

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2018 Legislative Session

Bill No. CB-42-2018

Chapter No. _____

Proposed and Presented by Council Member Glaros

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

CHARTER AMENDMENT

1 AN ACT concerning

2 Amendment of Sections 201, 202, 305, 306, 307, 307B, 310, 311, 313, 319, 401, 402, 404, 405,
3 407, 408, 409, 411, 412, 603, 703, 709, 711, 817, 819, 906, 907, 1001, 1002, 1003, 1004, 1005,

4 1017 and Sections 5, 6 and 15, Schedule of Legislation, Charter of Prince George's County

5 For the purpose of proposing amendments to Sections 201, 202, 305, 306, 307, 307B, 310, 311,
6 313, 319, 401, 402, 404, 405, 407, 408, 409, 411, 412, 603, 703, 709, 711, 817, 819, 906, 907,
7 1001, 1002, 1003, 1004, 1005, 1017 and Sections 5, 6 and 15, Schedule of Legislation, Charter
8 of Prince George's County to provide for gender neutral language in several sections throughout
9 the Charter.

10 BY proposing an amendment to:

11 Sections 201, 202, 305, 306, 307, 307B, 310, 311, 313, 319, 401, 402,
12 404, 405, 407, 408, 409, 411, 412, 603, 703, 709, 711, 817, 819, 906,
13 907, 1001, 1002, 1003, 1004, 1005, 1017 and
14 Sections 5, 6 and 15, Schedule of Legislation
15 Charter of Prince George's County, Maryland.

16 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
17 Maryland, that the following amendment to Section Sections 201, 202, 305, 306, 307, 307B, 310,
18 311, 313, 319, 401, 402, 404, 405, 407, 408, 409, 411, 412, 603, 703, 709, 711, 817, 819, 906,
19 907, 1001, 1002, 1003, 1004, 1005, 1017 and Sections 5, 6 and 15, Schedule of Legislation,
20 Charter of Prince George's County, Maryland, is hereby proposed:

1 **ARTICLE II. INDIVIDUAL RIGHTS.**

2 **Section 201. Equal Protection and Nondiscrimination.**

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

10 **Section 202. Rights of Witnesses and Other Persons.**

11 Any witness appearing before the County Council or any of its committees may be
12 represented by counsel. Any person whose character shall have been impugned by the County
13 Council, or by any of its committees, or by any witnesses before the County Council or any of its
14 committees, shall be given the opportunity to appear with or without counsel, to present
15 evidence, to cross-examine any person who may have impugned his or her character, and to call
16 witnesses of his or her own, and the County Council shall, upon application being made, exercise
17 its subpoena power to compel the attendance of such persons and witnesses.

18 **ARTICLE III. LEGISLATIVE BRANCH.**

19 **Section 305. Redistricting Procedure.**

20 The boundaries of Council districts shall be reestablished in 1982 and every tenth year
21 thereafter. Whenever district boundaries are to be reestablished the Council shall appoint, not
22 later than February 1 of the year prior to the year in which redistricting is to be effective, a
23 commission on redistricting, composed of two members from each political party chosen from a
24 list of five names submitted by the Central Committee of each political party which polled at
25 least fifteen percent of the total vote cast for all candidates for the Council in the immediately
26 preceding regular election. The Council shall appoint one additional member of the Commission
27 who shall serve as chair[man]. No person shall be eligible for appointment to the Commission if
28 he or she holds any elected office. By September 1 of the year prior to the year in which
29 redistricting is to be effective, the Commission shall prepare, publish, and make available a plan
30 of Council districts and shall present that plan, together with a report explaining it, to the
31 Council. The plan shall provide for Council districts that are compact, contiguous, and equal in

1 population. No less than fifteen calendar days and no more than thirty calendar days after
 2 receiving the plan of the Commission, the Council shall hold a public hearing on the plan. If the
 3 Council passes no other law changing the proposal, then the plan, as submitted, shall become
 4 law, as of the last day of November, as an act of the Council, subject to Sections 320 and 321 of
 5 this Charter. Such law shall be adopted by resolution of the County Council upon notice and
 6 public hearing.

7 **Section 306. Term of Office.**

8 Each member of the Council shall serve for a term beginning at noon on the first Monday in
 9 December next following his or her election, and ending at noon on the first Monday in
 10 December in the fourth year thereafter.

11 **Section 307. Qualifications and Restrictions.**

12 A Council member shall be a qualified voter of Prince George's County at the time of his
 13 or her election. During his or her term of office, he or she shall not hold any other office of
 14 profit in state, county, or municipal government. A Council member shall not, during the whole
 15 term for which he or she was elected, be eligible for appointment to any County office or
 16 position carrying compensation which has been created during his or her term of office.

17 **Section 307B. Removal from Office.**

18 A Council member may be removed from office by the affirmative vote of not less than
 19 two-thirds of the members of the full Council after a public hearing and only upon a finding that
 20 he or she is unable by reason of physical or mental disability to perform the duties of his or her
 21 office. The decision of the Council may be appealed by the Council member within ten days to
 22 the Circuit Court by petition. Upon filing of a petition, the Court may stay the removal pending
 23 its decision. Upon appeal, the Court shall make de novo determinations of fact.

24 **Section 310. Forfeiture of Office.**

25 A member of the Council shall immediately forfeit his or her office if he or she ceases to be
 26 a qualified voter of the County. In the case of a Councilman required to reside in a particular
 27 Councilmanic district, he or she shall forfeit his or her office if he or she ceases to be a resident
 28 of the Councilmanic district in which he or she resided at the time of his or her election; provided
 29 that no member of the Council shall forfeit his or her office by reason of any change in the
 30 boundary lines of his or her Councilmanic district made during his or her term.

31 **Section 311. Officers of the Council.**

1 The Council shall elect from among its members a Chair[man] and a Vice Chair[man]. The
2 Chair[man], or in his or her absence the Vice Chair[man], shall preside at all meetings. On all
3 questions before the Council the Chair[man] and Vice Chair[man] shall have and may exercise
4 the vote to which each is entitled as a Council member.

5 **Section 313. Office of Audits and Investigations.**

6 There shall be an Office of Audits and Investigations, under the supervision and direction
7 of a County Auditor who shall be appointed by the Council. The County Auditor shall serve at
8 the pleasure of the Council and shall receive such compensation as the Council may determine.
9 The Auditor shall, not later than six months after the close of each fiscal year, prepare and
10 submit to the Council and to the County Executive a complete financial audit for the preceding
11 fiscal year of all agencies that receive or disburse County funds. Upon recommendation by the
12 Auditor that a State audit in a given year is adequate, the Council may, by resolution, exempt
13 from County audit an agency whose entire records, accounts, and affairs are completely audited
14 each year by or with the approval of the State of Maryland or an independent audit by a qualified
15 independent certified public accountant. Any such resolution of exemption from audit shall be
16 limited to a period of not more than one year. In addition to the annual audit, either the Council
17 or the County Executive may at any time order a special audit of the accounts of any agency
18 receiving or disbursing County funds, and upon the death, resignation, removal or expiration of
19 the term of any County administrative officer, the Auditor shall cause a special audit to be made
20 of the accounts maintained by the officer, and by his or her agency. If, as a result of any audit,
21 an officer shall be found to be indebted to the County, the County Executive shall proceed
22 forthwith to collect the indebtedness. In the event that the County Executive shall be found to be
23 indebted to the County, the Council shall proceed forthwith to collect the indebtedness. The
24 Auditor is also empowered to conduct necessary audits of any agency which is the recipient of
25 funds appropriated or approved by the Council whenever he or she deems it appropriate. No
26 employee or official of the County shall interfere with, threaten with disciplinary action, or
27 otherwise attempt to restrain an employee of the County from providing information to the
28 County Auditor, nor shall any adverse action be taken against such employee. Any adverse
29 action taken within twelve (12) months after the employee has provided information to the
30 County Auditor shall be presumed to be retaliatory, which presumption may be rebutted only by
31 clear and convincing evidence to the contrary. Any audit, including performance audits, special

1 audits, and State audits which form the basis for an exemption by the Council from a County
2 audit, shall be published in suitable form and made available to the public at reasonable hours at
3 the Office of Audits and Investigations. All records and files pertaining to the receipt and
4 expenditure of County funds by all officers, agents, and employees of the County and all
5 agencies thereof, shall at all times be open to the inspection of the County Auditor. The Auditor
6 shall promptly call to the attention of the Council and the County Executive any irregularity or
7 improper procedure which he or she may discover. The County Auditor shall have the power to
8 administer oaths, to compel the attendance of witnesses, and to require the production of records
9 and other materials in connection with any audit, investigation, inquiry, or hearing authorized by
10 law or by this Charter. The Council shall have the power to implement the provisions of this
11 section and to assign additional functions, duties, and personnel to the County Auditor.

12 **Section 319. Referendum.**

13 Any law which becomes law pursuant to this Charter may be petitioned to referendum,
14 except a law: (1) imposing a tax; (2) appropriating funds for current expenses of the County
15 government; (3) establishing Councilmanic districts; (4) amending a zoning map; or (5) granting
16 a special exception to zoning regulations. Upon the adoption of the Capital Budget any new
17 project not previously contained in the Capital Budget and any additions constituting an
18 enlargement of a project shall be subject to referendum. Once a project has been approved by
19 referendum, that portion of a subsequent Bond Enabling Act or Bond Issue Authorization
20 Ordinance relating to the project shall not be subject to referendum, and if a bond enabling bill
21 including the project and identifying it is approved by referendum that portion of any subsequent
22 bond issue authorization ordinance relating to the project shall not be subject to referendum. A
23 law shall be submitted to a referendum of the voters upon petition of ten thousand (10,000)
24 qualified voters of the County. Such petition shall be filed with the Board of Supervisors of
25 Elections of Prince George's County within forty-five calendar days from the date the bill
26 becomes law. If more than one-third but less than the full number of signatures required to
27 complete any referendum petition against such law be filed within forty-five calendar days from
28 the date the bill becomes law, the effective date of the law, and the time for filing the remainder
29 of signatures to complete the petition shall be extended for an additional forty-five calendar days.
30 If such a petition is filed, the law to be referred shall not take effect until thirty calendar days
31 after its approval by a majority of the qualified voters of the County voting thereon at the next

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

15 **ARTICLE IV. EXECUTIVE BRANCH.**

16 **Section 401. Composition.**

17 The Executive Branch of the County government shall consist of the County Executive and
 18 all officers, agents, and employees under his or her supervision and authority.

19 **Section 402. Executive Power and Duties.**

20 All executive power vested in Prince George's County by the Constitution and laws of
 21 Maryland and this Charter shall be vested in the County Executive who shall be the chief
 22 executive officer of the County and who shall faithfully execute the laws. His or her powers,
 23 duties, and responsibilities shall include, but shall not be limited to: (1) preparing and submitting
 24 to the Council and the public, within six months after the close of the fiscal year, an annual
 25 report on the activities and accomplishments of the County government, including a detailed
 26 financial statement; (2) providing the Council, or a committee thereof, with any information
 27 concerning the executive branch which the Council may require for the exercise of its powers;
 28 (3) recommending to the Council such measures for legislative action as he or she may deem to
 29 be in the best interests of the County; (4) appointing the head of each agency of the executive
 30 branch, subject to confirmation by the Council as required by Section 322 of this Charter, and
 31 removing the same at his or her discretion; (5) preparing an executive pay plan which establishes

1 the compensation of the Chief Administrative Officer and the head of each agency of the
 2 executive branch, subject to the approval of the Council; (6) appointing the members of all
 3 boards and commissions subject to confirmation by the Council as required by Section 322 of
 4 this Charter, unless otherwise prescribed by law or this Charter; (7) insuring that County funds in
 5 excess of those required for immediate needs are invested in the best interests of the County; (8)
 6 signing or causing to be signed on the County's behalf all deeds, contracts and other instruments,
 7 including those which, prior to the adoption of this Charter, required the signature of the
 8 Chair[man] or any member of the Board of County Commissioners, and affixing the County Seal
 9 thereto; (9) preparing and submitting to the County Council semi-annual reports of certain
 10 exempt positions consistent with Section 806 of this Charter; and (10) enforcing all laws in the
 11 County except as otherwise provided for by State law or charters of municipalities located within
 12 the County.

13 **Section 404. Term of Office.**

14 The County Executive shall serve for a term beginning at noon on the first Monday in
 15 December next following his or her election, and ending at noon on the first Monday in
 16 December in the fourth year thereafter.

17 **Section 405. Qualification and Restrictions.**

18 The County Executive shall have been a qualified voter of Prince George's County for at
 19 least five years immediately preceding his or her election. During his or her term of office, he or
 20 she shall not hold any other office of profit in federal, state, county, or municipal government.
 21 The County Executive shall not, during the whole term for which he or she was elected, be
 22 eligible for appointment to any County office or position carrying compensation which has been
 23 created during his or her term of office. He or she shall devote his or her full time to the duties
 24 of his or her office.

25 **Section 407. Vacancy.**

26 A vacancy in the office of County Executive shall exist upon the death, resignation or
 27 removal of the County Executive, or upon forfeiture of office by a County Executive.
 28 Immediately upon a vacancy, the Chief Administrative Officer shall become the Acting County
 29 Executive until a County Executive is chosen by the methods established in this Section of the
 30 Charter. In the event of a vacancy in the office of County Executive occurring during the last
 31 two years of the term, the Council shall select from among its members, by majority vote, a

1 successor for the office for the balance of the unexpired term. If this selection by the Council is
2 not made within fourteen (14) calendar days after the vacancy occurs, the Chair[man] of the
3 Council shall succeed to the Office for the balance of the unexpired term. The Council shall
4 provide by law for the conduct of a special election to fill a vacancy in the office of County
5 Executive that occurs during the first two years of a term and for the appointment, powers and
6 duties of an Acting County Executive pending the outcome of such special election.

7 **Section 408. Forfeiture of Office.**

8 The County Executive shall immediately forfeit his or her office if he or she ceases to be a
9 qualified voter of the County.

10 **Section 409. Removal from Office.**

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

17 **Section 411. Executive Veto.**

18 Upon the enactment of any bill by the Council, with the exception of such measures made
19 expressly exempt from the executive veto by this Charter, it shall be presented to the County
20 Executive within ten days for his or her approval or disapproval. Within ten days after such
21 presentation, he or she shall return any such bill to the Council with his or her approval endorsed
22 thereon or with a statement, in writing, of his or her reasons for not approving the same. Upon
23 approval by the County Executive, any such bill shall become law. Upon veto by the County
24 Executive, his or her veto message shall be entered in the Journal of the Council, and, not later
25 than at its next legislative session-day, the Council may reconsider the bill. If, upon
26 reconsideration, two-thirds of the members of the full Council vote in the affirmative, the bill
27 shall become law. Whenever the County Executive shall fail to return any such bill within ten
28 days after the date of its presentation to him or her, the Clerk of the Council shall forthwith
29 record the fact of such failure in the Journal, and such bill shall thereupon become law. In the
30 case of budget and appropriation bills, the County Executive may disapprove or reduce
31 individual items in such bills, except where precluded by State law. Each item or items not

1 disapproved or reduced in a budget and appropriation bill shall become law, and each item or
2 items disapproved or reduced in a budget and appropriation bill shall be subject to the same
3 procedure as any other bill vetoed by the County Executive.

4 **Section 412. Chief Administrative Officer.**

5 The County Executive shall appoint a Chief Administrative Officer. He or she shall be
6 appointed on the basis of his or her qualifications as a professional administrator and shall serve
7 at the discretion of the County Executive. The Chief Administrative Officer shall perform such
8 administrative duties and exercise such general supervision over the agencies of the executive
9 branch as the County Executive may direct.

10 **ARTICLE V. ADMINISTRATIVE ORGANIZATION.**

11 **Section 603. Competitive Bidding.**

12 Any single purchase or contract under the jurisdiction of the County Purchasing Agent and
13 involving an expenditure in excess of such amount(s) as may be established by legislative act of
14 the County Council, except emergency purchases and those involving services or material and
15 equipment of a noncompetitive nature as may be defined and governed by the rules and
16 regulations mentioned in Section 602 of this Charter, shall be made from or let by sealed bids or
17 proposals publicly opened after public notice for such period and in such manner as the County
18 Purchasing Agent or his or her authorized deputy shall determine. Such purchases and contracts
19 shall be made from or awarded to the responsive and responsible bid that is most favorable to the
20 County with respect to technical requirements and costs. A security or bond for the performance
21 of work as determined by the County's Purchasing Agent may be required for purchases and
22 contracts. No such purchase or contract shall be made or awarded within a period of one week
23 from the date of the public opening of bids. In all cases, the County shall reserve the right to
24 reject any and all bids. No contract or purchase shall be subdivided to avoid the requirements of
25 this section. Anything to the contrary of this Section 603 notwithstanding, the Council may
26 authorize the County Purchasing Agent to negotiate extensions of existing contracts for garbage
27 and refuse collection, without competitive bidding, upon such terms and for such duration as the
28 Council may by law prescribe; provided, however, that any such law shall require the County
29 Purchasing Agent to poll the residents of the service area covered by a collection contract, and
30 shall provide that the County Purchasing Agent not conclude any agreement for an extension
31 unless a certain number of the residents of the service area, as prescribed by the Council, indicate

1 their concurrence in the extension.

2 **ARTICLE VII. PLANNING AND ZONING.¹**

3 **Section 703. Approval of Proposed Master Plans and the General Plan.**

4 All proposed master plans, and the portion of a proposed general plan applicable to Prince
5 George's County shall, prior to final approval, be submitted to the County Executive for review.
6 Within sixty calendar days after receipt thereof, the County Executive shall forward the said plan
7 to the Council, together with his or her recommendations thereon. The Council, in turn, shall, by
8 legislative act, approve, reject, modify or revise said plan, in accordance with the procedures
9 established by law and by Sections 317, 319, and 411 of this Charter.

10 **Section 709. Conflicts of Interest.**

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

21 **Section 711. Duties of Zoning Hearing Examiner.**

22 In all cases delegated by the Council to a zoning hearing examiner, he or she shall conduct
23 a full and complete public hearing upon the application in question, subject to all the
24 requirements and restrictions imposed by law upon the Council. He or she shall be empowered
25 to swear witnesses and to request subpoenas from the Council. After the conclusion of the
26 hearing, he or she shall prepare and serve upon all persons of record a written decision which
27 shall contain specific findings of basic facts, conclusions of law, and a recommended disposition
28 of the case. Within thirty calendar days after service of the said decision, any person of record
29 may file exceptions to any portion of the decision and may request oral argument thereon before
30 Council. The Council shall grant such request and shall give at least ten calendar days notice of
31 the time and place of the argument to all persons of record. In the event no exceptions or request

1 for oral argument is filed within thirty calendar days from the service of said decision, the
 2 Council may act forthwith upon the application in accordance with Section 707 of this Charter.
 3 The Council shall in all cases, decide finally each application by record vote within 90 calendar
 4 days after the hearing examiner files his or her decision, in accordance with Section 707 of this
 5 Charter.

6 **ARTICLE VIII. BUDGET AND FINANCE.**

7 **Section 817. Appropriation Reduction.**

8 If at any time during the fiscal year, the County Executive shall ascertain that the available
 9 revenue for the year may be less than the total appropriations, he or she shall reconsider the
 10 appropriations for all agencies, and may revise them so as to forestall expenditures in excess of
 11 the income and fund balances. Any reduction in appropriations of the Legislative Branch shall
 12 be reviewed and approved by the Council, and a copy transmitted to the County Executive.

13 **Section 819. Appropriation Control and Certification of Funds.**

14 No agency of the County government shall during any fiscal year expend, or contract to
 15 expend, any money or incur any liability, or enter into any contract which, by its terms, involves
 16 the expenditure of money for any purpose in excess of the amounts appropriated in the budget
 17 for such fiscal year, or in any supplemental appropriation as herein provided; and no such
 18 payment shall be made nor any obligation or liability incurred, except for purchases in an amount
 19 to be fixed by legislative act, unless the Director of Finance or his or her designee shall first
 20 certify that the funds for the designated purpose are available. If any officer, agent or employee
 21 of the County government shall knowingly violate this provision, he or she shall be personally
 22 liable and such action shall be cause, after public hearing, for his or her removal from office by
 23 the County Executive or by majority vote of the Council, notwithstanding the provisions of
 24 Article IX of this Charter. Nothing in this Charter shall authorize the making of contracts
 25 providing for the payment of funds at a time beyond the fiscal year in which such contracts are
 26 made for personal service contracts exceeding an aggregate of One Hundred Thousand Dollars
 27 (\$100,000.00) per contractor, or such other sum as may be set by legislative act, and an
 28 aggregate of Five Hundred Thousand Dollars (\$500,000.00) for all other multiyear contracts, or
 29 such other sum as may be set by legislative act, provided the nature of such transactions
 30 reasonably requires the making of such contracts, unless such contracts are approved by
 31 resolution of the County Council upon notice and public hearing. No language in such contract,

1 including language subjecting the contract to further funding availability, shall obviate the
2 requirement that all multiyear contracts shall be approved by resolution of the County Council
3 upon notice and public hearing. Any contract, lease, or other obligation requiring the payment of
4 funds from the appropriations of a later fiscal year shall be made or approved by resolution of the
5 County Council upon notice and public hearing. No contract for the purchase of real property
6 shall be made unless the funds therefor are included in the capital budget.

7 **ARTICLE IX. PERSONNEL.**

8 **Section 906. Personnel Board.**

9 There shall be a Personnel Board consisting of five qualified voters of the County.
10 Members of the Personnel Board shall be appointed by the County Executive for terms
11 coterminous with [his] the County Executive and confirmed by the Council. Vacancies shall be
12 filled for the unexpired term in the manner of original appointment. Each member shall serve
13 until [his] a successor is appointed and qualified. A member of the Board may be removed only
14 for cause by the County Executive, subject to approval by the Council. The County Executive
15 shall designate a member of the Board as chair[man].

16 **Section 907. Powers and Duties of the Personnel Board.**

17 The Personnel Board shall have the power and the duty: (1) to recommend to the Council
18 rules and regulations which shall have the force of law upon adoption by the Council; (2) to hear
19 appeals from employees in the classified service concerning any action of the Personnel Officer
20 or the appointing authority of the employee, except that the Personnel Board shall not grant relief
21 to employees covered by a collective bargaining agreement authorized by Section 908 of this
22 Charter where that collective bargaining agreement contains a procedure which can provide a
23 remedy to the employee. After a hearing, which shall be public if so requested by the aggrieved
24 employee, the Personnel Board may issue such order as it finds proper by the facts presented in
25 the case. All data pertinent to the decision shall be subject to the scrutiny of the aggrieved party
26 or his or her attorney; (3) to hear and decide for the County appeals from employees concerning
27 any action pertaining to the methods of examination, certification, or preparation of eligibility
28 lists for appointment or promotion; (4) to advise and consult, as appropriate, with County
29 officials on matters concerning the administration of the County career service and personnel
30 rules and regulations and to report to the County Executive and the Council on the operation of
31 the personnel system; and (5) to carry out such other functions as may be assigned by law. In

1 case of any appeal to the Personnel Board, its decision shall be final on all parties concerned and
 2 may not be appealed to any other administrative board. Any person aggrieved by a final decision
 3 of the Personnel Board may, within thirty calendar days, appeal a decision to the Circuit Court of
 4 Prince George's County. Such appeal shall be limited to errors of jurisdiction, errors of law, and
 5 clear abuse of discretion by the Personnel Board.

6 **ARTICLE X. GENERAL PROVISIONS.**

7 **Section 1001. Code of Ethics.**

8 The Council shall prescribe by law a code of ethics, and provide for the enforcement and
 9 penalties for violations thereof, covering all elected and appointed officers and employees of the
 10 County paid in whole or in part from County funds, and including persons appointed to serve on
 11 boards and commissions established by law. The code of ethics shall provide for the regulation
 12 of ex parte communications and for the disqualification of any person participating in the
 13 decision process, if there is a conflict between his or her official duties and his or her private
 14 interests. The code of ethics shall also provide for the establishment of a five-member board to
 15 administer the code. Members of such board, to be known as the Board of Ethics, shall be
 16 appointed by the County Executive and confirmed by the Council for staggered terms. A
 17 member of the board can only be removed by the County Executive subject to approval by the
 18 Council. Not more than three members of the Board shall be members of the same political
 19 party.

20 **Section 1002. Conflict of Interest.**

21 No officer or employee of the County, whether elected or appointed, shall in any manner
 22 whatsoever be interested in, or receive any benefit from, the profits or emoluments of any
 23 contract, job, work, or service for the County. No such officer or employee shall accept any
 24 service or thing of value, directly or indirectly, upon more favorable terms than those granted to
 25 the public generally, from any person, firm, or corporation having dealings with the County; nor
 26 shall he or she receive, directly or indirectly, any part of any fee, commission, or other
 27 compensation paid or payable by the County, or by any person in connection with any dealings
 28 with the County, or by any person in connection with any dealings or proceedings before any
 29 agency of the County government. No such officer or employee shall directly or indirectly be
 30 the broker or agent who procures or receives any compensation in connection with the
 31 procurement of any type of bonds for County officers, employees, persons, or firms doing

1 business with the County. No such officer or employee shall solicit any compensation or
2 gratuity in the form of money or otherwise for any act or omission in the course of his or her
3 public work, except as provided by law or interstate compact; provided that the head of any
4 department or board of the County may permit an employee to receive a reward publicly offered
5 and paid for the accomplishment of a particular task. The provisions of this Section shall be
6 broadly construed and strictly enforced for the purpose of preventing officers and employees
7 from securing any pecuniary advantages, however indirect, from their public associations, other
8 than their compensation provided by law. In order to guard against injustice, the Board of Ethics
9 may, by resolution, specifically authorize any County officer or employee to own stock in any
10 corporation or to maintain a business in connection with any person, firm, or corporation dealing
11 with the County, if, on full public disclosure of all pertinent facts to the Board of Ethics by such
12 officer or employee, the Board of Ethics shall determine that such stock ownership or connection
13 does not violate the public interest. Any officer or employee of the County who willfully
14 violates any of the provisions of this Section shall forfeit his or her office. If any person shall
15 offer, pay, refund, or rebate any part of any fee, commission, or other form of compensation to
16 any officer or employee of the County in connection with any County business or proceeding, he
17 or she shall, on conviction, be punishable by imprisonment for not less than one or more than six
18 months or a fine of not less than \$100.00 or more than \$1,000.00, or both. Any contract made in
19 violation of this Section may be declared void by the County Executive or by resolution of the
20 Council. The penalties in this Section shall be in addition to all other penalties provided by law.

21 **Section 1003. Private Use of Public Employees.**

22 No officer or employee of the County, elected or appointed, shall compel any other officer
23 or employee of the County to do or perform any private service or work outside of his or her
24 public office or employment.

25 **Section 1004. Additional Compensation.**

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

31 **Section 1005. Official Lobbying.**

1 The Council shall not appropriate or approve any funds for any agency which receives or
 2 disburses County funds, other than for the immediate staff of the County Executive and the
 3 Council, to be used for the purpose of securing the passage or defeat of any legislation. No
 4 officer appointed by the County Executive or by the Council may, in his or her official capacity,
 5 recommend or request the passage or defeat of any legislation without the express prior approval
 6 of the County Executive or of the Council. Nothing herein shall preclude any officer or
 7 employee from providing public data or information in response to any official inquiry or
 8 making any recommendation required by law. Every officer or employee shall provide public
 9 data or information to the Council in response to an official inquiry or when making any
 10 recommendation required by law.

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

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

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

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

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

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

25 (e) The words "enact," "enacted," or "enactment," when used in connection with the
 26 legislative acts of the Council, shall mean the action by the Council in approving any item of
 27 legislative business prior to its submission to the County Executive for his or her approval or
 28 veto.

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

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

1 Charter.

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

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

6 (j) The word "officer" shall include the word "council [man] member."

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

10 (l) [Whenever in this Charter the masculine gender is used, such words shall be construed
11 to include the feminine gender.] All references in this Charter shall be gender neutral.

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

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

18 (o) When computing a period of time in days, the day of the event shall not be included in
19 the computation, but the last day shall be included in the determination. Unless the words
20 "calendar days" are used, Saturdays, Sundays, and holidays observed by the County shall not be
21 included.

22 (p) The words "qualified voter," wherever they appear in this Charter, shall mean
23 "registered voter."

24 SCHEDULE OF LEGISLATION

25 The purpose of this Schedule is to allocate the functions and duties of the executive branch
26 among and within the herein established service offices and operating departments of the County
27 government. This schedule takes effect under the authority of its adoption by the people of
28 Prince George's County together with the Charter to which it is attached. Provisions contained in
29 this Schedule shall become effective on July 1, 1971.

30 Section 5. Office of Law.

31 There shall be an Office of Law headed by the County Attorney. To the extent permitted

1 by State law, the County Attorney shall be the legal advisor to the County Executive and all
2 agencies that receive or disburse County funds. He or she shall also be the legal advisor and
3 legislative draftsman of the Council, unless the Council shall specifically direct otherwise. He or
4 she shall represent the County in all actions in which the County is a party. He or she shall be
5 responsible for all County activities directed toward the civil enforcement of laws for the
6 protection of consumer interests. He shall appoint necessary assistants. With the approval of the
7 County Executive and subject to budget limitations, he or she may engage attorneys on a
8 temporary basis for extraordinary work.

9 **Section 6. Department of Public Works and Transportation.**

10 There shall be a Department of Public Works and Transportation headed by a Director of
11 Public Works and Transportation. The Director of Public Works and Transportation shall
12 coordinate all appropriate transportation plans, matters or activities, as necessary, with the
13 Maryland State Department of Transportation, and all other Federal, State, Regional and local
14 offices, agencies, boards, commissions or departments that deal with the subject of transportation
15 as specified in law. He or she shall administer construction and maintenance of all public works,
16 which shall include but not be limited to roads, streets, stormwater facilities, and bridges, and
17 such other functions as may be required by law.

18 **Section 15. Department of Corrections.**

19 There shall be a Department of Corrections headed by the Director of Corrections. The
20 Director of Corrections shall act as jailer or warden of the county jail, which is and shall be
21 known as the Prince George's County Detention Center, and shall be responsible for the
22 administration of said jail as authorized by law. The Director of Corrections shall further be
23 responsible for developing, implementing and maintaining a viable and responsible program of
24 corrective and rehabilitative services for the County which shall include but not be limited to
25 safekeeping, care and feeding of all prisoners in his or her custody in the county jail, and the
26 development and maintenance of coordinated and functional liaison with appropriate state and
27 county agencies and officers associated with correctional and rehabilitation programming. The
28 Department may have associated with it such advisory board as may be established pursuant to
29 law.

30 SECTION 2. BE IT FURTHER ENACTED that a copy of this Act be transmitted to the
31 County Executive for publication and that a copy also be transmitted to the Board of Supervisors

1 of Elections for submission of the proposed amendment to the voters of this County at the 2018
2 General Election pursuant to Section 1105 of the Charter.

3 SECTION 3. BE IT FURTHER ENACTED that the question of adoption of this proposed
4 Charter Amendment shall be submitted to the voters of the County at the General Election
5 occurring on November 6, 2018, and shall be placed on the ballot in the following form:
6

7 PROPOSED CHARTER AMENDMENT

8 To provide for gender neutral language in several sections throughout the
9 Charter.

10
11 Adopted this ____ day of _____, 2018, by an affirmative vote of two-thirds of
12 the members of the full County Council.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Dannielle M. Glaros
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.