

# COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

## 2002 Legislative Session

Bill No. CB-71-2002

Chapter No. 50

Proposed and Presented by Council Member Shapiro

Introduced by Council Members Shapiro, Bailey, Scott and Wilson

Co-Sponsors \_\_\_\_\_

Date of Introduction July 9, 2002

### CHARTER AMENDMENT

1 AN ACT concerning

2 Sections 201, 203, 1013, 1017, and 1106, Charter of Prince George's County

3 For the purpose of proposing amendments to Sections 201, 203, 1013, 1017, and 1106 of the  
4 Charter of Prince George's County to amend outdated provisions of the charter relating to equal  
5 rights and non-discrimination and access to public records; to make stylistic changes to the rules  
6 related to the computation of time; to repeal an obsolete provision relating to governmental  
7 liability; and to provide for the periodic review of the Charter.

8 BY proposing amendments to:

9 Sections 201, 203, 1013, 1017, and 1106,  
10 Charter of Prince George's County, Maryland.

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
12 Maryland, that the following amendments to Sections 201, 203, 1013, 1017, and 1106, Charter of  
13 Prince George's County, Maryland, are hereby proposed:

#### 14 **Section 201. Equal Protection and Nondiscrimination.**

15 No person shall be deprived of life, liberty, or property without due process of law, nor  
16 be denied the equal protection of the laws. No person shall be denied the enjoyment of his civil  
17 or political rights or be discriminated against in the exercise thereof because of religion, race,  
18 color, national origin, [or] sex, age (except as required by State or federal law), sexual  
19 orientation, or physical or mental handicap, in such a way that such person is adversely affected  
20 in the areas of housing and residential real estate, employment, law enforcement, education,  
21 financial lending, public accommodations, or commercial real estate.

**Section 203. Right to Information.**

[Any] In accordance with State law, any person shall have the right to inspect any [document] public record in the possession of any [agency receiving or disbursing County funds] unit or instrumentality of County government. 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) document relating to respective 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.]

**Section 1013. [Governmental Liability] Reserved.**

[The County may be sued in actions sounding in tort only for those occurrences for which its officers, agents, and employees may be liable, by actions filed in the courts of the State of Maryland, or in the United States District Court for the District of Maryland, with a maximum liability of Two Hundred Fifty Thousand Dollars (\$250,000) per individual, per occurrence, to the extent of its insurance coverage, whichever may be greater. The County shall carry liability insurance to protect itself, its officers, agents, and employees. Nothing herein shall preclude the County from meeting the requirements of this section by a funded self-insurance program, and nothing herein shall be deemed to be a waiver of any charitable, governmental, or sovereign immunity which any officer, agent, or employee shall otherwise have, by reason of any Statute of the United States of America, public general law of the State of Maryland, or common law as determined by the Courts of the State of Maryland. The sentences, clauses or phrases of this section shall not be severable. If any such sentence, clause or phrase of this section is declared unconstitutional or invalid for any reason, then it is intended and declared by the people of the County that the entire section be declared invalid.]

**Section 1017. Definitions and Rules of Construction.**

As used in this Charter or the schedule of legislation attached hereto:

\* \* \* \* \*

(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 observed by the County. In those instances

where the span of time is intended to include Saturdays, Sundays, and holidays observed by the County, 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 observed by the County, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, or legal holiday observed by the County.] When computing a period of time in days, the day of the event shall not be included in the computation, but the last day shall be included in the determination. Unless the words "calendar days" are used, Saturdays, Sundays, and holidays observed by the County shall not be included.

\* \* \* \* \*

#### **Section 1106. Charter Review.**

On or before July 1, 2005, and each 4<sup>th</sup> year thereafter, the County Council and the County Executive shall appoint, by resolution, a Charter Review Commission for the purpose of undertaking a comprehensive study of the Charter and recommending changes, where appropriate.

SECTION 2. BE IT FURTHER ENACTED that a copy of this Act be transmitted to the County Executive for publication and that a copy also be transmitted to the Board of Supervisors of Elections for submission of the proposed amendment to the voters of this County at the 2002 General Election pursuant to Section 1105 of the Charter.

SECTION 3. BE IT FURTHER ENACTED that the question of adoption of this proposed Charter Amendment shall be submitted to the voters of the County at the General Election occurring on November 5, 2002, and shall be placed on the ballot in the following form:

#### PROPOSED CHARTER AMENDMENT

To amend outdated provisions of the charter relating to equal rights and non-discrimination and access to public records; to make stylistic changes to the rules related to the computation of time; to repeal an obsolete provision relating to governmental liability; and to provide for the periodic review of the Charter.

1        Adopted this 30th day of July, 2002, by an affirmative vote of two-thirds of the members of  
2 the full County Council.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Peter A. Shapiro  
Chair

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council

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

**NOTE: CB-71-2002 WAS APPROVED AT REFERENDUM ON 11/5/2002**