABSTAIN	ABSENT	AYE	NAY	ABSTAIN	ABSENT
Glendening	✓							
Amonett			✓					
Casula	✓							
Dabney	✓							
Hartlove	✓							
Koonce		✓						
Lombardi		✓						
Marshall	✓							
McDonough	✓							
Mills		✓						
Wilson	✓							
Total	7	3	1					

Enacted: ✓ Date: 11/30/81
 Failed: _____
 Other: _____

Presented to Executive: 12/1/81 Bill Returned: 12/4/81
 Action taken by Executive: Unsigned
 Veto Overridden: _____
 Bill Becomes Law: 12/16/81 Bill Becomes Effective: 12/6/82

Referendum Petition filed: _____
 Charter Amendment submitted to Board of Election Supervisors: _____
 Amendment approved, to become effective: _____
 Amendment Failed: _____

P.G.C. FORM #1979 (Rev. 1/80)

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COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
Legislative Session 1981
Proposed and Presented by Council Member McDonough
Introduced by Council Member McDonough
Bill No. CB-184-1981
Chapter No. 129
Introduced by Council on October 27, 1981

BILL

AN ACT concerning

Boundaries of County Council Districts

FOR the purpose of establishing the boundaries of the nine (9) County Council Districts, effective December 6, 1982.

WHEREAS, Sections 304 and 305 of the Prince George's County Charter require that the boundaries of County Council districts shall be reestablished in 1982 so as to divide the County into nine (9) Council districts; and

WHEREAS, the Redistricting Commission has presented a redistricting plan to the Council on September 25, 1981; and

WHEREAS, the County Council is authorized by Section 305 of the County Charter to enact legislation reestablishing the boundaries of the Council districts within seventy (70) calendar days following presentation of the Redistricting Commission's plan; and

WHEREAS the Redistricting Commission Majority Plan provides for a population variance of 8,275 or 11.2 percent between the highest populated district and the lowest populated district; and

WHEREAS this plan would basically adopt the majority plan and shift 2,943 persons from precinct 3-1 in the highest district, District 4, to District 9, and 6,034 from precinct 5-3

31 | in District 9 to District 8 so as to reduce the variance to
32 | 5,504 or 7.5 percent; therefore

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SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that, pursuant to Sections 304 and 305 of the Prince George's County Charter, the boundaries of the nine (9) County Council districts are hereby established as depicted and described in Attachment A hereto, which provisions are adopted in their entirety and made a part of this Act.

SECTION 2. BE IT FURTHER ENACTED that this Act shall become effective at noon on December 6, 1982, provided that it shall for purposes of elections be applicable to elections of County Council Members beginning with the primary and general elections of 1982.

Adopted this 30th day of November, 1981.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: Parris N. Glendening
Parris N. Glendening
Chairman

ATTEST:

Jean M. Schmuhl
Jean M. Schmuhl, Clerk

APPROVED:

DATE: _____

BY: _____
Lawrence J. Hogan
County Executive

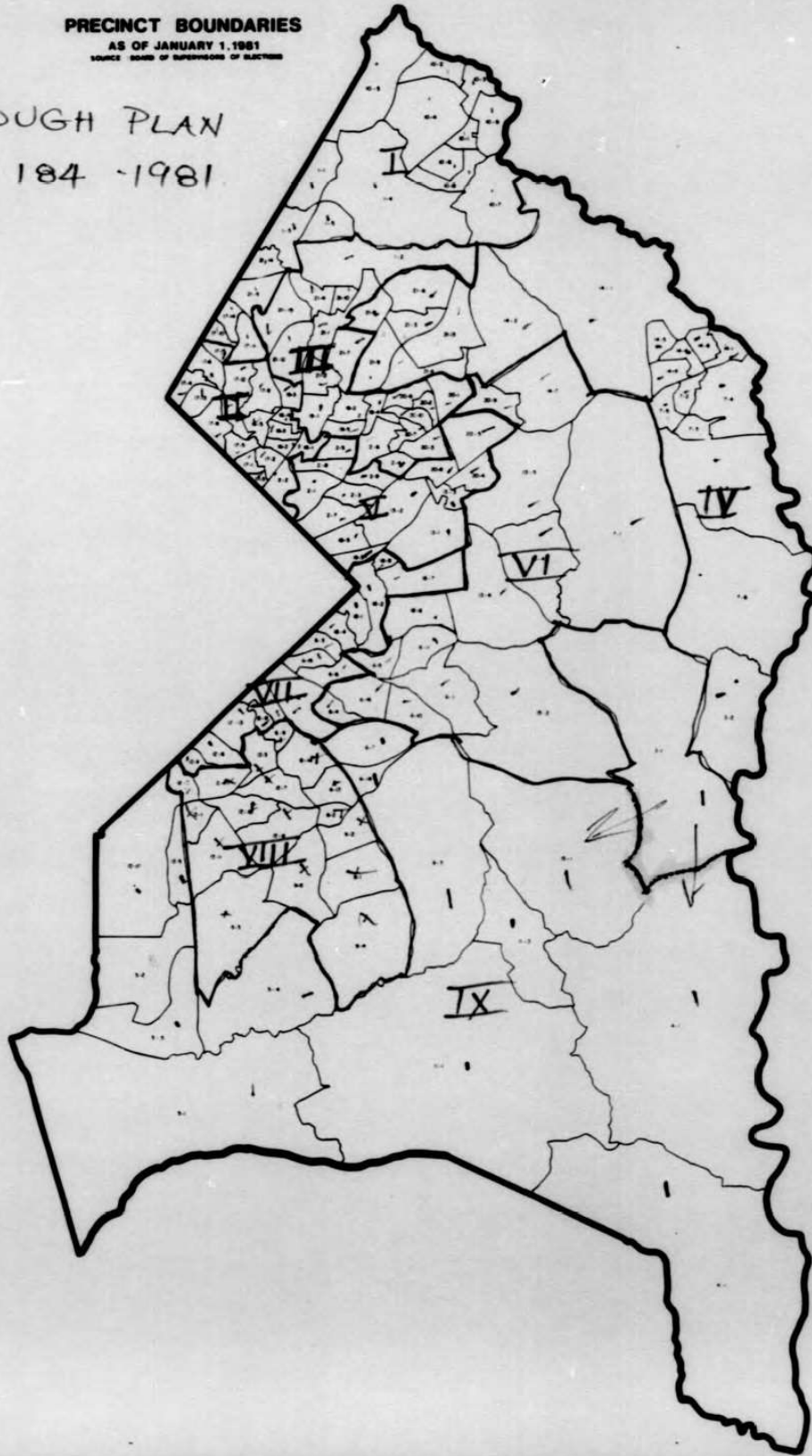
The County Executive, having failed to return this Bill with either his approval or veto within ten (10) days after the date of its presentation to him, this Bill became law on December 16, 1981

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PRECINCT BOUNDARIES
AS OF JANUARY 1, 1981
SOURCE: BOARD OF SUPERVISORS OF ELECTORS

MCDONOUGH PLAN
CB-184-1981



SUMMARY STATISTICS
COUNCILMANIC DISTRICTS
as Recommended by
THE COUNCILMANIC REDISTRICTING COMMISSION
September 17, 1981
WITH CHANGE

DISTRICT NO.	TOTAL POPULATION	% OF VARIANCE*	WHITE	%	BLACK	%	OTHER	%
I	73,718	.2-	58,737	80	11,188	15	3,793	5
II	74,806	1.2+	42,751	57	27,050	36	5,005	7
III	74,538	.8+	60,771	82	10,353	14	3,414	4
IV	74,706	1.1+	63,987	86	8,436	11	2,283	3
V	71,119	3.8-	19,638	28	49,323	69	2,158	3
VI	71,181	3.7-	33,792	47	35,429	50	1,960	3
VII	76,623	3.7+	14,307	18	60,953	80	1,363	2
VIII	75,408	2.0+	46,785	62	25,871	34	2,752	4
IX	72,972	1.3-	50,659	69	19,257	27	3,056	4

* Ideal population number per District is 73,897

COUNCILMANIC REDISTRICTING COMMISSION PLAN

POPULATION DISTRIBUTION
DISTRICT 1

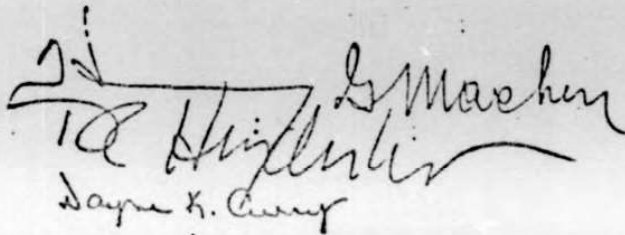
<u>Election District/ Precinct</u>	<u>Population</u>	<u>White</u>	<u>Black</u>	<u>Other</u>
1-1	4,278	3,732	198	348
1-3	5,088	3,861	903	324
1-4	4,249	3,385	690	174
1-5	3,227	3,018	38	171
10-1	3,729	3,154	441	134
10-2	4,565	4,026	434	105
10-3	3,187	2,998	138	51
10-4	4,835	4,161	545	129
10-5	4,787	4,564	90	133
10-6	2,964	2,690	148	126
10-7	6,092	4,128	1,791	173
10-8	3,263	2,949	233	81
10-9	5,216	4,051	774	391
17-10	3,260	1,940	989	331
17-11	3,878	2,424	1,141	313
17-14	6,413	3,836	1,989	588
21-5	2,658	2,057	485	116
21-14	2,029	1,763	161	105
Total	73,718	58,737	11,188	3,793

g → *G. Machen*
T. A. Anderson
 Jayne K. Curry

COUNCILMANIC REDISTRICTING COMMISSION PLAN

POPULATION DISTRIBUTION
DISTRICT II

<u>Election District/ Precinct</u>	<u>Population</u>	<u>White</u>	<u>Black</u>	<u>Other</u>
2-2	2,408	1,788	539	81
16-1	1,420	1,176	220	24
16-2	1,636	1,187	348	101
16-3	3,681	3,330	234	117
16-4	2,355	2,151	129	75
16-5	4,390	3,616	614	160
17-1	3,958	2,000	1,825	133
17-2	2,956	1,782	1,072	102
17-3	1,470	972	437	61
17-4	2,938	1,703	1,033	202
17-5	4,406	2,834	1,047	525
17-6	4,854	3,368	1,082	404
17-7	4,293	2,427	1,548	318
17-8	5,495	1,410	3,817	268
17-9	5,808	2,886	2,336	586
17-12	5,695	3,021	2,202	472
17-13	8,566	1,846	6,462	258
17-15	5,969	2,813	2,096	1,060
19-3	2,508	2,441	9	58
Total	74,806	42,751	27,050	5,005



 J. J. L. Maxey

 J. C. Higley

 Wayne K. Curry

COUNCILMANIC REDISTRICTING COMMISSION PLAN

POPULATION DISTRIBUTION
DISTRICT III

<u>Election District/ Precinct</u>	<u>Population</u>	<u>White</u>	<u>Black</u>	<u>Other</u>
1-2	2,755	2,531	85	139
2-4	2,723	2,159	495	69
2-6	6,741	4,739	1,794	208
19-1	2,819	2,617	120	82
19-2	3,822	2,909	685	228
19-4	1,826	1,572	198	56
19-5	5,411	3,657	1,573	181
20-1	4,301	3,512	514	275
20-2	2,193	1,900	152	141
20-3	3,492	2,293	959	240
20-6	3,736	3,153	411	172
20-7	4,327	2,517	1,499	311
20-10	2,406	2,041	202	163
21-1	2,681	2,284	300	97
21-2	3,429	3,213	92	124
21-4	3,311	2,974	152	185
21-7	4,097	3,867	106	124
21-10	2,917	2,810	31	76
21-12	9,647	8,267	917	463
21-15	1,904	1,756	68	80
Total	74,538	60,771	10,353	3,414

[Handwritten signatures]
 S. Mashen
 [Signature]
 [Signature]

COUNCILMANIC REDISTRICTING COMMISSION PLAN WITH CHANGE

POPULATION DISTRIBUTION
DISTRICT IV

<u>Election District/ Precinct</u>	<u>Population</u>	<u>White</u>	<u>Black</u>	<u>Other</u>
3-2	3,155	1,008	2,067	80
7-2	2,694	2,567	56	71
7-3	3,725	3,536	100	89
7-4	2,821	2,659	113	49
7-5	3,480	3,330	85	65
7-6	5,214	4,530	530	154
7-7	3,605	3,159	296	150
14-1	4,743	3,378	1,234	131
14-2	6,425	5,285	859	281
14-3	3,889	3,734	93	62
14-4	2,880	2,759	75	46
14-5	3,591	3,472	75	44
14-6	2,287	2,203	42	42
21-3	4,569	4,404	88	77
21-6	3,674	3,554	53	67
21-8	6,291	4,842	1,093	356
21-9	1,010	925	71	14
21-11	7,858	6,436	1,019	403
21-13	2,795	2,206	487	102
Total	74,706	63,987	8,436	2,283

COUNCILMANIC REDISTRICTING COMMISSION PLAN

POPULATION DISTRIBUTION
DISTRICT V

<u>Election District/ Precinct</u>	<u>Population</u>	<u>White</u>	<u>Black</u>	<u>Other</u>
2-1	3,485	1,598	1,773	114
2-3	4,185	2,698	1,274	213
2-5	5,890	3,365	2,076	449
2-7	2,143	1,743	380	20
2-8	4,770	3,229	1,280	261
2-9	5,040	2,161	2,758	121
13-1	13,067	477	12,374	216
13-2	13,515	1,418	11,579	518
13-3	3,694	24	3,648	22
18-3	2,914	9	2,872	33
18-5	2,859	23	2,821	15
20-4	1,940	114	1,809	17
20-5	5,812	2,770	2,897	145
20-8	1,805	9	1,782	14
Total	71,119	19,638	49,323	2,158

J. S. Machen
TO H. H. H. H.
 Jayne K. Curry

COUNCILMANIC REDISTRICTING COMMISSION PLAN

POPULATION DISTRIBUTION
DISTRICT VI

<u>Election District/ Precinct</u>	<u>Population</u>	<u>White</u>	<u>Black</u>	<u>Other</u>
6-1	6,396	4,047	2,204	145
6-4	5,624	3,242	2,148	234
6-5	7,137	2,845	4,160	132
6-10	3,410	2,748	578	84
6-11	6,519	2,535	3,915	69
6-16	10,597	3,132	7,207	258
7-1	5,457	2,572	2,683	202
13-4	2,811	1,854	742	215
13-5	2,214	1,371	657	186
13-6	5,916	2,505	3,195	216
14-7	2,712	2,097	559	56
15-2	3,748	2,291	1,416	41
18-6	5,393	362	4,997	34
20-9	3,247	2,191	968	88
Total	71,181	33,792	35,429	1,960

[Handwritten signatures]
 S. Masher
 T. O. Hutchins
 Jayne K. Curry

COUNCILMANIC REDISTRICTING COMMISSION PLAN

POPULATION DISTRIBUTION
DISTRICT VII

<u>Election District/ Precinct</u>	<u>Population</u>	<u>White</u>	<u>Black</u>	<u>Other</u>
6-3	6,034	1,399	4,539	96
6-6	7,001	2,819	3,985	197
6-8	3,249	1,156	2,016	77
6-12	5,886	2,088	3,704	94
6-15	4,868	558	4,280	30
6-17	6,055	1,419	4,568	68
12-6	4,690	489	4,149	52
12-9	7,755	436	6,860	459
12-13	4,711	1,069	3,596	46
18-1	3,283	665	2,565	53
18-2	5,755	782	4,927	46
18-4	7,763	1,077	6,587	99
18-7	6,991	337	6,615	39
18-8	2,582	13	2,562	7
Total	76,623	14,307	60,953	1,363

J. L. Machen
T. A. Hendrick
 Jayne K. Curry

COUNCILMANIC REDISTRICTING COMMISSION PLAN WITH CHANGE

POPULATION DISTRIBUTION
DISTRICT VIII

<u>Election District/ Precinct</u>	<u>Population</u>	<u>White</u>	<u>Black</u>	<u>Other</u>
5-3	6,034	3,660	2,107	267
6-2	1,460	1,117	312	31
6-9	4,039	1,621	2,312	106
6-13	3,960	3,024	768	168
6-14	2,316	1,775	483	58
9-1	4,397	3,427	824	146
9-2	3,992	3,049	845	98
9-4	8,582	5,986	2,350	246
9-5	4,392	2,797	1,418	177
12-1	3,528	2,856	482	190
12-2	3,005	1,444	1,379	182
12-3	4,167	1,982	2,103	82
12-4	5,302	1,739	3,239	324
12-7	6,789	5,259	1,290	245
12-8	4,647	2,156	2,372	119
12-11	4,666	2,000	2,457	209
12-12	4,132	2,893	1,130	109
Total	75,408	46,785	25,871	2,752

COUNCILMANIC REDISTRICTING COMMISSION PLAN WITH CHANGE

POPULATION DISTRIBUTION
DISTRICT IX

<u>Election District/ Precinct</u>	<u>Population</u>	<u>White</u>	<u>Black</u>	<u>Other</u>
3-1	2,943	1,957	976	10
4-1	2,543	1,732	788	23
5-1	4,298	3,837	426	35
5-2	2,442	1,876	420	146
5-4	5,094	3,449	1,493	152
5-5	5,203	2,942	1,927	334
6-7	5,566	3,739	1,702	125
6-18	2,077	1,567	371	139
8-1	1,505	674	823	8
9-3	15,317	11,375	3,055	887
11-1	5,640	3,935	1,601	104
11-2	3,388	2,767	546	75
12-5	4,200	2,576	1,367	257
12-10	5,764	2,725	2,454	585
15-1	6,992	5,508	1,308	176
Total	72,972	50,659	19,257	3,056

LEGISLATIVE INFORMATION FORM

County Council of Prince George's County, Maryland

I. General Information

1. Background information necessitating legislation:

The bill is being proposed to reduce the variance in population figures as submitted by the Redistricting Commission.

2. Identify other amendments to the County Code or County regulations required if proposed legislation is adopted:

None

3. Identify and explain any deadline required for enactment of this legislation:

Must be adopted by November 30, 1981

4. Person who drafted proposed legislation:

Lionell M. Lockhart, Legislative Officer

5. Resource personnel for additional information:

Councilmember Gerard McDonough

6. Identify other agencies or organizations who have had an opportunity to review the proposed legislation:

None

P.G.C. FORM #1981 (REV. 3/79)

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COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
Legislative Session 1981
Amendment Introduced by _____
Bill No. CB-184-1981
Amendment No. 1
Amendment Introduced by Council on November 25, 1981

PROPOSED AMENDMENT

1. On page 2, line 7, after December 6, 1982, add the following:
"provided that it shall for purposes of elections be applicable to elections of County Council members beginning with the primary and general elections of 1982."
2. On Attachment A delete the map and insert the attached map in lieu thereof.

ENACTED 11/30/81

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32



THE PRINCE GEORGE'S COUNTY GOVERNMENT

December 4, 1981

Honorable Gerard T. McDonough
Chairman
Prince George's County Council
County Administration Building
Upper Marlboro, Maryland 20772

Dear Gerry:

I have returned CB-184-1981 to the Clerk of the Council without my signature.

As you well know, CB-184-1981 is the bill enacted to make minor amendments to the redistricting plan approved by a majority of the members of the Redistricting Commission.

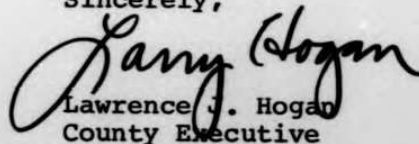
I have chosen this course of action reluctantly, knowing full well that CB-184-1981 will become law without my signature.

Let me make it clear that by no means do I approve of the redistricting plan, with or without the Council's amendment. A veto in this case, however, would only mean that the Commission's unamended plan would become law. I am faced with a Hobson's choice. Neither option is acceptable.

The citizens of this County, at every opportunity, voiced their strong support for other less self-serving plans which the Council rejected.

Under these circumstances, I cannot allow my signature on a bill which misrepresents the interests of the electorate.

Sincerely,


Lawrence J. Hogan
County Executive

cc: All Council Members

County Administration Building — Upper Marlboro, Maryland 20870

1 COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2 Legislative Session _____ 1981
3 Proposed and Presented by Council Member McDonough
4 Introduced by Council Member McDonough
5 Bill No. CB-184-1981
6 Chapter No. _____
7 Introduced by Council on October 27, 1981

8 BILL

9 AN ACT concerning
10 Boundaries of County Council Districts
11 FOR the purpose of establishing the boundaries of the nine (9)
12 County Council Districts, effective December 6, 1982.

13 WHEREAS, Sections 304 and 305 of the Prince George's County
14 Charter require that the boundaries of County Council districts
15 shall be reestablished in 1982 so as to divide the County into
16 nine (9) Council districts; and

17 WHEREAS, the Redistricting Commission has presented a
18 redistricting plan to the Council on September 25, 1981; and

19 WHEREAS, the County Council is authorized by Section 305 of
20 the County Charter to enact legislation reestablishing the
21 boundaries of the Council districts within seventy (70) calendar
22 days following presentation of the Redistricting Commission's
23 plan; and

24 WHEREAS the Redistricting Commission Majority Plan provides
25 for a population variance of 8,275 or 11.2 percent between the
26 highest populated district and the lowest populated district;
27 and

28 WHEREAS this plan would basically adopt the majority plan
29 and shift 2,943 persons from precinct 3-1 in the highest
30 district, District 4, to District 9, and 6,034 from precinct 5-3

31 | in District 9 to District 8 so as to reduce the variance to
32 | 5,504 or 7.5 percent; therefore

1 SECTION 1. BE IT ENACTED by the County Council of Prince
 2 George's County, Maryland, that, pursuant to Sections 304 and
 3 305 of the Prince George's County Charter, the boundaries of the
 4 nine (9) County Council districts are hereby established as
 5 depicted and described in Attachment A hereto, which provisions
 6 are adopted in their entirety and made a part of this Act.

7 SECTION 2. BE IT FURTHER ENACTED that this Act shall
 8 become effective at noon on December 6, 1982.

9 COUNTY COUNCIL OF PRINCE
 10 GEORGE'S COUNTY, MARYLAND

11 BY: _____
 12 Parris N. Glendening
 13 Chairman

14 ATTEST:

15 _____
 16 Jean M. Schmuhl, Clerk

17 APPROVED:

18 DATE: _____

19 BY: _____
 20 Lawrence J. Hogan
 21 County Executive

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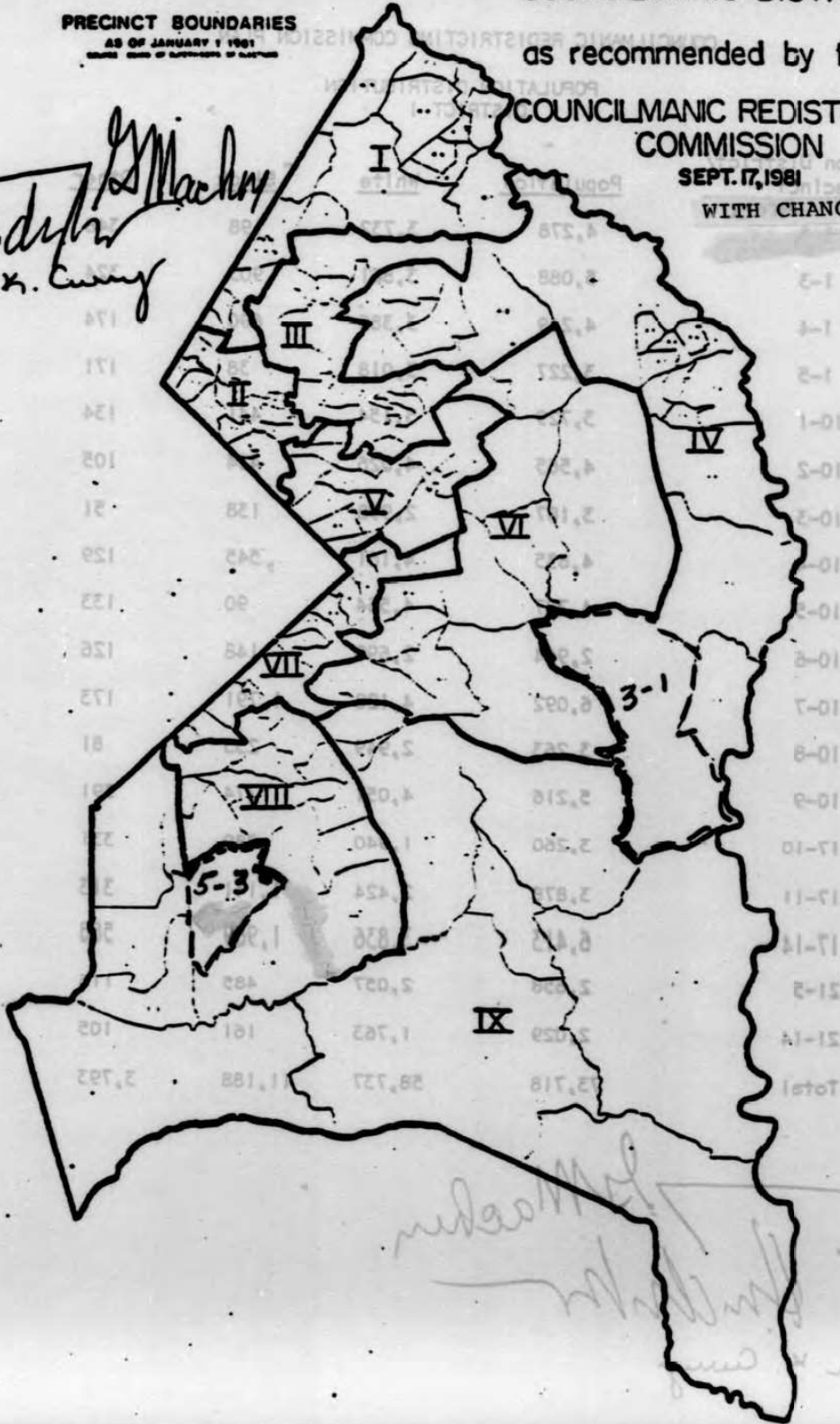
32

PRECINCT BOUNDARIES
AS OF JANUARY 1 1981

COUNCILMANIC DISTRICTS

as recommended by the
COUNCILMANIC REDISTRICTING
COMMISSION
SEPT. 17, 1981
WITH CHANGES

H. A. Hendry
J. M. Machry
James K. Cunniff



James K. Cunniff
J. M. Machry
H. A. Hendry

COUNCILMANIC REDISTRICTING COMMISSION PLAN

POPULATION DISTRIBUTION
DISTRICT II

Election District/ Precinct	Black	Population	White	Black	Other
2-2	88	2,408	1,788	539	81
16-1	284	1,420	1,176	220	24
16-2	491	1,636	1,187	348	101
16-3	150	3,681	3,330	234	117
16-4	288	2,355	2,151	129	75
16-5	188	4,390	3,616	614	160
17-1	272	3,958	2,000	1,825	133
17-2	412	2,956	1,782	1,072	102
17-3	251	1,470	972	437	61
17-4	229	2,938	1,703	1,033	202
17-5	414	4,406	2,834	1,047	525
17-6	499	4,854	3,368	1,082	404
17-7	202	4,293	2,427	1,548	318
17-8	202	5,495	1,410	3,817	268
17-9	22	5,808	2,886	2,336	586
17-12	221	5,695	3,021	2,202	472
17-13	201	8,566	1,846	6,462	258
17-15	21	5,969	2,813	2,096	1,060
19-3	112	2,508	2,441	9	58
Total	288	74,806	42,751	27,050	5,005

J. J. Mashur
10 Higley
Wayne K. Cunniff

COUNCILMANIC REDISTRICTING COMMISSION PLAN WITH CHANGE

POPULATION DISTRIBUTION
DISTRICT IV

<u>Election District/ Precinct</u>	<u>Population</u>	<u>White</u>	<u>Black</u>	<u>Other</u>
3-2	3,155	1,008	2,067	80
7-2	2,694	2,567	56	71
7-3	3,725	3,536	100	89
7-4	2,821	2,659	113	49
7-5	3,480	3,330	85	65
7-6	5,214	4,530	530	154
7-7	3,605	3,159	296	150
14-1	4,743	3,378	1,234	131
14-2	6,425	5,285	859	281
14-3	3,889	3,734	93	62
14-4	2,880	2,759	75	46
14-5	3,591	3,472	75	44
14-6	2,287	2,203	42	42
21-3	4,569	4,404	88	77
21-6	3,674	3,554	53	67
21-8	6,291	4,842	1,093	356
21-9	1,010	925	71	14
21-11	7,858	6,436	1,019	403
21-13	2,795	2,206	487	102
Total	74,706	63,987	8,436	2,283

COUNCILMANIC REDISTRICTING COMMISSION PLAN

POPULATION DISTRIBUTION
DISTRICT V

Election District/ Precinct	Population	White	Black	Other
2-1	3,485	1,598	1,773	114
2-3	4,185	2,698	1,274	213
2-5	5,890	3,365	2,076	449
2-7	2,143	1,743	380	20
2-8	4,770	3,229	1,280	261
2-9	5,040	2,161	2,758	121
13-1	13,067	477	12,374	216
13-2	13,515	1,418	11,579	518
13-3	3,694	24	3,648	22
18-3	2,914	9	2,872	33
18-5	2,859	23	2,821	15
20-4	1,940	114	1,809	17
20-5	5,812	2,770	2,897	145
20-8	1,805	9	1,782	14
Total	71,119	19,638	49,323	2,158

[Handwritten signatures]
 J. Machin
 Jayne K. Curry

[Handwritten signatures]
 Jayne K. Curry

COUNCILMANIC REDISTRICTING COMMISSION PLAN

POPULATION DISTRIBUTION
DISTRICT VI

<u>Election District/ Precinct</u>	<u>Population</u>	<u>White</u>	<u>Black</u>	<u>Other</u>
6-10	6,396	4,047	2,204	145
6-4	5,624	3,242	2,148	234
6-5	7,137	2,845	4,160	132
6-10	3,410	2,748	578	84
6-11	6,519	2,535	3,915	69
6-16	10,597	3,132	7,207	258
7-1	5,457	2,572	2,683	202
13-4	2,811	1,854	742	215
13-5	2,214	1,371	657	186
13-6	5,916	2,505	3,195	216
14-7	2,712	2,097	559	56
15-2	3,748	2,291	1,416	41
18-6	5,393	362	4,997	34
20-9	3,247	2,191	968	88
Total	71,181	33,792	35,429	1,960

[Handwritten signatures]
 S. Masher
 T. C. Hutchins
 Wayne K. Curry

[Faint handwritten notes and signatures]

COUNCILMANIC REDISTRICTING COMMISSION PLAN WITH CHANGE

POPULATION DISTRIBUTION
DISTRICT VIII

<u>Election District/ Precinct</u>	<u>Population</u>	<u>White</u>	<u>Black</u>	<u>Other</u>
5-3	6,034	3,660	2,107	267
6-2	1,460	1,117	312	31
6-9	4,039	1,621	2,312	106
6-13	3,960	3,024	768	168
6-14	2,316	1,775	483	58
9-1	4,397	3,427	824	146
9-2	3,992	3,049	845	98
9-4	8,582	5,986	2,350	246
9-5	4,392	2,797	1,418	177
12-1	3,528	2,856	482	190
12-2	3,005	1,444	1,379	182
12-3	4,167	1,982	2,103	82
12-4	5,302	1,739	3,239	324
12-7	6,789	5,259	1,290	245
12-8	4,647	2,156	2,372	119
12-11	4,666	2,000	2,457	209
12-12	4,132	2,893	1,130	109
Total	75,408	46,785	25,871	2,752

COUNCILMANIC REDISTRICTING COMMISSION PLAN WITH CHANGE

POPULATION DISTRIBUTION
DISTRICT IX

<u>Election District/ Precinct</u>	<u>Population</u>	<u>White</u>	<u>Black</u>	<u>Other</u>
3-1	2,943	1,957	976	10
4-1	2,543	1,732	788	23
5-1	4,298	3,837	426	35
5-2	2,442	1,876	420	146
5-4	5,094	3,449	1,493	152
5-5	5,203	2,942	1,927	334
6-7	5,566	3,739	1,702	125
6-18	2,077	1,567	371	139
8-1	1,505	674	823	8
9-3	15,317	11,375	3,055	887
11-1	5,640	3,935	1,601	104
11-2	3,388	2,767	546	75
12-5	4,200	2,576	1,367	257
12-10	5,764	2,725	2,454	585
15-1	6,992	5,508	1,308	176
Total	72,972	50,659	19,257	3,056

SUMMARY STATISTICS
COUNCILMANIC DISTRICTS

as recommended by
THE COUNCILMANIC REDISTRICTING COMMISSION
September 17, 1981
WITH CHANGE

DISTRICT NO.	TOTAL POPULATION	% OF VARIANCE*	WHITE	%	BLACK	%	OTHER	%
I	73,718	.2-	58,737	80	11,188	15	3,793	5
II	74,806	1.2+	42,751	57	27,050	36	5,005	7
III	74,538	.8+	60,771	82	10,553	14	3,414	4
IV	74,706	1.1+	63,987	86	8,436	11	2,283	3
V	71,119	3.8-	19,638	28	49,323	69	2,158	3
VI	71,181	3.7-	33,792	47	35,429	50	1,960	3
VII	76,623	3.7+	14,307	18	60,953	80	1,363	2
VIII	75,408	2.0+	46,785	62	25,871	34	2,752	4
IX	72,972	1.3-	50,653	69	19,257	27	3,056	4

* Ideal population number per District is 73,897

APPROVED

County Council

- 2 -

November 30, 1981

There being no further discussion, Council Members Lombardi and Dabney accepted Amendment No. 1, which was technical, but the motion to enact CB-175, as amended, failed of passage by the following roll call vote:

IN FAVOR: Council Members Dabney, Koonce, Lombardi and Mills
OPPOSED: Council Members Glendening, Casula, Hartlove, Marshall, McDonough and Wilson
ABSTAINED: Council Member Amonett
FAILED: 4-6-1

During the vote, Chairman Glendening stated that, although CB-175 would eliminate the concerns of Greenbelt, it would have a severe adverse effect on the City of Hyattsville.

CB-186-1981 - An Act to establish the boundaries of the nine County Council Districts, effective December 6, 1982 (Modification of Wynn Smith Plan)
NOTION TO ENACT AS AMENDED FAILED OF PASSAGE

Council Member Mills offered the motion to enact CB-186; seconded by Councilman Casula.

In support of the plan, Council Member Mills stated that CB-186 was drafted subsequent to the public hearings and took into consideration the compatibility of communities and municipal areas. In opposition, Council Member Lombardi pointed out that, although the plan was a modification of the school districts plan, she felt it placed communities with no common interest or problems in the same district.

Amendment No. 1 was accepted by Council Members Mills and Casula.

The motion to enact CB-186, as amended, also failed of passage by roll call vote as follows:

IN FAVOR: Council Members Glendening, Casula and Mills
OPPOSED: Council Members Dabney, Hartlove, Koonce, Lombardi, Marshall, McDonough and Wilson
ABSTAINED: Council Member Amonett
FAILED: 3-7-1

CB-184-1981 - An Act to establish the boundaries of the nine County Council Districts, effective December 6, 1982 (Redistricting Commission Majority Plan, with amendments)
ENACTED AS AMENDED

Councilman McDonough stated that CB-184 corrected the population imbalance in the Commission's plan, and offered a motion to enact CB-184. The motion was seconded by Councilman Hartlove.

Amendment No. 1 was incorporated in the motion to enact by Council Members McDonough and Hartlove, and CB-184, as amended, was then enacted by the following roll call vote:

IN FAVOR: Council Members Glendening, Casula, Dabney, Hartlove, Marshall, McDonough and Wilson
OPPOSED: Council Members Koonce, Lombardi and Mills
ABSTAINED: Council Member Amonett
CARRIED: 7-5-1

County Council

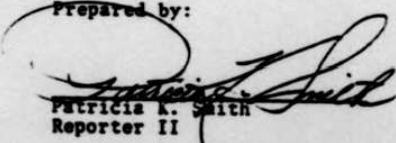
- 3 -

November 30, 1981

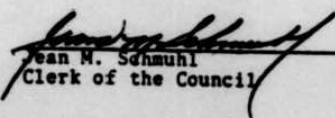
During the vote, Council Member Mills stated that most of the individuals who spoke during the public hearings were opposed to CB-184.

The meeting was adjourned at 2:03 p.m.

Prepared by:


Patricia A. Smith
Reporter II

Submitted by:


Jean M. Schmuhl
Clerk of the Council

CB-175-1981 - An Act to establish the boundaries of the nine County Council Districts, effective December 6, 1982 (Redistricting Commission Minority Plan)

CB-184-1981 - An Act to establish the boundaries of the nine County Council Districts, effective December 6, 1982 (Redistricting Commission Majority Plan, with amendments)

FINAL ACTION CARRIED OVER TO 1:30 P.M. MONDAY 11/30/81

Due to the lack of a quorum, the Chairman announced that final action on the councilmanic redistricting plans, CB-175 and CB-184, would be carried over to 1:30 p.m., Monday, November 30, 1981.

The public hearing was adjourned at 11:52 a.m.

Prepared by:

Signature of Patricia J. Smith

Patricia J. Smith
Reported

Submitted by:

Signature of Jean M. Schmuhl

Jean M. Schmuhl
Clerk of the Council

CB-175-1981 - An Act to establish the boundaries of the nine County Council Districts, effective December 6, 1982 (Redistricting Commission Minority Plan)
PUBLIC HEARING HELD
RECORD TO BE HELD OPEN UNTIL 1:30 PM 11/30/81

Pursuant to notice, the public hearing on CB-184 was convened, and the following elected officials spoke concerning the bill: Delegate Joan Pickett, 14th District; Delegate David Bitt, 12th District; Mayor Richard Castaldi, City of Greensboro; Mayor Suzanne K. Cristofani, Town of Bladenburg; Council Member Della Buscher, Town of Bladenburg; Councilman Barry Lomax, City of College Park; and Leo E. Green, former Mayor of the City of Bowie. There was also testimony from twenty interested citizens speaking either as an individual or on behalf of various groups or associations. (See verbatim transcript in Clerk's File)

All persons present who desired to speak having done so, the Chairman stated that the record would remain open for the submission of additional information or statements until the commencement of the meeting at 1:30 p.m. on Monday, November 30, 1981, at which time final action would be taken on the three redistricting bills.

APPROVED

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

Minutes of Public Hearings

Thursday, November 19, 1981
Council Hearing Room
County Administration Building
Upper Marlboro, Maryland

CB-175-1981 - An Act concerning boundaries of County Council Districts for the purpose of establishing the boundaries of the nine County Council Districts (Redistricting Commission Minority Plan) --

CB-184-1981 - An Act concerning boundaries of County Council Districts for the purpose of establishing the boundaries of the nine County Council Districts (Redistricting Commission Majority Plan with Amendments) --

PUBLIC HEARINGS HELD

At 9:15 a.m., pursuant to notice, public hearings were jointly convened on Bill 175-1981 (reflecting the Redistricting Commission's Minority Plan) and Bill 184-1981 (constituting the Redistricting Commission's Majority Plan with Amendments). The following Members were present during the joint public hearing:

Parris N. Glendening, Chairman
Sarah Ada Koonce, Vice Chairman
Frank P. Casula
Roy I. Dabney, Jr.
Ann Landry Lombardi
Deborah Ragland Marshall
Gerard T. McDonough
Floyd E. Wilson, Jr.

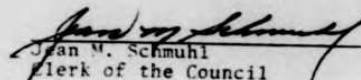
Also present: Samuel E. Wynkoop, Jr., Council Administrator
David L. Goode, Deputy Council Administrator
Lionell M. Lockhart, Legislative Officer

Prior to hearing testimony, the Chairman requested Anthony McCarthy, President of the Roosevelt Democratic Club, to lead the pledge of allegiance to the flag. Chairman Glendening then announced that Councilman Hartlove was absent attending a WMATA Board meeting; that Council Member Mills had suffered a death in the family; and that Councilman Amonett was representing the Council at a conference on Economic Development in Baltimore.

Following additional comments outlining the procedures for the joint hearing, six elected officials and approximately thirty-one concerned citizens testified in support of Bill 175.

All persons present who desired to speak having done so, the public hearings were declared to have been duly held, and the meeting adjourned at 11:27 a.m.

Prepared and Submitted by:


Jean M. Schuhl
Clerk of the Council

CB-179 was introduced by Council Members Hartlove, Koonce, Mills, Casula, Glendening and Dabney, and concurrently referred to the Fiscal and Planning Committee.

CB-135 was introduced by Councilman Hartlove and concurrently referred to the Fiscal and Planning Committee.

CB-181 was introduced by Council Members Wilson, Hartlove, Dabney, Glendening and Casula, and concurrently referred to the Fiscal and Planning Committee.

CB-182 was introduced by Council Members Dabney, Hartlove, Koonce, Mills and Casula, and concurrently referred to the Fiscal and Planning Committee.

CB-183 was introduced by Council Members Casula, Lombardi, Dabney and Koonce, and concurrently referred to the Fiscal and Planning Committee.

CB-180-1981 - An Emergency Act to extend deadline for exemptions to CB-1-1976 as to classified employees of Hospital Commission and member hospitals --

CB-185-1981 - An Emergency Act to approve labor agreement by and between County and Local 1619, International Association of Fire Fighters, AFL-CIO, describing terms and conditions of employment of personnel classification certified by PERB

INTRODUCED; CONCURRENTLY REFERRED TO HRC

CB-180 was introduced by Councilman Glendening and concurrently referred to the Human Resources Committee.

CB-185 was introduced by Council Members Casula, Koonce, Dabney and Glendening, and concurrently referred to the Human Resources Committee.

CB-184-1981 - An Act to establish boundaries of nine County Council Districts, effective December 6, 1982
-- INTRODUCED

CB-184 was introduced by Councilman McDonough.

CR-134-1981 - To designate Greenbelt Area Development District to be governed by the tax increment procedures for financing and taxation, authorized in Sections 266JJ-1, et seq., of Article 41, Annotated Code of Maryland --

CR-135-1981 - To provide a supplementary appropriation to Non-Departmental Grants to Governmental Bodies-Crime Solvers, Inc., in the amount of \$18,000 --

CR-137-1981 - To designate the Largo-Lottsford Development District to be governed by the tax increment procedures for financing and taxation, authorized in Sections 266JJ-1, et seq., of Article 41, Annotated Code of Maryland --

CR-138-1981 - To designate the West Laurel and I-95 Development District to be governed by tax increment procedures for financing and taxation, authorized in Sections 266JJ-1, et seq., of Article 41, Annotated Code of Maryland --

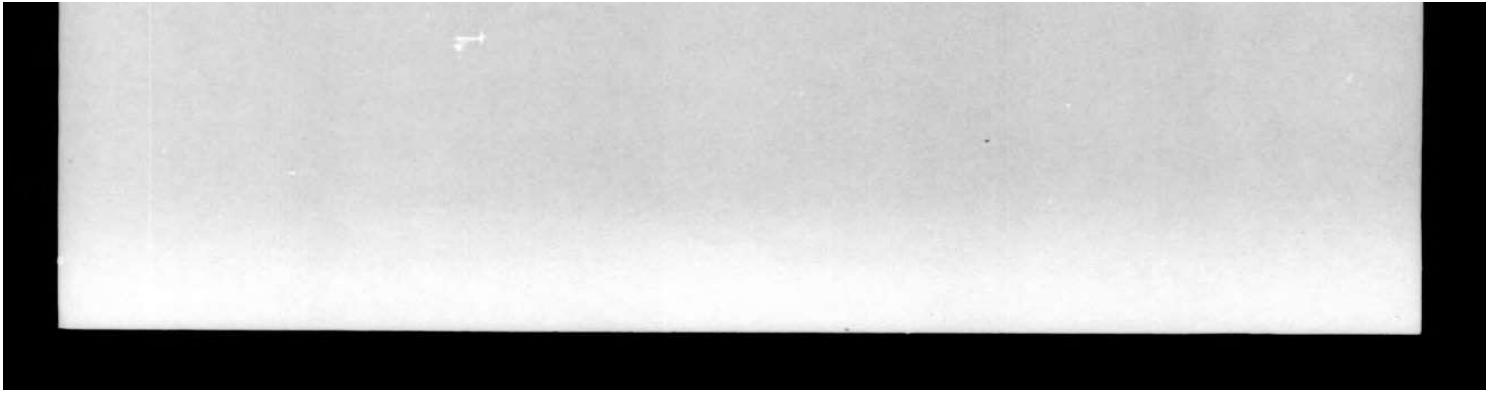
OFFICE OF THE COUNTY EXECUTIVE

I hereby acknowledge receipt of Bill No. CB-184-1981
which was delivered to this Office by B. Rockhill on the
1st day of December, 1981, at 4:55 p.m.

Diane L. Willons

Bill No. CB-184-1981 was returned by the County
Executive to the Office of the Clerk to the County Council on the
4th day of December, 1981.

Jean M. Schmuhl
Jean M. Schmuhl, Clerk (sk)



DR-1

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

Legislative Session 1991

Resolution No. CR-8-1991

Proposed by Council Members Wineland, Casula, MacKinnon,
and Castaldi

Introduced by Council Members Wineland, Casula,
MacKinnon, and Castaldi

Co-Sponsors _____

Date of Introduction February 12, 1991

RESOLUTION

A RESOLUTION concerning

Prince George's County Redistricting Commission
FOR the purpose of appointing the Prince George's County
Redistricting Commission pursuant to the provisions of Section 305
of the County Charter for establishing councilmanic districts and
requesting that the plan be submitted by the Commission to the
County Council by September 15, 1991.

WHEREAS, Section 305 of the Prince George's County Charter
requires that a Commission be appointed by the County Council by
February 15, 1991 consisting of two names from each political party
which polled at least fifteen percent (15%) of the total votes cast
for all candidates for the Council in the immediately preceding
regular election and one additional member selected by the Council;
and

WHEREAS, pursuant to the Charter, five names have been submitted by both the Prince George's County Democratic Central Committee and the Prince George's County Republican Central Committee to the County Council for consideration; and

WHEREAS, the Charter provides that the Redistricting Plan submitted to the Council shall become law seventy (70) calendar days after submittal if no other law is adopted by the Council; and

WHEREAS, if the Redistricting Plan is not submitted prior to October 1, 1991, the Council will have only sixty-one (61) days to consider the Plan;

NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's County, Maryland, that the following persons are appointed to the Prince George's County Redistricting Commission:

1. Barbara Anderson
2. Henderson J. Brown, IV
3. Toni Evon Clarke
4. John Scott
5. Timothy J. Sullivan

BE IT FURTHER RESOLVED that the Redistricting Commission is charged with the duties set out in Section 305 of the County Charter and is requested to submit the Redistricting Plan to the County Council on or before September 15, 1991.

BE IT FURTHER RESOLVED that the Council Administrator shall provide administrative support to the Commission.

Adopted this 12th day of February, 1991.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Richard J. Castaldi
Chairman

ATTEST:

Jean M. Schmuhl, CMC
Clerk of the Council

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2001 Legislative Session

Resolution No. CR-5-2001
Proposed by Chairman Ronald V. Russell
Introduced by Council Members Bailey, Russell, Scott, Shapiro and Wilson
Co-Sponsors _____
Date of Introduction February 13, 2001

RESOLUTION

1 A RESOLUTION concerning

2 Prince George's County Redistricting Commission

3 For the purpose of appointing the Prince George's County Redistricting Commission pursuant to
4 the provision of Section 305 of the County Charter for establishing councilmanic districts and
5 requesting that the plan be submitted to the Council by September 11, 2001.

6 WHEREAS, Section 305 of the Prince George's County Charter requires that a
7 Commission be appointed by the County Council by February 15, 2001 consisting of two
8 persons nominated from each political party which polled at least fifteen percent of the total
9 votes cast for all candidates for the Council in the immediately preceding regular election and
10 one additional member selected by the Council; and

11 WHEREAS, Pursuant to the Charter, five persons have been nominated by both the Prince
12 George's County Democratic Central Committee and the Prince George's County Republican
13 Central Committee to the County Council for consideration; and

14 WHEREAS, the Charter provides that the Redistricting Plan submitted to the Council shall
15 become law seventy calendar days after submittal if no other law is adopted by the Council; and

16 WHEREAS, if the Redistricting Plan is not submitted prior to October 1, 2001, the Council
17 will have only sixty-one days to consider the Plan prior to the end of the legislative year.

18 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's
19 County, Maryland, that the persons listed on Attachment A are appointed to the Prince George's
20 County Redistricting Commission.

21 BE IT FURTHER RESOLVED that the Redistricting Commission is charged with the
22 duties set out in Section 305 of the County Charter and is requested to submit its Redistricting

1 Plan to the County Council on or before September 11, 2001.

2 BE IT FURTHER RESOLVED that the Council Administrator shall provide administrative
3 support to the Commission.

Adopted this 13th day of February, 2001

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Ronald V. Russell
Chairman

ATTEST:

Joyce T. Sweeney
Clerk of the Council

PRINCE GEORGE'S COUNTY REDISTRICTING COMMISSION

Samuel H. Dean (D) – Mitchellville (Council Appointee)

David Cahn (R) – Upper Marlboro

Janis M. Hagey (D) – Bowie

Thomas F Kennedy (R) - Laurel

David R. Merkwowitz (D) – College Heights

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2011 Legislative Session

Bill No. CB-64-2011

Chapter No. _____

Proposed and Presented by Council Members Turner, Campos, Franklin, Harrison,
Lehman, Olson, Patterson and Toles

Introduced by Council Members Turner, Campos, Franklin, Harrison, Lehman, Olson,
Patterson and Toles

Date of Introduction October 11, 2011

BILL

1 AN ACT concerning

2 2011 Prince George's County Council Redistricting Plan

3 For the purpose of enacting a plan of County Council district boundaries in accordance with
4 Section 305 of the County Charter

5 WHEREAS, Section 305 of the County Charter provides that the boundaries of Council
6 districts shall be reestablished in 1982 and every tenth year thereafter; and

7 WHEREAS, this Section further provides that a commission on redistricting be appointed
8 to prepare, publish, and make available a plan of Council districts, together with a report
9 explaining it, for County Council consideration on or before September 1 of the year prior to the
10 year in which redistricting is to be effective; and

11 WHEREAS, on January 25, 2011, the County Council adopted CR-2-2011 appointing
12 members to the 2011 Redistricting Commission and reciting the commission's respective duties
13 as prescribed by Charter; and

14 WHEREAS, the Commission conducted a comprehensive series of public hearings,
15 meetings, and electronic outreach efforts to gather public input in the preparation of its plan; and

16 WHEREAS, in an effort to encourage public input and enhance public understanding of the
17 redistricting process and procedures, and to promote transparency, the County Council created a
18 Redistricting website, which included but was not limited to important calendar dates, press
19 releases, the 2010 Census data, a Citizens guide to Redistricting, a citizen comment box and plan
20 proposals of the 2011 Redistricting Commission and the County Council; and

1 WHEREAS, the Prince George's County 2011 Redistricting Commission transmitted its
2 September 2011 Plan and Report to the County Council on September 1, 2011; and

3 WHEREAS, the Council conducted public work sessions on September 13 and September
4 19, 2011, respectively, to consider the specific provisions of the 2011 Redistricting Commission
5 Plan and Report; and

6 WHEREAS, the County Council's preliminary examination of the 2011 Redistricting
7 Commission September 2011 Plan and Report, coupled with input from the public, prompted the
8 County Council to prepare alternative plan considerations to the 2011 Redistricting Commission
9 Plan ; and

10 WHEREAS, as further required by Section 305 of the County Charter, the Council held a
11 September 27, 2011, public hearing on the 2011 Redistricting Commission Plan and Report,
12 together with Council Option 1 and Council Option 2; and

13 WHEREAS, the County Council conducted public work sessions on September 27, 2011,
14 and October 3, 2011, to create a 2011 County Council Redistricting Plan for consideration and
15 action; and

16 WHEREAS, the County Council sought public input in creating its 2011 County Council
17 Redistricting Plan, including the September 27, 2011, public hearing, each of the public work
18 sessions, and through written testimony received on or before the close of business October 7,
19 2011; and

20 WHEREAS, the Council developed a plan of County Council district boundaries as set
21 forth in Attachments A, B, C, D, E, and F, attached hereto and made a part hereof as if set forth
22 fully herein; and

23 WHEREAS, Attachment A consists of a Countywide map depicting the boundaries of the
24 nine (9) County Council districts, together with individual district maps of each of the County
25 Council districts; and

26 WHEREAS, Attachment B consists of a Description of Changes Report detailing how each
27 of the nine (9) current County Council district boundaries have changed pursuant to the 2011
28 County Council Redistricting Plan; and

29 WHEREAS, Attachment C consists of a Metes and Bounds report that provides a specific
30 statement of the boundary lines of land for each Council District pursuant to the 2011 Council
31 Redistricting Plan, with their terminal points and angles, in order to describe the district

1 boundary lines; and

2 WHEREAS, Attachment D consists of a Demographic Statistics of Plan report that
3 describes the racial breakdown of the 2011 County Council Redistricting Plan districts; and

4 WHEREAS, Attachment E consists of a Population Summary report that describes the
5 racial breakdown of the voting age population by districts as well as the total population and
6 district deviation from the ideal district population; population range, ratio range, absolute range,
7 absolute overall range, relative range, relative overall range, absolute mean deviation and relative
8 mean deviation; and

9 WHEREAS, Attachment F consists of a Block Equivalency Report that describes which
10 census blocks are included within each district of the 2011 County Council Redistricting Plan;
11 and

12 WHEREAS, the Council considered other specific supporting data as part of the legislative
13 record in the creation of its 2011 County Council Redistricting Plan, to include a Census Place
14 Communities of Interest Report, a Voting District Communities of Interest Report, a Plan
15 Comparison Report, a Political Subdivision Splits Between Districts Report, and

16 WHEREAS, the Attached Plan meets the requirements of Section 305 of the County
17 Charter that the redistricting plan of County Council district boundaries be compact, contiguous,
18 and equal in population; and

19 WHEREAS, it is the intent of the County Council to exercise its authority pursuant to
20 Section 305 of the County Charter; now, therefore

21 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
22 Maryland, that the 2011 County Council Redistricting Plan, attached as Attachments A through
23 F hereto, and incorporated as if set forth fully herein, be and the same is hereby approved.

24 SECTION 2. BE IT FURTHER ENACTED that the Clerk of the Council is hereby
25 directed to transmit a certified copy of the approved 2011 Redistricting Plan to the Prince
26 George's County Board of Elections on the date it becomes law for further administrative action.

Adopted this 1st day of November, 2011.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Ingrid M. Turner
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.

Section 305. Redistricting Procedure.

The boundaries of Council districts shall be reestablished in 1982 and every tenth year thereafter. Whenever district boundaries are to be reestablished the Council shall appoint, not later than February 1 of the year prior to the year in which redistricting is to be effective, a commission on redistricting, composed of two members from each political party chosen from a list of five names submitted by the Central Committee of each political party which polled at least fifteen percent of the total vote cast for all candidates for the Council in the immediately preceding regular election. The Council shall appoint one additional member of the Commission who shall serve as chairman. No person shall be eligible for appointment to the Commission if he holds any elected office. By September 1 of the year prior to the year in which redistricting is to be effective, the Commission shall prepare, publish, and make available a plan of Council districts and shall present that plan, together with a report explaining it, to the Council. The plan shall provide for Council districts that are compact, contiguous, and equal in population. No less than fifteen calendar days and no more than thirty calendar days after receiving the plan of the Commission, the Council shall hold a public hearing on the plan. If the Council passes no other law changing the proposal, then the plan, as submitted, shall become law, as of the last day of November, as an act of the Council, subject to Sections 320 and 321 of this Charter.

(Amended, CB-92-1974, ratified Nov. 5, 1974; Petition ratified Nov. 4, 1980; Amended, CB-69-2002, ratified Nov. 5, 2002)

Editor's Note: Members of the Prince George's County Redistricting Commission were appointed by CR-5-2001. The Commission's plan was allowed to become law without amendment by the Council.

Sec. 207. Revision of councilmanic districts.

After receiving the report of the Charter Revision Commission as provided in Section 1203 of Article XII of this Charter, the County Council is hereby empowered by ordinance enacted by the affirmative vote of not less than five members, to revise, amend or reconstitute councilmanic districts then in effect but not to change the number thereof. Any such ordinance shall not be subject to executive veto and shall become law on the date of its enactment by the Council. Any such ordinance shall not be an emergency ordinance and shall be subject to the referendum provisions of Article III of this Charter.

Sec. 207. Revision of councilmanic districts.

- (a) *Redistricting commission; composition.* Not later than March 1 of the year after each decennial census of the United States, the County Council shall establish, by resolution, a councilmanic redistricting commission. The commission shall be composed of five members appointed by the County Council. A person who holds elective office is not eligible for appointment to the commission.
- (b) *Commission action.* The commission shall hold at least three public hearings, and, by October 15 of the year in which the commission is appointed, the commission shall recommend to the county council legislation to revise, amend, or reconstitute, but not to increase or decrease the number of, councilmanic districts in effect at such time. The legislation shall provide for councilmanic districts that are compact, contiguous, and substantially equal in population, and in which due regard is given to current natural, geographic, and community boundaries.
- (c) *Council action.* The county council shall hold one or more public hearings on the recommendation of the commission, and by January 31 of the year following the appointment of the commission, the council shall adopt a final redistricting plan by legislative act adopted by a majority plus one of the total number of county council members. The final plan may not increase or decrease the number of councilmanic districts in effect at the time. The plan shall provide for councilmanic districts that are compact, contiguous, and substantially equal in population, and in which due regard is given to current natural, geographic, and community boundaries.
- (d) *Final redistricting plan.* The final redistricting plan adopted by the county council is not subject to the executive veto provided in Article III, Section 308(g), but is subject to the referendum provision of Article III, Section 309.

(Bill No. 78, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978) (Bill No. 67-02, 2002, § 1)
(Approved by voters Nov. 5, 2002; effective Dec. 5, 2002)

Editor's note(s)—By Bill 59-11, § 1, the County Council revised and reconstituted the councilmanic districts in accordance with the 2010 census.

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 25% 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 30 days of receiving the plan of the Commission, the Council shall hold a public hearing on the plan. If within 90 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.

213. Redistricting.

- (a) Not later than April 1 of the year after each decennial census date, the Council shall appoint a Commission on Redistricting. The central committee of each political party that polled at least 25 percent of the total vote cast for all the candidates for Council 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 district. The Council shall appoint all such nominees as members of the Commission as well as one additional member of the Commission. The Council shall appoint the Chairperson 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 council districts, together with a report explaining it. Within 30 days of receiving the plan of the Commission, the Council shall hold a public hearing on the plan. If within 90 days after presentation of the Commission's plan no other law reestablishing the boundaries of the council districts has been enacted, then the plan, as submitted, shall become law.
- (c) Any council district established in accordance with this section shall be compact, contiguous, substantially equal in population, and have common interests as a result of geography, occupation, history, or existing political boundaries.
- (d) An ordinance establishing council districts shall be exempt from referendum.

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 shall nominate three persons to serve on the Commission if, at the time of nomination, at least twenty-five percent of the total number of registered voters in the County are affiliated with the political party. The Council shall appoint all such nominees as members of the Commission as well as two or three additional members of the Commission, as the case may be, who are unaffiliated with any political party for at least two years prior to the date of appointment, to ensure that its total membership equals an odd number. The Chair of the Commission shall be elected by and from the Commission members. No person shall be eligible for appointment to the Commission who holds elective office.

(b) By November 15 of the year following each decennial census date, the Commission shall present to the Council a plan of Council Districts, together with a report explaining 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 Council Districts has been enacted, the plan as submitted shall become law.

(c) Any Council 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 Council Districts shall be exempt from referendum.

Sec. 104. Redistricting Procedure.

The boundaries of Council districts shall be reviewed in 1972 and every tenth year thereafter. Whenever district boundaries are to be reviewed, the Council shall appoint, not later than February 1 of the year before the year in which redistricting is to take effect, a commission on redistricting. The Commission shall be composed of eleven registered voters who reside in the County. The Commission shall include at least one but no more than four members of each political party which polled at least fifteen percent of the total vote cast for all candidates for the Council in the last preceding regular election. At least one member of the Commission shall reside in each Council district. The Commission shall, at its first meeting, select one of its members to serve as its chair. No person who holds any elected office shall be eligible for appointment to the Commission.

By November 15 of the year before the year in which redistricting is to take effect, the Commission shall present a plan of Council districts, together with a report explaining it, to the Council. Within thirty days after receiving the plan of the Commission, the Council shall hold a public hearing on the plan. If within ninety days after presentation of the Commission's plan no other law reestablishing the boundaries of the Council districts has been enacted, then the plan, as submitted, shall become law. After any redistricting plan or any other law amending the boundaries of Council districts becomes law, the boundaries of the Council districts so established shall apply to the next regular election for Councilmembers and to any special election held or appointment made to fill a vacancy on the Council that occurs after those boundaries are established. (Election of 11-2-82; election of 11-3-98; election of 11-4-14; election of 11-6-18.)

Editor's note—See County Attorney Opinion No. 95.003 dated [12/6/95](#) explaining that the Council retains the authority to control whether the Commission on Redistricting plan becomes law, but the Council must take action within 90 days of receiving the plan. See County Attorney Opinion dated [1/9/92](#) explaining that not all meetings fall within the Open Meetings Act and, therefore, not all meetings need to be open to the public or included in public notice.

Section 201. Compositions and districts.

There shall be a County Council of Wicomico County, Maryland composed of seven (7) members, five (5) of whom shall be elected from a different Councilmanic District and two (2) of whom shall be elected from the county at large.

- A. Composition. Wicomico County, Maryland, shall be divided into five (5) Councilmanic Districts, numbered one (1) through five (5). The qualified voters of each of such districts shall elect a resident of that district to serve as a member of the Wicomico County Council. All of the qualified voters of the county shall vote at large for the remaining two (2) members of the Wicomico County Council. The members shall be nominated and elected by the qualified voters of the county at the same time as the members of the General Assembly are or may be elected under the laws of Maryland from time to time.
- B. Districting procedure. The boundaries of Councilmanic Districts shall be established within two years after the publication of the Decennial Census figures of the United States Bureau of the Census.¹
 1. Whenever district boundaries are to be established or re-established, the County Council shall appoint, not later than February 15 of the year prior to the year in which redistricting is to be effective, a redistricting commission. By September 1, the redistricting commission shall prepare, publish and make available to the public a plan of the proposed councilmanic districts and shall present that plan to the County Council. The plan shall provide for councilmanic districts that are reasonably compact, contiguous and substantially equal in population.
 2. No less than fifteen (15) calendar days and no more than forty-five (45) calendar days after receiving the plan of the commission the Council shall hold a public hearing on the plan.
 3. Following the public hearing, the Council may adopt the plan as presented or may make any modifications or amendments to the plan.
 4. Seventy (70) days following presentation of the commission's plan, the plan as finally adopted by the County Council shall become law.²

1. Note: Original language: "in 1989 and reestablished in 1992 and every 10th year thereafter."

2. Note: It is the intent of the Council to establish a Redistricting Commission to initially propose a Redistricting plan. After Public Hearing the Council may adopt the Commission's Plan, or may adopt revisions. However the time at which the Redistricting Plan as finally adopted becomes law is based on the original presentation of the Commission's Plan.

Section 202. The County Council.

The legislative power of the County is vested in the County Council of Howard County which shall consist of five members who shall be elected from the Councilmanic Districts.

- (a) *Mode of election.* Each of the members of the Council shall be nominated and elected by the qualified voters of the Councilmanic District in which he or she resides. Each Councilmanic District shall elect one Council member.
- (b) *Qualifications.*
 - 1. In General. Each candidate for the council shall have resided in the County for a period of not less than two years immediately prior to nomination; shall be a registered voter; and shall be a resident of the Council District which the candidate seeks to represent at the time of filing for candidacy and during the full term of office; and shall not be less than twenty-five years of age at the time of election.
 - 2. Other Offices or Employment. No person shall qualify or serve as a member of the council: while holding any other office of profit or trust of or under the State or County government; while employed by the County; or while employed by any agency, board, commission, unit or other entity which receives funds through the County budget. No member of the Council shall, during the whole term for which he or she was elected, be eligible for appointment to any County office or position or be eligible for employment by the County.
 - 3. Forfeiture of Office. If a member of the Council ceases to be a qualified and registered voter of the County, moves his or her residence from the councilmanic district he or she was elected to represent, accepts any other office of profit or trust of or under the state or county government, becomes employed by the County or any other entity which receives funds through the County budget, or is convicted of any crime involving moral turpitude, he or she shall immediately forfeit his or her office.
- (c) *Term of office.* Members of the Council shall qualify for office on the first Monday in December following their election, or as soon thereafter as practicable and shall enter upon the duties of their office immediately upon their qualification. They shall hold office for a term of four years commencing at the time of their qualification and continuing until their successors shall qualify. A person who has been elected to the County Council three times or who has been elected to the County Council twice and has been appointed to fill a Council vacancy and served two or more years of that term shall be ineligible to be a candidate for the County Council. In determining eligibility of a candidate pursuant to this subsection, no term or part of any term served prior to the election of November 6, 1990, shall be used in calculating the limitation on number of terms a Council member may serve.
- (d) *Compensation and allowances.* Each member of the Council shall receive as compensation and allowances for the performance of public duties under this Charter the sum of not less than Seventy-eight Hundred Dollars (\$7,800.00) per annum and 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 required by this Charter to be performed by the members of the Council, but shall not preclude reasonable and necessary expenses as may be provided in the budget. The County Council shall establish 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.
- (e) *Vacancies.* Unless provision for filling a vacancy by special election has been established by ordinance, a vacancy occurring in the office of the Council member prior to the expiration of his or her term shall be filled by the Council within thirty days after the vacancy occurs by the appointment of a person whose name is to be submitted in writing to the Council by the State Central Committee of Howard County representing the political party to which the previous member belonged at the time of the member's most recent election. If a name is not submitted by the appropriate State Central Committee within twenty-five days after the vacancy

occurs or if the previous incumbent was not a member of a political party at the time of the member's most recent election, then the vacancy shall be filled by a majority vote of the remaining members of the Council. The member so appointed shall reside in the same Councilmanic District as his or her predecessor and shall possess and maintain the same qualifications as an elected Council member. The member so appointed shall serve the unexpired term of his or her predecessor.

(f) *Redistricting.*

1. Boundaries.

After each decennial census, the Council shall promptly adopt a Resolution appointing a Councilmanic Redistricting Commission. The Central Committee of each political party which polled at least twenty-five per centum of the total vote cast for all the candidates for the Office of County Executive in the last preceding general election shall nominate three persons to serve on the Commission. The Council shall appoint all such nominees as members of the Commission as well as one additional member of the Commission. The Council shall appoint the Chairperson of the Commission from among the Commission members. No person shall be eligible for appointment to the Commission who holds elective office.

By the date that the Council sets by Resolution following the appointment of the Commission, the Commission shall prepare a plan of Councilmanic Districts and shall present that plan to the Council. Within thirty days after receiving the plan of the Commission, the Council shall hold a public hearing on the plan. If by the date that the Council sets by Resolution following presentation of the plan by the Commission, no ordinance re-establishing the boundaries of the Councilmanic Districts has been enacted, then the plan as submitted by the Commission shall become law. Any Councilmanic District established in accordance with this Article shall be compact, contiguous, substantially equal in population, and have common interest as a result of geography, history, or existing political boundaries. Any ordinance establishing Councilmanic Districts shall be exempt from referendum.

The Board of Supervisors of Elections shall take any necessary steps to implement any such revisions of the Councilmanic District Boundaries so adopted.

(g) *Planning and zoning.*

1. Any amendment, restatement or revision to the Howard County General Plan, the Howard County Zoning Regulations or Howard County Zoning Maps, other than a reclassification map amendment established under the "change and mistake" principle set out by the Maryland Court of Appeals, is declared to be a legislative act and may be passed only by the Howard County Council by original bill in accordance with the legislative procedure set forth in Section 209 of the Howard County Charter. Such an act shall be subject to executive veto and may be petitioned to referendum by the people of the county pursuant to Section 211 of the Charter.

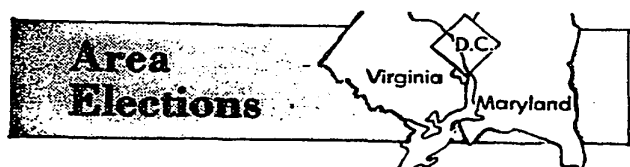
Section 205. Redistricting procedure.

- (a) The boundaries of Council districts shall be established in 1974 and re-established in 1982 and every 10th year thereafter. Whenever district boundaries are to be established or reestablished, the Council shall appoint, not later than February 15 of the year prior to the year in which redistricting is to be effective, a commission on redistricting, composed of two members from each political party chosen from a list of five names submitted by the governing body of each political party which polled at least fifteen percent of the total vote cast for all candidates for the Council in the immediately preceding regular election or which had at least fifteen percent of the registered voters in the County on the date of that election. The Council shall appoint one additional member of the Commission, who shall not be a member of any of the political parties entitled to two members of the Commission and shall be a registered voter in Harford County. The Commission shall, at its first meeting, select one of its members to serve as chair. No person shall be eligible for appointment to the Commission if that person holds any elected office. **[Amended by Bill No. 12-32]**
- (b) By October 1 of the year prior to the year in which redistricting is to be effective, the Commission shall prepare, publish, and make available a plan of Council districts and shall present that plan, together with a report explaining it, to the Council. The plan shall provide for Council districts that are compact, contiguous, and substantially equal in population. No less than fifteen calendar days and no more than thirty calendar days after receiving the plan of the Commission, the Council shall hold a public hearing on the plan. If within seventy calendar days following presentation of the Commission's plan no other law establishing or re-establishing the boundaries of the Council districts has been enacted, then the plan, as submitted, shall become law.

The Referendum Issues in Maryland

IN CONSIDERING the decisions which they will make next Tuesday at the polls, Maryland voters should not overlook the 14 statewide referendum questions which will appear on the ballots in various jurisdictions. Some of these questions are minor or technical, but some involve significant matters of public policy.

Of the statewide questions, the most important is Question 14. This is the referendum on the bill passed by the General Assembly this year providing state aid for transportation and teaching materials for nonpublic schools. The program, if approved, would cost about \$9.7 million next year, although no funds are now available. Two years ago Maryland's voters decisively rejected an expensive state-subsidy plan. This year the details are different but the issue is the same: should state funds be used to support private educational facilities? Proponents argue that many parochial and other private schools provide excellent education for those children who choose to attend, and that many such schools are suffering from soaring costs and declining enrollments.



Such statements illustrate that independence has its price as well as its benefits. Freedom from government control means separation from public aid. The overriding principle, in our view, is that state funds should be used to support the best possible public schools. Maryland voters can reaffirm that principle by voting No on Question 14.

Three other statewide issues stand out as desirable improvements in state government. Question 5, a response to recent scandals in Baltimore County, would establish orderly procedures for the suspension and removal from office of elected officials convicted of serious crimes. Question 10 would expand the powers of the state Commission on Judicial Disabilities to discipline unfit or wayward judges. Question 8, an improvement of a different sort, would raise the governor's salary from \$25,000 per year to \$45,000 per year, an amount more commensurate with the powers and stature of that office. All three of these questions merit approval.

In Montgomery County, the most important and controversial local matter is Question A. This is a charter amendment, initiated by attorney Robin Ficker, which would require approval by referendum of future bond issues sponsored or guaranteed by the county. School construction and Metro financing would be exempt; many authorities believe that bonds for sewers and sewage

treatment projects built by the Washington Suburban Sanitary Commission would also be exempt, but Mr. Ficker disputes this point.

In many jurisdictions, the referendum process gives citizens their best, and sometimes their only, opportunity to pass judgment on capital outlays. Montgomery County, however, already employs extensive procedures for public hearings and debate on the local six-year capital improvements plan and the issuance of bonds. Furthermore, individual bond resolutions may now be petitioned to referendum if sufficient public concern exists. Far from improving on these procedures, the Ficker Amendment could tangle and confuse the county's planning and fiscal management, delay projects, increase costs, and possibly jeopardize the prized AAA bond rating which Montgomery County now enjoys. Moreover, the amendment is not likely to promote a detailed public assessment of individual projects, since experience shows that controversial projects requiring voter approval are usually packaged for referendum purposes with other items which are more attractive or draw support from other neighborhoods.

Five bond questions on the ballot in Prince George's County illustrate the problems which packaging can cause. The five would authorize bonds for health facilities and solid waste disposal (Question D, \$13.3 million); for roads, sidewalks and bicycle paths (Question E, \$25 million); for hospitals and related facilities (Question F, \$44.8 million); for community colleges, libraries and other general governmental construction (Question G, \$35.4 million); and for police, fire and detention facilities (Question H, \$8.3 million). All of these projects have been approved by the Prince George's government. Some have already been delayed, at substantial cost, by the referendum requirement. The choice for voters is a limited one: it is not possible, for instance, to support a health clinic for Clinton and vote against one for Laurel, since the two are tied together. Overall, the total of \$126.9 million in proposed bonds may seem large, but it would constitute the county's entire capital improvements program for these categories of services over the next several years. Given the size and needs of Prince George's County, the five proposals seem generally justified.

Prince George's voters will also be asked to approve, retroactively, an outlay of about \$2 million for roads and sewers for the Capital Centre at Largo (Question C). This has proved to be an investment with a large return and should be endorsed.

Finally, voters in both counties will be asked to support adjustments in their respective charters to resolve procedural problems which have arisen during the first four years' experience with this form of county government. These changes, most of which are minor, seem constructive and should be approved.

Proposed Constitution Changes

proposal would place all employees, except the chief clerk, of the clerk's office of the Baltimore City Criminal Court in the city's merit (civil service) system.

MONTGOMERY COUNTY

Question A: This is the so-called "Flicker Amendment," named because attorney Robin Flicker led a drive to gather 10,000 names to put the question on the ballot. A "yes" vote would require voter approval before the county could borrow money to finance any capital (construction) project, except for schools, or to guarantee any bonds for the benefit of any state or bicounty agency, except for Metro. A "no" vote would permit continuation of the six-year capital improvements program by which such projects are approved by the County Council after public hearings.

Question B: This is a technical amendment of the county charter proposed by a bi-partisan charter review commission. A "yes" vote would change the deadlines by which the executive must submit, and the council must act on, annual budgets. A "no" vote would keep the dates as they now exist.

Question C: This proposal also came from the charter review commission. A "yes" vote would amend the charter to permit the employment of politically appointed aides by the Council and executive. A "no" vote would require that those aides be included under the county's merit employment system.

PRINCE GEORGE'S

Question A: This question contains a number of "housekeeping" measures, proposed by a charter review committee, designed to untangle certain procedural snarls created by provisions of

Prince George's four-year-old Charter. A "yes" vote would favor the proposed changes. A "no" vote would keep the charter in its present form.

Among the more important changes included in the bill, according to county officials, are suggestions to:

*Allow the county Council to make emergency appropriations from contingency funds or supplemental appropriation by resolution rather than by bill, cutting the time needed to make budgetary alternations from 30 or more days to two weeks.

*Require the approval of both the County Executive and the County Council to remove members of the county Board of Ethics or its Personnel Board.

*Remove bond authorization legislation from the referendum process, reasoning that the required referendum on bond enabling legislation is sufficient.

Question B: A "yes" vote would be a vote to change the date for final budget approval from June 15 to May 15. A "no" vote on this question would be a vote to leave the approval date at June 15.

Question C: A "yes" vote would be a vote to approve the county's spending \$2 million for roads and sewers at the Capital Centre Arena at Largo. A "no" vote would be a vote to disapprove the expenditure, which has already been made.

QUESTION D: A "yes" vote would be a vote to authorize the raising of \$3.3 million to construct regional health clinics at Clinton and Laurel, and local clinics in Oxon Hill, Bowie-Huntington, and Upper Marlboro.

The money would also be spent for the first stages of a project at the Brown Station Landfill whose eventual goal is to reclaim some of the re-

sources found in solid waste, trash, and refuse.

A "no" vote on this question would be a vote to oppose the raising of the money for these purposes.

Question E: A "yes" vote would be a vote to authorize the raising of \$25 million to finance a network of bicycle paths throughout the county, to upgrade mass transit sites, to provide railroad crossings at eight locations, and to finance other roads projects in the county. A "no" vote would oppose the raising of \$25 million for these purposes.

Question F: A "yes" vote would be a vote to authorize the raising of \$44.8 million for a 245-bed public hospital at Laurel, and a 200-bed public hospital in Bowie. A "no" vote is a vote to oppose the raising of the money for the hospitals.

Question G: A "yes" vote would be a vote to approve the raising of \$35.4 million for new community colleges in Laurel and Clinton, four new buildings at the Community College in Largo, five new library branches, the development of the 1,600-acre employment park in Bowie, and the remodeling or construction of five school or school support sites. A "no" vote on this question is a vote to oppose the raising of money for these purposes.

Question H: A "yes" vote is a vote to authorize the raising of \$8.4 million to remodel Maryland Park Junior High School into a combined police-fire department training academy, to build two new police stations and eight fire stations, and to provide 74 new jail cells in the county jail in Upper Marlboro. A "no" vote is a vote to oppose the raising of money for the above purposes.