

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2017, Legislative Day No. 5

Bill No. 19-18

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Mr. David Marks, Councilman

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By the County Council, March 5, 2017

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A BILL  
ENTITLED

AN ACT concerning

County Charter – Administrative Services – Departments

FOR the purpose of amending the County Charter to ~~rename the Department of Public Works~~  
~~to be the Department of Transportation and Infrastructure, altering the qualifications of~~  
~~the Director of the Department, and modifying~~ modify the functions of the Department.

BY repealing and re-enacting, with amendments

Sections 307(b), 402(c), 504(1), 525, 526, and 527  
Baltimore County Charter

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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.

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE  
2 COUNTY, MARYLAND, that under the authority granted by Article XII - Manner of  
3 Terminating This Charter and Making Amendments Thereto, Section 1202 of the Baltimore  
4 County Charter, that Sections 307(b), 402(c), 504(1), 525, 526, and 527 of the Baltimore County  
5 Charter are hereby repealed and re-enacted, and proposed to read as follows:

6

7 Article III. The Legislative Branch.

8 § 307. The Metropolitan District.

9 (b) *Division of executive and legislative functions.* The affairs of the Metropolitan District shall  
10 continue, as heretofore, to be administered as a division of the department of {public works}  
11 ~~TRANSPORTATION AND INFRASTRUCTURE~~, as more particularly provided in Article V of  
12 this Charter. The county executive, or the chief engineer of the Metropolitan District acting  
13 under his authority and under the supervision of the county administrative officer, shall have in  
14 respect of the Metropolitan District all duties and powers relating to the appointment and  
15 discharge of staff, professional and clerical employees, subject, however, to the merit system  
16 provisions of Article VIII hereof, the preparation of all accounts and reports, the giving of  
17 notices, the fixing of special assessments and connection charges, and all other executive  
18 functions relating to the day-to-day administration of the affairs of the district as may be  
19 provided in the Act aforesaid. The county council shall have in respect of the Metropolitan  
20 District all duties and powers relating to the approval of extensions to the boundaries of the  
21 Metropolitan District, the issuance of bonds or other evidences of indebtedness by the district,  
22 and all other legislative functions which prior to the adoption of this Charter were vested in the  
23 county commissioners under the Act aforesaid.

1 Article IV. The Executive Branch.

2 § 402. County Executive.

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

16  
17 Article V. The Administrative Services.

18 Division 1. Outline of the Organization.

19 § 504. Departments.

20 There shall be the following departments in the administrative services:

- 21 (1) Department of {public works} ~~TRANSPORTATION AND INFRASTRUCTURE~~.

1 Division 3. Departments in the Administrative Services.

2 Subdivision 1. Department of {public works} ~~TRANSPORTATION AND~~  
3 ~~INFRASTRUCTURE.~~

4  
5 § 525. Director of {public works} ~~TRANSPORTATION AND INFRASTRUCTURE.~~

6 The department of {public works} ~~TRANSPORTATION AND INFRASTRUCTURE~~  
7 shall be administered by the director of {public works} ~~TRANSPORTATION AND~~  
8 ~~INFRASTRUCTURE~~ who shall be a professional engineer registered under the laws of this  
9 state, and shall have had responsible charge of engineering works over a period of at least ten  
10 years, ~~INCLUDING THE PLANNING AND IMPLEMENTATION OF PEDESTRIAN AND~~  
11 ~~BICYCLE MOBILITY AND TRAFFIC CALMING~~, prior to his appointment. He shall have  
12 such other qualifications as may be provided by law. He shall be appointed solely with regard to  
13 his qualifications for the duties of his office and shall be responsible directly to the county  
14 administrative officer.

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16 § 526. Functions of department of {public works} ~~TRANSPORTATION AND~~  
17 ~~INFRASTRUCTURE.~~

18 The department of {public works} ~~TRANSPORTATION AND INFRASTRUCTURE~~  
19 shall have and perform such functions and duties as may be provided from time to time in the  
20 public local laws of Baltimore County, with the exception, however, of all functions of the  
21 zoning commissioner and those relating to building permits and building and zoning laws and  
22 regulations. The department shall have such other functions as may be provided by directive of  
23 the county administrative officer or by legislative act of the county council not inconsistent with

1 this Charter or the provisions of applicable law.

2 In addition thereto, the department of {public works} ~~TRANSPORTATION AND~~  
3 ~~INFRASTRUCTURE~~ shall be responsible for MOBILITY, traffic safety, and engineering  
4 USING A VARIETY OF TRANSPORTATION OPTIONS INCLUDING HIGHWAYS, BIKE  
5 LANES, PEDESTRIAN IMPROVEMENTS, AND TRANSIT WHERE APPROPRIATE, and is  
6 hereby granted full power and authority and directed to promulgate and adopt such rules and  
7 regulations relating to the standing or parking of motor vehicles and movement of vehicular and  
8 pedestrian traffic as may be necessary or desirable to create and maintain the safe and  
9 expeditious movement of traffic throughout Baltimore County: provided, however, that no rule  
10 or regulation promulgated by the director under such power and authority shall be deemed valid  
11 or effective until the expiration of forty-five days written notice of the promulgation of the same  
12 to the county council. The county council shall at all times have the power to repeal, amend, or  
13 modify any rules and regulations promulgated in accordance with this provision and to enact,  
14 amend, or repeal laws relating to such matters on its own initiative.

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16 § 527. The Metropolitan District.

17 As provided in Article III, Section 307 of this Charter, the Metropolitan District shall  
18 continue as heretofore to be administered as a division of the department of {public works}  
19 ~~TRANSPORTATION AND INFRASTRUCTURE~~. Nothing in this Charter contained, however,  
20 shall be held or construed as preventing the county administrative officer, by directive, or the  
21 county council, by legislative act, from recognizing the Metropolitan District as a separate  
22 department or from transferring its duties and functions, in whole or in part, to other offices and  
23 departments in the administrative services of the county to the extent permitted by law.

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

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

SECTION 4. AND BE IT FURTHER ENACTED, that except as expressly provided to the contrary in this Act, any transaction or property interest affected by or flowing from any change of nomenclature or any provision of the Charter or statute amended, repealed, or transferred by this Act and validly entered into or existing before the effective date of this Act and every right, duty, or interest flowing from the statute, remains valid after the effective date of this Act and may be terminated, completed, consummated, or enforced as required or allowed by any provision of the Charter or statute amended, repealed, or transferred by this Act as though the repeal, amendment, or transfer had not occurred. If the change in nomenclature involves a change in name or designation of any County unit, the successor unit shall be considered in all respects as having the powers and obligations granted the former unit.

1           SECTION 5. AND BE IT FURTHER ENACTED, that except as expressly provided in  
2 this Act, the continuity of every commission, office, department, agency, bureau, or other unit in  
3 existence on the effective date of this Act is retained. The personnel, records, files, furniture,  
4 fixtures, and other properties and all appropriations, credits, assets, liabilities, and obligations of  
5 each retained unit are continued as the personnel, records, files, furniture, fixtures, properties,  
6 appropriations, credits, assets, liabilities, and obligations of the unit under the laws enacted by  
7 this Act.

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9           SECTION 6. AND BE IT FURTHER ENACTED, that except as expressly provided to  
10 the contrary in this Act, any person licensed, registered, certified, or issued a permit or certificate  
11 by any commission, office, department, agency, bureau, or other unit established or continued by  
12 any provision of the Charter or statute amended, repealed, or transferred by this Act is  
13 considered for all purposes to be licensed, registered, certified, or issued a permit or certificate  
14 by the appropriate unit continued under this Act for the duration of the term for which the  
15 license, registration, certification, or permit was issued, and may renew that authorization in  
16 accordance with the appropriate renewal provisions.

17           ~~SECTION 7. AND BE IT FURTHER ENACTED, that notwithstanding any references in~~  
18 ~~any other Codes, Regulations, Policies, Laws, Ordinances, or the County Code, the name of the~~  
19 ~~Department that will replace the Department of Public Works shall be the “Department of~~  
20 ~~Transportation and Infrastructure” and the publishers of the Baltimore County Code, 2015 and~~  
21 ~~the Baltimore County Zoning Regulations shall hereafter publish every new reference to the~~  
22 ~~Department or Director of Public Works as the Department or Director of Transportation and~~  
23 ~~Infrastructure.~~