

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**2002 Legislative Session**Bill No. CB-70-2002Chapter No. 49Proposed and Presented by Council Member ShapiroIntroduced by Council Members Shapiro, Wilson, Bailey, Dernoga and Scott

Co-Sponsors _____

Date of Introduction July 9, 2002**CHARTER AMENDMENT**

1 AN ACT concerning

2 Sections 307B, 308, 317, 406, 507, 902, 905, 907, and 1012 Charter of Prince George's County

3 For the purpose of proposing a new section 307B and amendments to Sections 307B, 308, 317,

4 406, 507, 902, 905, 907, and 1012 of the Charter of Prince George's County to provide for the

5 removal of a Council member under certain circumstances; to provide for the establishment of a

6 compensation review board to recommend the rate of compensation for the County Executive

7 and Council members; to modify certain procedures relating to the enactment of legislation; to

8 amend the procedures for the removal of certain appointed officials; to modify the allocation of

9 positions between the exempt and classified service; to remove specific references regarding the

10 Office of Personnel; to amend the jurisdiction of the Personnel Board; and to provide for the

11 delegation of the Council's subpoena power.

12 BY adding:

13 Section 307B,

14 Charter of Prince George's County, Maryland.

15 BY proposing amendments to:

16 Sections 308, 317, 406, 507, 902,

17 905, 907, and 1012,

18 Charter of Prince George's County, Maryland.

19 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 20 Maryland, that the following new Section 307B and amendments to Section 308, 317, 406, 507,
 21 902, 905, 907, and 1012, Charter of Prince George's County, Maryland, are hereby proposed:

Section 307B. Removal from Office.

A Council member 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 Council member 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 308. Compensation.

[Councilmen shall receive compensation of not less than Forty Thousand Dollars (\$40,000.00) per annum.] The compensation of [Councilmen] Council members may be changed by an affirmative vote of not less than two-thirds of the members of the Council. Not later than December 15 of the last year of each term, a compensation review board shall be appointed by the Council and the County Executive to study the rate of current compensation for Council members and the County Executive and make a recommendation regarding the amount of compensation. The board shall issue its recommendation not later than the following February 15. The Council may, within ninety days of the receipt of the compensation review board's recommendation, amend the recommendation by a vote of not less than two-thirds of the full Council, otherwise the recommendation shall stand approved. Any increase or decrease in compensation which becomes law during one term of office shall not become effective before the next term.

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 five days on an official bulletin board to be set up by the Council in a public place and by any other such methods as the Council shall dictate. Additional copies of the bill shall be made available to the public and to the press. Every copy of each bill shall

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

22 **Section 406. Compensation.**

23 [The County Executive shall receive compensation of not less than Thirty-Five Thousand
 24 Dollars (\$35,000.00) per annum. His] The County Executive's compensation may be changed
 25 by an affirmative vote of not less than two-thirds of the members of the [full] Council. Not later
 26 than December 15 of the last year of each term, a compensation review board shall be appointed
 27 by the Council and the County Executive to study the rate of current compensation for the
 28 Council and the County Executive and make a recommendation regarding the amount of
 29 compensation. The board shall issue its recommendation not later than the following February
 30 15. The Council may, within ninety days of the receipt of the compensation review board's
 31 recommendation, amend the recommendation by a vote of not less than two-thirds of the full

1 Council, otherwise the recommendation shall stand approved. Any increase or decrease in
 2 compensation which becomes law during one term of office shall not become effective before
 3 the next term.

4 **Section 507. Removal of Members of Boards and Commissions.**

5 Except for members of the Personnel Board established by Section 906 of this Charter, the
 6 Board of Ethics as established by Section 1001, [the executive director of any board or
 7 commission,] and except as otherwise provided for by State law, a member of any appointed
 8 board or commission may be removed from office by the County Executive. [In the case of an
 9 executive director of any board or commission, any such executive director may be removed by
 10 the County Executive, subject to approval by the County Council, provided that the County
 11 Executive shall transmit to the County Council a written statement of his reasons for the
 12 proposed removal of any such executive director. Vacancies occurring in such office, other than
 13 by the expiration of the term, shall be filled by the County Executive in the same manner as the
 14 original appointment and for the unexpired balance of the term.]

15 **Section 902. Classified and Exempt Service.**

16 County positions shall be either in the classified or the exempt services. The exempt
 17 service shall consist of: (1) elected officials; (2) the Chief Administrative Officer; (3) the
 18 [heads] directors and deputy directors of offices and departments in the executive branch; (4) the
 19 executive directors and members of boards and commissions; (5) the immediate staff of the
 20 County Executive [, not to exceed five persons]; (6) the County Auditor; (7) persons assigned to
 21 hourly rated positions for temporary or seasonal help, provided that such persons are not
 22 compensated for more than [700] 1800 hours work per 12 month period; (8) experts or
 23 specialists performing temporary services; (9) persons employed as attorneys-at-law, except
 24 hearing examiners; (10) employees required to be covered by the State merit system; (11) [an]
 25 aides for each member of the Council; (12) the Council Administrator, and (13) [Deputy Chiefs
 26 of Police, which shall be limited to three (3) persons] other positions recommended by the
 27 County Executive and approved by the County Council.

28 **Section 905. [Office of Personnel] Reserved.**

29 [There shall be an Office of Personnel headed by a Personnel Officer. The Personnel
 30 Officer shall be responsible to the County Executive for administration of the personnel policies
 31 established by this Charter or by law.]

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, except that the Personnel Board shall not grant relief to employees covered by a collective bargaining agreement authorized by Section 908 of this Charter where that collective bargaining agreement contains a procedure which can provide a remedy to 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)] (3) to hear and decide for the County appeals from employees concerning any action pertaining to the methods of examination, certification, or preparation of eligibility lists for appointment or promotion; [(5)] (4) 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)] (5) 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 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. The Council may delegate its powers recited herein.

SECTION 2. BE IT FURTHER ENACTED that the amendment to Section 902 to include deputy directors of offices and departments of the Executive Branch in the exempt service shall

not apply to incumbents who are in those positions on the effective date of this amendment.

SECTION 3 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 4 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 provide for the removal of a Council member under certain circumstances; to provide for the establishment of a compensation review board to recommend the rate of compensation for the County Executive and Council members; to modify certain procedures relating to the enactment of legislation; to amend the procedure for the removal of certain appointed officials; to modify the allocation of positions between the exempt and classified service; to remove specific references regarding the Office of Personnel; to amend the jurisdiction of the Personnel Board; and to provide for the delegation of the Council's subpoena power.

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-70-2002 WAS APPROVED AT REFERENDUM ON 11/5/2002