

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2018, Legislative Day No. 5

Bill No. 16-18

All Councilmembers

By the County Council, March 5, 2018

A BILL
ENTITLED

AN ACT concerning

County Charter – The Executive Branch

FOR the purpose of correcting obsolete Charter references; clarifying the duty of the County Executive to appoint or reappoint certain County officials at certain times; repealing references to the duties of the Executive to serve on certain boards and commissions, and to issue rules and regulations; clarifying the duties of the County Administrative Officer; clarifying the duty of the County Executive to remove certain appointed County officials; and generally relating to the Baltimore County Charter.

BY repealing and re-enacting, with amendments
Sections 402(c), 402(d)(9), (11), and (14), 403(d), and 404(b)
Article IV – The Executive Branch
Baltimore County Charter

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that under the authority granted to it by Section 1202 of the Baltimore

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter stricken from existing law.
 ~~Strike out~~ indicates matter stricken from bill.
 Underlining indicates amendments to bill.

3

1 County Charter, Sections 402(c), 402(d)(9), (11), and (14), 403(d), and 404(b) of Article IV –
2 The Executive Branch, of the Baltimore County Charter, be and they are hereby proposed and to
3 be repealed and re-enacted, with amendments to read as follows:

4

5 Article IV. The Executive Branch

6 Sec. 402. – County Executive.

7 (c) Temporary absence of county executive. During the temporary disability or
8 absence from the county of the county executive, the county administrative officer shall
9 serve as acting county executive. If both the county executive and the county administrative
10 officer are temporarily disabled or absent from the county, the director of [the] budget AND
11 FINANCE, as the acting county administrative officer, shall also serve as acting county
12 executive, unless the county council designates the head of another office in the
13 administrative services, or the director of public works to serve as acting county executive.
14 If a county executive fails actively to perform the daily duties and responsibilities of his
15 office for a continuous period of six months, [his] THE COUNTY EXECUTIVE'S office
16 may be declared vacant by the affirmative vote of a majority of the total number of county
17 council members established by this Charter, and such vacancy shall thereupon be filled in
18 the manner above provided in Section 402(b) of this Article. An acting county executive
19 shall have the same rights, duties, powers and obligations as an elected incumbent of said
20 office, exclusive, however, of the power of executive veto.

21 (d) Duties of the office. The county executive shall be responsible for the proper
22 and efficient administration of such affairs of the county as are placed in [his] THE

1 COUNTY EXECUTIVE’S charge or under [his] THE COUNTY EXECUTIVE’S
2 jurisdiction and control under this Charter or by law. In addition to and not by way of
3 limitation of [his] THE COUNTY EXECUTIVE’s general duties of [his] supervision and
4 management of the executive branch of the county government, [he] THE COUNTY
5 EXECUTIVE shall have the following express responsibilities, duties and powers:

6 (9) To appoint OR REAPPOINT AT THE COMMENCEMENT OF EACH
7 TERM, subject to confirmation by the affirmative vote of a majority of the total number of
8 county council members established by this Charter, the county administrative officer AT
9 THE CONCLUSION OF HIS OR HER TERM and the heads of all offices and
10 departments of the county government for which provision is made in this charter. If the
11 council fails to act to confirm or reject any appointment within forty days of its submission
12 to the council by the county executive, the appointment shall stand approved;

13 [(11) To serve on all boards and commissions on which a county commissioner
14 was, prior to the adoption of this Charter, required to serve as a member, exclusive, however,
15 of the board of health;]

16 [(14) To prepare and issue, or cause to be prepared and issued, rules and
17 regulations of the character which prior to the adoption of this Charter were prepared or issued
18 by the county commissioners, provided that before taking effect all such rules and regulations
19 shall be approved by the county council;]

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21

1 Sec. 403. – County Administrative Officer.

2 (d) Nature of office and duties. The county administrative officer shall exercise
3 supervision over all activities of those offices and departments FOR WHICH PROVISION
4 IS MADE IN THIS CHARTER [whose heads he appoints], and the boards and commissions
5 connected therewith. [He] THE COUNTY ADMINISTRATIVE OFFICER shall be
6 responsible directly to the county executive. In addition to and not by way of limitation of
7 [his] THE general duties of supervision as above provided, the county administrative officer
8 shall have the following express powers and duties:

9 (1) To be the chief budget officer of the county and to prepare and submit to
10 the county executive for [his] THE COUNTY EXECUTIVE’S approval and submission to
11 the county council all county budgets, prepared in the manner and form provided in Article
12 VII of this Charter;

13 (2) To make periodic reports, with such recommendations as [he] THE
14 COUNTY ADMINISTRATIVE OFFICER may deem appropriate, to the county executive
15 concerning the affairs of the county government;

16 (3) To hold periodic staff meetings with [his] THE COUNTY
17 ADMINISTRATIVE OFFICER’S subordinate officers in the administrative services;

18 (4) To make any study or investigation which in [his] THE COUNTY
19 ADMINISTRATIVE OFFICER’S judgment may be in the best interests of the county,
20 including but not limited to the affairs, functions, acts, methods, personnel or efficiency of
21 any department, office or officer under [his] THE COUNTY ADMINISTRATIVE

1 OFFICER’S jurisdiction;

2 (5) To perform such other administrative duties as may be delegated to [his]
3 THE COUNTY ADMINISTRATIVE OFFICER by the county executive;

4 (6) To do and perform such other duties as may be prescribed by this
5 Charter or required by ordinance or resolution of the county council or as may be necessarily
6 implied by the powers and duties herein specified.

7
8 Sec. 404. – Removal of Appointive Officers in Executive Branch.

9 (b) Removal of other appointive officers. EXCEPT WHEN PROVISIONS FOR
10 REMOVAL ARE SET FORTH IN THIS CHARTER, THE COUNTY EXECUTIVE MAY
11 REMOVE THE HEADS OF ANY OFFICES AND DEPARTMENTS APPOINTED
12 UNDER SECTION 402 IN THE EXECUTIVE BRANCH OF COUNTY GOVERNMENT
13 FOR WHICH PROVISION IS MADE IN THIS CHARTER. Subject to the merit system
14 provisions of the county personnel law as set forth in Article VIII of this Charter and with
15 the approval of the county executive, the county administrative officer may remove at any
16 time any OTHER officer or employee in the administrative services of the county.

17
18 SECTION 2. AND BE IT FURTHER ENACTED, that pursuant to Section 1202 of the
19 Baltimore County Charter, the question of whether or not the Charter is to be amended as
20 proposed by this Act shall be submitted to the voters of Baltimore County at the general election
21 on November 6, 2018, and that this Act shall be published in at least two newspapers of general

1 circulation in the County for five successive weeks prior to the election.

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3 SECTION 3. AND BE IT FURTHER ENACTED, that upon ratification by the voters
4 of Baltimore County, this Act shall become effective from and after the thirtieth day following
5 said election.

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