

CHARTER

ARTICLE I NAME AND RIGHTS

- Section 101 Body Corporate and Politic
- Section 102 Exercise of Powers
- Section 103 Name and Boundaries

ARTICLE II COUNTY COUNCIL

- Section 201 Composition of the Council
- Section 202 Powers of Council
- Section 203 Council to Act as a Body
- Section 204 Election of Councilmen
- Section 205 Term of Councilman
- Section 206 Qualifications of Councilman
- Section 207 Compensation of Council Members
- Section 208 Vacancies in the Council
- Section 209 Officers of the Council
- Section 210 Special Audits
- Section 211 Investigations by the Council
- Section 212 Sessions of the Council
- Section 213 Passage of Legislation
- Section 214 Effective Date of Laws
- Section 215 Veto
- Section 216 Direct Initiative
- Section 217 Referendum
- Section 218 Publication of Laws
- Section 219 Compilation of Laws
- Section 220 Administrative Appointments and Removals
- Section 221 Advisory Boards and Commissions

ARTICLE III COUNTY MANAGER

- Section 301 Appointment and Removal of the County Manager
- Section 302 Qualifications of the County Manager
- Section 303 Compensation of the County Manager
- Section 304 Powers and Duties of the County Manager

ARTICLE IV ADMINISTRATIVE ORGANIZATION

- Section 401 Supervision and Control
- Section 402 Office of Law
- Section 403 Office of Planning
- Section 404 Planning and Zoning Commission
- Section 405 Department of Public Works
- Section 406 Reorganization

ARTICLE V COUNTY BOARD OF APPEALS

- Section 501 Establishment; Qualifications; Term; Compensation
- Section 502 Powers and Functions
- Section 503 Rules of Practice and Procedure
- Section 504 Appeals from Decisions of the Board
- Section 505 Employees of the Board

ARTICLE VI BUDGET AND FINANCE

- Section 601 Fiscal Year and Tax Year

TALBOT COUNTY CODE

Section 602 Definition of Terms Used in this Article

Section 603 Comprehensive Scope of Budget

Section 604 Formulation of Current Expense Budget

Section 605 Formulation of Capital Budget and Capital Program

Section 606 Contents of the Current Expense Budget

Section 607 Contents of the Capital Budget and Capital Program

Section 608 Contents of the Budget Message

Section 609 Submission of the County Budget

Section 610 Copies of Proposed Budget

Section 611 Public Budget Hearings

Section 612 Action on the Budget by the Council

Section 613 Reproduction of the Budget

Section 614 Tax Levy and Balanced Budget

Section 615 Transfer of Appropriations

Section 616 Supplementary Appropriations

Section 617 Emergency Appropriations

Section 618 Lapsed Appropriations

Section 619 Appropriation Control and Certification of Funds

Section 620 Restrictions on Capital Projects: Amendment to Capital Budget after Adoption of Budget

Section 621 Composition and Limitation upon County Funds

Section 622 Borrowing Limitations

Section 623 Form and Term of Bonds

**ARTICLE VII
GENERAL PROVISIONS**

Section 701 Furthering Legislation

Section 702 Additional Compensation

Section 703 Right to Information

Section 704 Bonding of Officers

Section 705 Separability

Section 706 Definitions and Rules of Construction

**ARTICLE VIII
EFFECT AND AMENDMENT
OF CHARTER**

Section 801 Effective Date of Charter

Section 802 Existing Law

Section 803 Existing Officers and Employees

Section 804 Reference in State Constitution and Laws to County Commissioners

Section 805 Charter Amendment

**ARTICLE IX
TRANSITIONAL PROVISIONS**

Section 901 Nature of this Article

Section 902 Method of Selection of the First Council

Section 903 Term of Office of the First Council

Section 904 Time Certain Articles become Operative

Section 905 Council Rules of Procedure

Section 906 Certain Board Appointments

Section 907 Compilation of Laws

Section 908 County Manager and Heads of Newly Established Offices and Departments

Section 909 Reorganization of Certain Positions and Agencies

CHARTER

**CHARTER OF TALBOT COUNTY
Adopted in November, 1974**

PREAMBLE

We, the People of Talbot County, Maryland, in order to obtain the benefits of self government and home rule, do, in accordance with the Constitution and laws of the State of Maryland, adopt, ordain and establish as our instrument of government this

**CHARTER OF TALBOT COUNTY,
MARYLAND**

ARTICLE I

NAME AND RIGHTS

Section 101

Body Corporate and Politic

Talbot County constitutes a body corporate and politic. Under this Charter it has all rights and powers of local self-government and home rule provided by this Charter and by the Constitution and laws of the State of Maryland. The County has these rights and powers as freely and completely as if they were specifically enumerated in this Charter, and no enumeration of rights or powers in this Charter may be deemed exclusive or restrictive.

Section 102

Exercise of Powers

The powers mentioned in Section 101 of this Charter may be exercised only by the County Council or other agents, officers and employees of the County acting under their respective authorities or under other authority provided by this Charter or the laws of this State. In the exercise of these powers, the citizens of Talbot County shall be accorded equal treatment in all matters under the jurisdiction of the County government regardless of race, creed, sex or national origin.

Section 103

Name and Boundaries

The corporate name is "Talbot County, Maryland," and it shall be thus designated in all actions and proceedings touching its rights, powers, properties, liabilities, and duties. Its boundaries and County seat are as at the time this Charter took effect unless otherwise changed in accordance with law.

ARTICLE II

COUNTY COUNCIL

Section 201

Composition of the Council

The County Council, hereinafter referred to as the Council, is composed of five members.

Section 202

Powers of Council

All powers which may be exercised by Talbot County under the Constitution and laws of Maryland, including all law-making powers heretofore exercised by the General Assembly of Maryland but transferred to the people of the County by adoption of this Charter, are vested in the Council subject to those powers retained by the people of Talbot County as hereinafter set

TALBOT COUNTY CODE

forth in Sections 216 and 217 of the Charter. The County Council is responsible for the enforcement of this Charter and the laws passed under its terms, which responsibility may be delegated and the officials and employees so charged shall have the authority conferred upon them by the laws of Talbot County.

Section 203

Council to Act as a Body

In all its legislative functions and deliberations, the Council shall act as a body and has no power to delegate any of those functions and duties to a smaller number of its members than the whole.

Section 204

Election of Councilmen

Councilmen shall be nominated and elected at large by the qualified voters of the entire County at the same time as State officers and in the manner provided by law.

Section 205

Term of Councilman

A Councilman shall serve for a term beginning at noon on the first Monday in December next following his election, and ending at noon on the first Monday in December in the fourth year thereafter.

Section 206

Qualifications of Councilman

A Councilman shall be a qualified voter of the County for at least two years immediately preceding his election or appointment. During his term of office, he shall not hold any other office of profit in federal, state, county, or municipal government. He shall not, during the whole term for which he was elected or appointed, be eligible for appointment to any County office or position carrying compensation. He shall immediately forfeit his office upon conviction of a felony, or upon adjudication by the Circuit Court for Talbot County of his mental or physical incompetence or gross inattention to duty, upon petition of not less than three councilmen.

Section 207

Compensation of Council Members

Council members shall receive compensation of fourteen thousand four hundred dollars (\$14,400) per annum beginning with terms commencing in or after 2002. The President of the Council shall receive an additional one thousand dollars (\$1,000.00) per annum.

[Amended 4-24-1990 by Bill No. 390; approved at referendum 11-6-1990; effective 12-4-1990; 5-14-2002 by Res. No. 97, approved at referendum 11-12-2002, effective 12-12-2002]

Section 208

Vacancies in the Council

- (a) A vacancy in the Council exists upon the death or resignation of a Councilman, or upon forfeiture of office by a Councilman.

CHARTER

- (b) If a vacancy occurs, a majority of the remaining members of the Council, within thirty calendar days, shall appoint a person to fill the vacancy. If the appointee is to succeed a member of a political party, he shall be selected from a list of three names submitted to the Council by the Talbot County Central Committee of the party to which the former Councilman belonged.
- (c) If two or more vacancies occur in the Council simultaneously, the Governor of the State of Maryland, within thirty calendar days, shall appoint persons to fill the vacancies. If the appointees are to succeed members of political parties, the Governor shall appoint persons from a list of three names for each vacancy submitted to him by the Talbot County Central Committee of the party or parties to which the former Councilmen belonged.
- (d) An appointee shall serve for the unexpired term of his predecessor. Any person appointed to fill a vacancy shall meet the same qualifications as the previous Councilman.

Section 209

Officers of the Council

The Council shall elect from among its members a President and a Vice President on an annual basis. The President, or in his absence the Vice President, shall preside at all meetings. On all questions before the Council the President and Vice President have and may exercise the vote to which each is entitled as a Council member.

Section 210

Special Audits

In addition to annual audits required by State law, the Council at any time may order the examination or audit of the accounts of any agency that receives or disburses County funds. Upon the death, resignation, removal, or expiration of the term of any County administrative officer, the County Auditor shall cause an audit and investigation to be made of the accounts maintained by the officer and by his agency. The results of the audit shall be reported to the Council, and copies shall be made available to the public no later than two months after the ordering of the audit.

Section 211

Investigations by the Council

The Council may make investigations into the affairs of the County and the conduct of any County agency. For this purpose, the Council may subpoena witnesses, administer oaths, take testimony, and require the production of evidence.

Section 212

Sessions of the Council

- (a) Legislative sessions of the Council shall be held on the second and fourth Tuesdays of each month, and when deemed necessary the Council by an affirmative vote of four-fifths of the members of the full Council may designate not more than one additional day of each month as a legislative session-day, except for November of a Councilmanic election year (in which no session will be held).

TALBOT COUNTY CODE

- (b) For the purpose of performing any duties, other than passing legislation, the Council may designate non legislative sessions at any other times it determines.
- (c) A majority of the members of the full Council are a quorum for the transaction of business.
- (d) The Council shall provide for the keeping of a Journal which shall be open to public inspection at all reasonable times.
- (e) All voting, except on procedural motions, shall be by roll call, and the ayes and nays shall be recorded in the Journal.
- (f) No business may be transacted, or any appointments made, or nominations confirmed, except in public session.
- (g) The Council shall adopt and publish Rules of Procedure not inconsistent with the provisions of this Charter.

Section 213

Passage of Legislation

- (a) Every law of the County, except a bill introduced by direct initiative, shall be styled: "Be it enacted by the County Council of Talbot County, Maryland." The Council shall pass no law except by bill. The subject of every law shall be described in its title. Every law, except the budget law and supplementary appropriation laws, shall embrace but one subject. Each capital project shall be the subject of a separate enabling law. No law or section of law shall be revived or amended by reference to its title only.
- (b) A bill may be introduced by any member of the Council on any legislative session-day of the Council. Every copy of the bill shall bear the name of the member of the Council introducing it and the date it was introduced. On the introduction of a bill, a copy thereof and notice of the time and place of the hearing on the bill shall be posted within seventy-two hours on an official bulletin board to be set up by the Council in a public place. Additional copies of the bill shall be made available to the public at a nominal fee. Bills introduced to meet emergencies affecting public health, safety, or welfare shall be plainly designated as emergency bills and contain, after the enacting clause, a declaration stating that an emergency exists and describing the claimed emergency in clear and specific terms. The term "emergency bill" shall not include any measure creating or abolishing any office; changing the compensation, term, or duty of any officer; granting any franchise or special privilege; creating any vested right or interest; creating a new tax; changing an existing tax rate; or changing any zoning law or map.
- (c) The President of the Council, within seventy-two hours following the introduction of a bill, shall schedule and give public notice of a public hearing on the bill. The date of the public hearing and the title and a summary of the bill shall be published once a week for two successive weeks prior to enactment in at least one newspaper of general circulation in the County. Such notice, without the date of public hearing, shall be similarly published once on the first publication date after enactment of the

CHARTER

bill. The public hearing on a bill may, but need not, be held on a legislative session-day and may be adjourned from time to time.

- (d) After the public hearing, a bill may be finally passed on a legislative session-day with or without amendment, but if a bill is amended before passage, and the amendment constitutes a change of substance, the bill shall not be passed until it is reprinted or reproduced as amended and a public hearing set thereon and proceedings had, as in the case of a newly introduced bill. No bill, other than an emergency bill, may be passed except by the affirmative vote of a majority of the full Council. No emergency bill shall be passed except by an affirmative vote of four-fifths of the members of the full Council.
- (e) Any bill not passed within sixty-five calendar days after its introduction, or prior to November in a Councilmanic election year, fails.

Section 214

Effective Date of Laws

Any law, except an emergency law, shall take effect sixty calendar days following its enactment unless by a provision of the law it is to take effect at a later date, or unless it is petitioned to referendum as provided in Section 217 of this Charter. An emergency law shall take effect on the date of its passage.

Section 215

Veto

To guard against hasty legislation and afford the people of the County adequate opportunity to express their will, the County Council in executive (non-legislative) session shall have the right, as the chief executive authority of the County, by the affirmative vote of four-fifths of the full Council, to veto a bill passed by the Council, prior to the effective date of the bill; and if vetoed, the bill shall not become law. Emergency measures may be vetoed within sixty calendar days after enactment in the same manner as hereinbefore provided, except such laws shall be effective until the date of veto.

Section 216

Direct Initiative

- (a) A bill may be initiated by the voters upon petition, in the form prescribed by law, of not less than ten per centum of the qualified voters of the County as of January 1 of the current year. Initiated bills shall conform to the requirements provided in Section 213(a) of this Charter, except that the bill shall be styled: "Be it enacted by the People of Talbot County, Maryland." The petition shall be filed with the Board of Supervisors of Elections of Talbot County.
- (b) If a petition is filed, the bill shall be referred to the qualified voters of the County at the next ensuing regular election held for members of the House of Representatives of the United States. If the bill is approved by a majority voting thereon, it shall take effect thirty calendar days thereafter.

TALBOT COUNTY CODE

Section 217

Referendum

- (a) Any law passed pursuant to this Charter may be petitioned to referendum except: (1) a law appropriating funds for current expenses of the County government; (2) a law imposing a tax rate increase; (3) an ordinance issuing bonds pursuant to a previous enabling law. The original enabling law of the issue shall, however, be subject to referendum.
- (b) A law shall be submitted to a referendum by the voters upon petition, in the form prescribed by law, of not less than ten per centum of the qualified voters of the County as of January 1 of the current year. The petition shall be filed with the Board of Supervisors of Elections of Talbot County within fifty-nine calendar days from the date the bill is enacted.
- (c) If a petition is filed, the law is suspended and shall be referred to the qualified voters of the County at the next ensuing regular election held for members of the House of Representatives of the United States. If the law is approved by a majority voting thereon, it shall take effect thirty calendar days thereafter. An emergency law shall remain in force from the date of its passage notwithstanding the filing of the petition, but shall stand repealed thirty calendar days after having been rejected by a majority of the qualified voters of the County voting thereon.

Section 218

Publication of Laws

The Council shall cause all laws and all amendments to this Charter to be published promptly following their passage as required by law. The laws and Charter amendments shall also be made available to the public at reasonable prices to be fixed by the Council.

Section 219

Compilation of Laws

At intervals not greater than every twenty years, the Council shall compile and codify all laws of the County then in effect. Each codification shall be known as the "Talbot County Code." The code shall be published with an index and appropriate notes, citations, annotations, and appendices as the Council determines. Not later than March 1 of each year, except those years in which a complete new code is published, the Council shall prepare and publish a cumulative supplement to the County Code of Laws.

Section 220

Administrative Appointments and Removals

The Council shall appoint and remove at their discretion a County Manager, a County Attorney, and the members of all boards and commissions. All administrative appointments, suspensions, and removals made by the County Manager as provided for in Section 304(b) of this Charter are subject to confirmation by a majority of the full Council. All employees, other than those specifically provided for in this Charter, shall be appointed and removed by the heads of the several agencies of the County government or in accordance with the provisions of a County personnel law if so adopted.

CHARTER

Section 221

Advisory Boards and Commissions

As provided for in Section 220 of this Charter, the County Council shall have the power to appoint for designated periods boards and commissions of citizens, representing various interests in the County, to act in an advisory or consultative capacity to the County Council. Each board or commission shall elect its own officers. All members thereof shall serve without pay.

ARTICLE III

COUNTY MANAGER

Section 301

Appointment and Removal of the County Manager

- (a) The Council shall appoint a County Manager and may remove him from office at pleasure. Prior to his being removed from office, he shall be given a written statement of reasons and a prompt public hearing if requested.
- (b) Upon the issuance of a written statement pertaining to the removal of the County Manager, the Council shall appoint an acting manager to perform the duties of the County Manager until reinstatement or a permanent replacement is employed. No acting manager shall serve for a period greater than six months.

Section 302

Qualifications of the County Manager

The County Manager shall be appointed on the basis of his education and his professional experience in executive and administrative affairs. At the time of his appointment he need not be a resident of Talbot County, but must reside in Talbot County promptly after his appointment.

Section 303

Compensation of the County Manager

The County Manager shall receive compensation as provided by law.

Section 304

Powers and Duties of the County Manager

The County Manager is the chief administrative officer of the County. Under the direction of the Council, the County Manager has the following powers and duties:

- (a) He shall direct and supervise the administration of all agencies of the County government, except as otherwise provided by this Charter or by law.
- (b) He shall, with the approval of the Council, appoint, suspend, or remove the head of each agency of the County government except for the County Attorney as provided for in Section 220 of this Charter. During the temporary absence or disability of the head of an agency of the County government, or if the position becomes vacant, the County Manager shall, with the approval of the Council, make a temporary appointment to fill the position. No temporary appointment shall extend for a period longer than six months.
- (c) He shall see that all laws and provisions of this Charter, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.

TALBOT COUNTY CODE

- (d) He shall be entitled to attend all Council meetings, except those concerning his salary or future employment. He shall have no vote.
- (e) He shall submit to the Council at the end of the fiscal year a complete report on the finances and administrative activities of the County for the preceding year and prepare and make available for distribution to the public, within three months after the end of each fiscal year, an annual report on County affairs during that fiscal year.
- (f) He shall keep the Council fully advised as to the financial condition and future needs of the County and make such recommendations to the Council concerning the affairs of the County as he deems desirable.
- (g) He shall be the Finance Officer, Budget Officer, Personnel Officer, Purchasing Agent, and Central Services Officer until otherwise provided for by the Council in accordance with Section 406 of this Charter. With regard to the duties of the Finance Officer, Article IX, Section 909(1) applies.
 - (1) As Finance Officer, he is responsible for keeping a system of accounts; controlling appropriations and allotments; preparing monthly and annual financial statements for the Council; auditing, prior to payment, any claims against the County of whatever kind; depositing, investing and having custody of all funds; prescribing accounting systems; preparing for bond sales and advising on debt management; administering tax sales; collecting and billing for all revenues and receipts due the County and other functions prescribed by law.
 - (2) As Budget Officer, he shall: (a) prepare and submit to the Council all County budgets, prepared in the manner and form provided in Article VI of this Charter; and (b) study the organization, methods and procedures of each agency of the County government and submit to the Council periodic reports on their efficiency and economy.
 - (3) As Personnel Officer, he is responsible for the direction and supervision of County personnel and, should the Council deem it desirable, for the administration of a County personnel law if so adopted.
 - (4) As Purchasing Agent, he is responsible for administration of the central purchasing policies of the County government.
 - (5) As Central Services Officer, he is responsible for making available to the several agencies of the County government duplicating, stenographic, mail, messenger, data processing, communications, and other central services as specified by legislative act of the Council.
- (h) He shall perform other duties prescribed by this Charter, required by the Council, or necessarily implied by the powers and duties herein specified.

ARTICLE IV

ADMINISTRATIVE ORGANIZATION

Section 401

Supervision and Control

Except as otherwise provided in this Charter or in State law, all agencies of the County government are subject to the direction, supervision, and control of the County Manager under the authority of the Council.

CHARTER

Section 402

Office of Law

- (a) The Office of Law shall be administered by the County Attorney under the direct authority of the Council. Prior to his appointment, he shall be a resident of the County for at least two years, a member in good standing of the Bar of the Maryland Court of Appeals, and actively engaged in the general practice of his profession in the State of Maryland for at least five years.
- (b) The County Attorney is the chief legal officer of the County, conducts all the law business of the County and is the legal advisor and legislative draftsman for the Council. He shall represent the County in all legal action in which the County is a party. Except as otherwise provided in State law, or with prior written approval of the Council, no agency of the County government, except the County Board of Appeals, has any authority or power to employ or retain any legal counsel other than the County Attorney.
- (c) The Council may employ special legal counsel to work on problems of extraordinary nature when the work to be done is of a character or magnitude requiring services in addition to those regularly provided by the Office of Law.
- (d) Neither the County Attorney nor any assistant in the Office of Law may, while holding office, practice as an attorney before the Council or any agency of the County government in any capacity other than representing the County's interests.

Section 403

Office of Planning

- (a) The Office of Planning shall be administered by the County Planning Officer. He shall be a trained planner with wide and varied experience in the fields of planning and zoning. At the time of his appointment, he need not be a resident of Talbot County, but must reside in Talbot County promptly after his appointment.
- (b) The County Planning Officer has the continuing responsibility and duty of planning for the physical development and growth of the County, including recommendations for the revision of the Comprehensive Plan and the preparation of revisions from time to time of rules and regulations concerning planning and zoning. He is also responsible for the administration and enforcement of a zoning map and zoning rules and regulations now in effect or as hereafter amended by the Council.

Section 404

Planning and Zoning Commission

- (a) There shall be a Planning and Zoning Commission consisting of five residents of the County who have been qualified voters for at least two years. Members of the Planning and Zoning Commission shall be appointed by the Council for terms of five years, except that the respective terms of the five members first appointed shall be on a staggered basis (of the five initial appointments, one member shall serve for one year, one for two years, one for three years, one for four years, and one for five years). At least one member of the Commission shall be a member of the principal minority party. Vacancies shall be filled for the unexpired term in the manner of original appointment. Each member shall serve until his successor is appointed and qualified.

TALBOT COUNTY CODE

A member of the Commission may be removed only for cause by the Council. The Commission shall elect its own officers on an annual basis.

- (b) The Planning and Zoning Commission shall hold regular monthly meetings; but special meetings may be held at any time at the call of the Chairman. The Commission shall adopt rules for the transaction of its business. It shall hold hearings at its discretion or on resolution of the Council on any matter pending before the Commission. It shall keep a record of its resolutions, transactions, findings, determinations, and decisions and it shall keep minutes of its proceedings, all of which shall be filed with the County Planning Officer and be public records.
- (c) The Planning and Zoning Commission shall make advisory recommendations to the County Planning Officer and the Council relating to the Comprehensive Plan, the zoning maps, and rules and regulations relating to zoning. The Planning and Zoning Commission shall have final decision making authority over major subdivisions and commercial and industrial site plan review. The Council, by resolution, may provide for reference to the Commission for review and recommendations, any additional matters related to the Commission's functions and duties. **[Amended 12-11-2001 by Res. No. 92, approved at referendum 11-12-2002, effective 12-12-2002]**

Section 405

Department of Public Works

- (a) The Department of Public Works shall be administered by the County Engineer. He shall be a registered professional engineer in compliance with state law. At the time of his appointment, he need not be a resident of Talbot County but must reside in Talbot County promptly after his appointment.
- (b) The County Engineer is responsible for the performance of all functions and duties involving: (1) public works or utilities survey reports, maps, drawings, specifications, and estimates; (2) supervision of the execution of and performance of all contracts for capital projects; (3) the construction of capital projects by county employees; (4) such supervision of the county roads program as the Council may direct; (5) the acceptance of roads and dedicated ways as prescribed by law; (6) the regulation, operation, maintenance and control of water supply, sewage, garbage and sanitary facilities, except duties and functions of the Sanitary Commission; (7) the supervision of the office of the Plumbing Inspector and, if and when created, the office of the Building Inspector; (8) the regulation, operation, maintenance and control of county public landings, wharf facilities and parks; (9) the issuance of licenses, the conduct of inspections and the administration and enforcement of all laws and regulations relating to inspections, licenses and permits as designated by the County Council; and (10) other duties provided from time to time by legislative act of the Council not inconsistent with this Charter.

Section 406

Reorganization

The Council shall have the authority to change the administrative organization of the county government by legislative act. This authority shall cover the agencies established in this Charter

CHARTER

and shall include the abolition of agencies, the establishment of new agencies and the assignment or reassignment of functions, powers and duties among agencies.

ARTICLE V

COUNTY BOARD OF APPEALS

Section 501 Establishment; Qualifications; Term; Compensation

There shall be a County Board of Appeals consisting of five (5) residents of the county who have been qualified voters for at least two (2) years. Members of the County Board of Appeals shall be appointed by the Council for terms of three (3) years, except that the respective terms of the five (5) members first appointed shall be on a staggered basis. The Board shall elect its own officers. The compensation of members of the Board shall be established by law and may not be increased or decreased during the term for which they are appointed. Upon receipt of certification from a majority of the Board that a member has resigned or is physically unable to serve, the Council is empowered to appoint a new member to complete the balance of the departed member's term or to serve until receipt of written certification from a majority of the Board that the physical incapacity has been removed, whichever event shall first occur. Such substitute member shall be paid on a per diem basis to be fixed by Talbot County Council and the salary to be charged to the departed member. [Amended 8-15-1978 by Bill No. 109]

Section 502 Powers and Functions

The County Board of Appeals has and may exercise functions and powers relating to the hearing and deciding of matters established by this Charter or by law, including but not limited to the following:

- (1) Zoning matters, exclusive of rezoning.
- (2) Appeals from orders relating to licenses and permits.
- (3) Appeals from orders relating to building, subdivision, plumbing and electrical statutes or codes.
- (4) Appeals from executive, administrative or adjudicatory orders.

In order to carry out the heretofore mentioned functions and powers, the County Board of Appeals may subpoena witnesses, administer oaths, take testimony and require the production of evidence.

Section 503 Rules of Practice and Procedure

The County Board of Appeals shall adopt rules of practice governing its proceedings, which have the force and effect of law when approved by legislative act of the Council. The rules of practice and procedure may not be inconsistent with the Administrative Procedure Act in Article 41 of the Annotated Code of Maryland. All hearings held by the Board shall receive public notice and shall be held not less than ten (10) days after publication of the hearing notice. All hearings held by the Board are open to the public. Three (3) members shall constitute a quorum for the hearing of any appeal, but a denial of relief by less than three (3) votes of the Board members shall entitle the appellant to a rehearing before the full Board. The

TALBOT COUNTY CODE

Board shall cause to be maintained complete public records of its proceedings, with a suitable index.

Section 504

Appeals from Decisions of the Board

Within thirty (30) calendar days after any decision of the County Board of Appeals is rendered, any party aggrieved thereby may appeal to the Circuit Court for Talbot County, in accordance with the Maryland Rules of Procedure.

Section 505

Employees of the Board

The Board may appoint its own attorney and other employees, within budgetary limitations, and the Council shall make available to the Board services and facilities of the county as necessary or appropriate for the proper performance of its duties.

ARTICLE VI

BUDGET AND FINANCE

Section 601

Fiscal Year and Tax Year

The fiscal or budget year and the tax year of the county begins on the first day of July and ends on the 30th day of June of the succeeding year.

Section 602

Definition of Terms Used in this Article

- (a) The term “County government” includes all agencies and their officers, agents, and employees who receive or disburse County funds.
- (b) The term “County funds” means any monies appropriated or approved by the Council or to which the County may at any time have legal or equitable title.
- (c) The term “current expense budget” means the plan of the County to receive and expend funds for charges incurred for operation, maintenance, interest, and other charges for an ensuing fiscal year.
- (d) The term “capital project” means: (1) any public physical betterment or improvement and any preliminary studies and surveys relative thereto; (2) the acquisition of property of a permanent nature for public use; and (3) the purchase of equipment for any public betterment or improvement when first constructed.
- (e) The term “capital budget” means the plan of the County to receive and expend funds for capital projects during the first fiscal year included in the capital program.
- (f) The term “capital program” means the plan of the County to receive and expend funds for capital projects during the fiscal year covered by the capital budget and the next succeeding five fiscal years thereafter.

CHARTER

Section 603

Comprehensive Scope of Budget

The County budget consists of the current expense budget, the capital budget and capital program, and the budget message. It represents a complete financial plan for the County reflecting receipts and disbursements from all sources, including all revenue, all expenditures, and the surplus or deficit in the general and all special funds of the County government.

Section 604

Formulation of Current Expense Budget

When directed by the County Manager, the head of each agency which receives or disburses County funds shall furnish to the County Manager annual work programs setting forth the nature, volume, cost, and other factors concerning the work to be performed and the estimates of the revenues and expenditures of their several operations for the ensuing fiscal year. Estimated revenues shall be detailed as to source, and estimated expenditures as to program or project. All estimates shall be submitted in a form and with supporting data as the County Manager requests. The County Manager may amend the budget proposals, except for the budget requests of the Legislative Branch and the Board of Appeals, and he shall cause to be prepared the County budget as set forth in Sections 606 and 608 of this Charter.

Section 605

Formulation of Capital Budget and Capital Program

When, annually, the County Manager directs, each agency which receives or disburses County funds shall submit to the County Manager an itemized list of the capital projects which the agency proposes to undertake in the ensuing fiscal year and the next succeeding five fiscal years thereafter. The County Manager may amend the capital budget and capital program proposals and shall cause to be prepared the County budget as set forth in Sections 607 and 608 of this Charter.

Section 606

Contents of the Current Expense Budget

The proposed current expense budget shall contain the following information: (1) a statement of all revenue estimated to be received by the County during the ensuing fiscal year, classified to show the receipts by funds and sources of income; (2) a statement of debt service requirements for the ensuing fiscal year; (3) a statement of the estimated cash surplus if any, available for expenditure during the fiscal year, and any estimated deficit in any fund required to be made up in the ensuing fiscal year; (4) an estimate of the several amounts of monies which the County Manager deems necessary for conducting the business of the County, to be financed from and not to exceed estimated revenue for the ensuing fiscal year; (5) a statement of the bonded and other indebtedness of the County government and its agencies, including self-liquidating and special taxing district debt and contingent liabilities; (6) a statement of the proposed contingency reserves, all of which shall not exceed three percentum of the general fund and of any other fund; (7) a comparative statement of the receipts, amounts budgeted, and actual expenditures for the last completed fiscal year, the estimated receipts and expenditures of the currently ending fiscal year and the expenditures recommended by the County Manager for the ensuing fiscal year for each program or project, classified by agency, character, and object; and (8) any other material which the County Manager deems advisable or the Council requires.

TALBOT COUNTY CODE

Section 607 **Contents of the Capital Budget and Capital Program**

The proposed capital budget and capital program shall be arranged to set forth clearly the plan or proposed capital projects to be undertaken in the ensuing fiscal year and in each of the next five fiscal years, and also the proposed means of financing the plan. The capital budget shall include a statement of the receipts anticipated during the ensuing fiscal year from all borrowing and other sources for capital projects.

Section 608 **Contents of the Budget Message**

The budget message shall contain supporting summary tables and explain the proposed current expense budget and capital program both in fiscal terms and in terms of work to be done. It shall outline the proposed financial policies of the county for the ensuing fiscal year and describe the important features of the current expense budget. It shall indicate any major changes in financial policies and in expenditures, appropriations and revenues as compared with the fiscal year currently ending and shall set forth the reasons for the changes.

Section 609 **Submission of the County Budget**

At such date as may be fixed by the Council and upon not less than ninety (90) calendar days' notice, the County Manager shall submit to the Council the proposed county budget for the ensuing fiscal year.

Section 610 **Copies of Proposed Budget**

The proposed county budget shall be made available to the public upon request.

Section 611 **Public Budget Hearings**

Upon receipt of the proposed county budget, the Council shall cause to be published a notice of the place and time of at least two (2) public hearings on the budget by the Council. The public notice shall be published in at least one (1) newspaper of general circulation in the county. The Council may hold other preliminary hearings on the budget for the purpose of obtaining information as it determines, but no action may be taken by the Council on the budget except in public session and after the public budget hearings prescribed in this section.

Section 612 **Action on the Budget by the Council**

- (a) After the public hearings, the Council may increase, decrease or delete any items in the budget except those required by the laws of this state and except any provisions for debt service on obligations then outstanding or for estimated cash deficits.
- (b) The passage of the current expense budget and the capital budget shall be by the affirmative vote of not less than a majority of the full Council in a law to be known as the Annual Budget and Appropriation Ordinance of Talbot County.

CHARTER

- (c) The Annual Budget and Appropriation Ordinance shall be passed by the Council on or before June 1 of each year, to be effective on the first day of the fiscal year to which it applies.
- (d) Any borrowing to finance capital projects must be authorized by an existing enabling law of the General Assembly of Maryland or by an enabling law of the Council enacted separately from the budget law. An enabling law of the Council is subject to the referendum provisions of Section 217 of this Charter. The Council may pass bond issue authorization ordinances pursuant to an enabling law or laws then in effect to provide the means of financing capital projects to be financed from borrowing. Bond issue authorization ordinances are not subject to the referendum provisions of Section 217 of this Charter.

Section 613

Reproduction of the Budget

The budget as enacted shall be reproduced and made available to the public upon request.

Section 614¹

Tax Levy and Balanced Budget

When the county budget is finally established by the Annual Budget and Appropriation Ordinance, the Council shall thereupon levy and cause to be raised the amount of taxes required by the current expense budget and the current portion of the capital budget in the manner provided by law so that the budget is balanced as to proposed income and expenditures.

Notwithstanding any other provisions of this Article, from and after July 1, 1997, revenues derived from taxes on properties existing on the County real property tax rolls at the commencement of the County fiscal year shall not increase, compared with the previous year, by more than two percent, or by the Consumer Price Index for all urban consumers (CPI-U) percentage of change for the latest calendar year, determined by the U.S. Department of Labor, whichever is the lesser.

Section 615

Transfer of Appropriations

Transfers of appropriations between general classifications of expenditures in the current expense budget within the same agency and within the same fund may be authorized by the County Manager. Transfers between agencies of the county government and within the same fund of the current expense budget may be made only during the last quarter of the fiscal year and only on the recommendation of the County Manager and with the approval of the Council. Interproject transfers of appropriations between capital projects in the capital budget may be authorized by legislative act of the Council upon request of the County Manager, but no new project may be created nor any abandoned, except in accordance with Section 620 of this Charter. Nothing contained herein shall be construed to prevent the Council, upon request of the County Manager, from providing by law for interfund cash borrowings to meet temporary cash requirements nor to prevent reimbursements among funds for services rendered.

¹ Editor's Note: Amended by referendum 11-1-1978; amended effective 12-5-1996.

TALBOT COUNTY CODE

Section 616

Supplementary Appropriations

During any fiscal year, the Council, upon the recommendation of the County Manager, may make additional or supplementary appropriations from unexpended or unencumbered funds set aside for contingencies in the county budget if the County Manager first certifies, in writing, that the funds are available for appropriation. No supplemental appropriation shall exceed the amount of funds so certified.

Section 617

Emergency Appropriations

To meet a public emergency affecting life, health or property, the Council, upon the recommendation of the County Manager, may make emergency appropriations from contingent funds, revenue received from anticipated sources but in excess of the budget estimates therefor, or revenues received from sources not anticipated in the budget for the current fiscal year. To the extent that there may be no available unappropriated revenues to meet emergency appropriations, the Council may authorize the issuance of emergency notes which may be renewed from time to time. Notes and renewals shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made. The total of emergency appropriations in any fiscal year shall not exceed five percentum of all appropriations made in the budget for that year.

Section 618

Lapsed Appropriations

Unless otherwise provided by law, all unexpended and unencumbered appropriations in the current expense budget remaining at the end of the fiscal year lapse into the County treasury. No appropriation for a capital project in the capital budget may lapse until the purpose for which the appropriation was made is accomplished or abandoned; but any capital project stands abandoned if three fiscal years elapse without any expenditure from or encumbrance of the appropriation made therefor. The balances remaining to the credit of the completed or abandoned capital projects shall be available for appropriation in subsequent capital budgets.

Section 619

Appropriation Control and Certification of Funds

No agency of the County government during any fiscal year may expend, or contract to expend, any money or incur any liability, or enter into any contract which, by its terms, involves the expenditure of money for any purpose in excess of the amount appropriated or allotted for the same general classification of expenditure in the budget for the fiscal year, or in any supplemental appropriation as hereinabove provided. Any contract, verbal or written, made in violation of the Section is null and void, and if any officer, agent, or employee of the County government knowingly violates this provision, he shall be personally liable and his action shall be cause, after public hearing, for his removal from office by the County Manager or by majority vote of the Council. If the nature of the transaction reasonably requires the making of any contract, lease, or other obligation requiring the payment of funds from the appropriations of a later fiscal year, it shall be made only upon prior written approval of the Council. No contract for the purchase of real or lease-hold property may be made unless the funds therefor are included in the capital budget.

CHARTER

Section 620

Restrictions on Capital Projects: Amendment to Capital Budget after Adoption of Budget

No obligations of the County may be authorized in any fiscal year for or on account of any capital project not included in the County budget as finally enacted for that year; but upon receipt of a recommendation in writing from the County Manager, the Council, after public hearing and with the affirmative vote of four-fifths of the full Council may amend the County budget in accordance with the recommendation without increasing the total amount of appropriation therefor.

Section 621

Composition and Limitation upon County Funds

- (a) The Council may, by legislative act, create special taxing areas for special services, purposes and benefits, and may appropriate funds for the operation thereof, chargeable exclusively to such special taxes.
- (b) The Council may, in the case of utilities or public works serving such special taxing areas, set rates for services, which shall be exclusively allocated to operations or debt service and retirement of capital expenditure revenue bonds issued for such special services.
- (c) Budgets for the operational and capital programs of such special taxing areas (the special fund) shall be separate from the general current and capital budget. Receipts from County taxes, grants, State revenues and receipts, other than those special taxing areas, shall be paid into the general fund, which is the primary fund for the financing of current expenses for the conduct of County business.
- (d) No general fund revenues or receipts may be dedicated to, expended for, or used to supplement appropriations from the special funds except as a loan to the special fund as authorized by Section 615 of this Charter.
- (e) The Council, by the Annual Budget and Appropriation Ordinance, or by other legislative act, may provide for the establishment of working capital or revolving funds for the financing of central stores, equipment pools, or other services common to the agencies of the County.
- (f) Notwithstanding other provisions of this Section, the Council may establish a Reserve Fund for Permanent Public Improvements, into which there may be paid by the Annual Budget and Appropriation Ordinance cash surpluses not otherwise appropriated or toward the financing of which taxes or other sources of revenue may be dedicated.

Section 622

Borrowing Limitations

Unless and until otherwise provided by legislative act of the Council, within limitations provided by State law, the aggregate amount of bonds and other evidences of indebtedness outstanding at any one time shall not exceed fifteen per centum upon the assessable basis of the County; but, (1) tax anticipation notes or other evidences of indebtedness having a maturity not in excess of twelve months; (2) bonds or other evidences of indebtedness issued or guaranteed by the County payable primarily or exclusively from taxes levied in or on, or other revenues of,

TALBOT COUNTY CODE

special taxing areas or districts heretofore or hereafter established by law; and (3) bonds or other evidences of indebtedness issued for self-liquidating and other projects payable primarily or exclusively from the proceeds of assessments or charges for special benefits or services, are not subject to, or included as bonds or evidences of indebtedness in computing or applying the per centum limitation above provided.

Section 623

Form and Term of Bonds

All bonds shall be in serial form and payable, as consecutively numbered, in annual installments, the first of which shall be payable not more than two years from the day of issue. Bonds shall be properly authenticated. Bonds may be registerable or non-registerable as to principal or interest. All interest coupons transferable by delivery shall be attached to the bonds and be properly authenticated. All bonds shall be made payable within the probable useful life of the improvement or undertaking with respect to which they are to be issued, or, within the average probable useful life of the several improvements or undertakings. The determination of the Council as to the probable useful life of any improvement or undertaking is conclusive. No bonds may mature and be payable more than thirty years after their date of issuance.

ARTICLE VII

GENERAL PROVISIONS

Section 701

Furthering Legislation

The Council may pass additional legislation to implement the objects and purposes of this Charter as it deems necessary.

Section 702

Additional Compensation

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

Section 703

Right to Information

Any person has the right to inspect and obtain copies of any public record in the custody of the County government as provided for in State law (Article 76A of the Annotated Code of Maryland). In accordance with State law, the Council may prescribe reasonable regulations for the inspection and establish reasonable fees for the production of requested copies.

Section 704

Bonding of Officers

Officers of the County government who have possession of or control over any funds of the County shall be bonded for the faithful performance of their duties in a sum, not less than one hundred thousand dollars (\$100,000.00), as may be fixed by, and with sureties approved by the Council. Surety bond premiums shall be paid by the County.

CHARTER

Section 705

Separability

If any article, section, subsection, sentence, clause, or phrase of this Charter is held unconstitutional, invalid, or inapplicable to any person or circumstance, it is intended and declared by the people of the County that all other articles, sections, subsections, sentences, clauses, or phrases of the Charter and their application to other persons and circumstances is separable and not affected by the decision.

Section 706

Definitions and Rules of Construction

As used in this Charter:

- (1) The word “bill” means any measure introduced in the Council for legislative action.
- (2) The words “act,” “ordinance,” “public local law,” and “legislative act,” when used in connection with any action by the Council, are synonymous, and mean any bill enacted in the manner and form provided in this Charter.
- (3) The word “resolution” means a measure adopted by the Council having the force and effect of law but of a temporary or administrative character.
- (4) The word “law” includes all acts, public local laws, ordinances, and other legislative acts of the Council, all ordinances and resolutions of the County Commissioners not hereby or hereafter amended or repealed and all public general laws and public local laws of the General Assembly in effect from time to time after the adoption of this Charter, whenever such construction would be reasonable.
- (5) The words “pass,” “passed,” “passage,” “enact,” “enacted,” and “enactment” when used in connection with the legislative activities of the Council, mean the final action by the Council in approving any item of legislative business and constitute the means whereby a bill attains the status of law.
- (6) The word “State” means the State of Maryland.
- (7) The word “shall” is mandatory and the word “may” is permissive.
- (8) The word “person” includes the words “individual,” “corporation,” “partnership,” and “association” unless this construction would be unreasonable.
- (9) The word “officer” includes the word “councilman.”
- (10) Whenever in this Charter the masculine gender is used, it includes the feminine gender, unless this construction would be absurd or unreasonable.
- (11) The word “agency” when used to designate a subordinate element of government includes all offices, departments, institutions, boards, commissions, and corporations of the County government and, when so specified, all offices, departments, institutions, boards, commissions, and corporations which receive or disburse County funds.
- (12) Reference to a span of time is not intended to include the day the event occurs, but includes the last day of a period computed, unless that day is a Saturday, Sunday, or

TALBOT COUNTY CODE

legal holiday, in which event the period runs until the end of the day thereafter which is neither a Saturday, Sunday, or legal holiday.

ARTICLE VIII **EFFECT AND AMENDMENT OF CHARTER**

Section 801 **Effective Date of Charter**

This Charter shall become effective on the thirtieth calendar day following its adoption.

Section 802 **Existing Law**

The Public Local Laws of Talbot County and all rules, regulations, resolutions, and ordinances of the County Commissioners in force at the time of the effective date of this Charter are repealed to the extent that they are inconsistent with the provisions of this Charter, but no further; and to the extent that they are not repealed because of inconsistency, all public local laws, rules, regulations, resolutions, and ordinances shall continue in full force and effect until repealed or amended.

Section 803 **Existing Officers and Employees**

All appointed officers and employees of the County government holding office at the effective date of this Charter shall continue to be employed at their existing compensation subject to the provisions of this Charter.

Section 804 **Reference in State Constitution and Laws to County Commissioners**

All reference in the Constitution and the laws of this State to the County Commissioners, at such time as the elected members of the first Council take office, shall be construed to refer to the Council if this construction is reasonable. The Council shall succeed to all powers vested heretofore in the County Commissioners by the Constitution and laws of this State.

Section 805 **Charter Amendment**

Amendments to this Charter may be proposed by legislative act of the Council approved by not less than four-fifths of the members of the full Council. Amendments may also be proposed by petition filed with the Board of Supervisors of Elections of Talbot County and signed by not less than twenty percentum of the registered voters of the County, or 10,000 of the registered voters in case twenty per centum of the number of registered voters is greater than 10,000. When so proposed, whether by legislative act of the Council or by petition, the question shall be submitted to the voters of the County at the next general or Congressional election occurring after the passage of the act or the filing of the petition. If at the election the majority of votes cast on the question are in favor of the proposed amendment, the amendment stands enacted from and after the thirtieth calendar day following the election. Any amendments to this Charter shall be published by the Council in at least one newspaper of general circulation published in the County for five successive weeks prior to the election at which the question is considered by the voters of the County.

CHARTER

ARTICLE IX

TRANSITIONAL PROVISIONS

Section 901

Nature of this Article

The provisions of this Article relate to the transition from the existing Commissioner form of government to the form of government provided in this Charter. Where inconsistent with the foregoing Articles of this Charter, the provisions of this Article shall constitute exceptions thereto.

Section 902

Method of Selection of the First Council

In order that this Charter may become operative promptly after it becomes law, the Board of County Commissioners holding office on the effective date of this Charter shall become the first Council. At that time, the office of County Commissioners shall cease to exist in Talbot County.

Section 903

Term of Office of the First Council

The term of office of the members of the first Council shall commence at noon on the effective date of this Charter and expire at noon on the first Monday in December, 1974.

Section 904

Time Certain Articles become Operative

Except as otherwise expressly provided in this Charter all the provisions of Articles I through VIII of this Charter shall become operative when the majority of the members of the first Council takes office.

Section 905

Council Rules of Procedure

Within sixty (60) calendar days of taking office, the first Council shall adopt and publish Rules of Procedure as required by Section 212 of this Charter.

Section 906

Certain Board Appointments

Within sixty (60) calendar days of taking office, the first Council shall appoint a County Board of Appeals as required by Section 501 of this Charter, and a Planning and Zoning Commission as required by Section 404 of this Charter.

Section 907

Compilation of Laws

Within one year of taking office, the first Council shall complete the initial compilation of laws required by Section 218 of this Charter.

TALBOT COUNTY CODE

Section 908

**County Manager and Heads of
Newly Established Offices and Departments**

Within six months of the effective date of this Charter, the Council shall appoint a County Manager and a single head for each of the offices and departments established by Articles III and IV of this Charter. The appointments shall be made in accordance with this Charter.

Section 909

Reorganization of Certain Positions and Agencies

- (1) **TREASURER OF TALBOT COUNTY.** The office of Treasurer of Talbot County is abolished and all powers and duties of said office shall be transferred to the Office of Finance on the effective date of this Charter. The Treasurer shall become the Finance Officer and shall continue as such until the expiration of the current term of the incumbent. Thereupon the County Manager shall assume the duties of the Finance Officer, unless theretofore otherwise provided by the Council.
- (2) **BOARD OF ZONING APPEALS.** The Board of Zoning Appeals is abolished at the time the County Board of Appeals is appointed as required by Section 906 of this Charter. The records, property, and equipment of the Board thereupon shall be transferred to the County Board of Appeals.
- (3) **PLANNING AND ZONING COMMISSION.** The Planning and Zoning Commission currently in office shall continue until the appointment of the new Planning and Zoning Commission provided for in Section 906 of this Charter. The records, property, and equipment of the current Commission and the transaction of unfinished business thereupon shall be the responsibility of the newly appointed commission.
- (4) **TALBOT COUNTY SANITARY COMMISSION.** On the effective date of this Charter, the Talbot County Sanitary Commission shall continue its duties and functions, notwithstanding the provisions of Section 405 of this Charter, until otherwise acted upon by the County Council.
- (5) **OTHER AGENCIES.** All Agencies not established, reestablished, or abolished by this Charter shall retain their present organization and functions for a period of one (1) year from the effective date of this Charter. These agencies shall cease to exist at the end of this one (1) year period unless they are reestablished by legislative act of the Council. This section does not apply to boards and commissions established by State law.