

The draft below is a working paper. No policy or provision that appears in this document has been adopted by the Frederick County Charter Board. All policies and provisions that are contained in this draft are under debate. They are subject to amendment and deletion in subsequent drafts. The Charter Board expects to complete its work with a final document in the summer of 2012.

CHARTER OF FREDERICK COUNTY, MARYLAND

PREAMBLE

We the citizens of Frederick County, Maryland, a body corporate and politic, under the Constitution and general laws of the State of Maryland, in order to establish a more dynamic, efficient, and responsive form of county government, which shall be empowered by us to exercise greater local authority to govern and be manifest in its scope to all, do adopt, ordain, and establish as our instrument of government this Charter of Frederick County, Maryland.

ARTICLE 1. General Provisions

101. Body Corporate and Politic

Frederick County as it now exists constitutes a body corporate and politic. Under this Charter it shall have all the rights and powers of local self-government and home rule as are now or may be provided or necessarily implied by this Charter, the Maryland Constitution and laws of the State of Maryland.

102. Exercise of Powers

The powers provided in Section 101 of this Charter shall be exercised only by the County Executive, the County Council and other officers, employees and agents of Frederick County, acting under their respective authorities or under such other authorities as may be provided by this Charter or by law.

103. Name and Boundaries

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

104. Definitions

() The term "Agency" means any agency, department, office, board, commission or administrative entity of the Frederick County Government.

() The term "Allowances" means the amount of money granted to an office holder to meet the personal expenditure necessitated by the special circumstances in which duty is performed. It includes, but is not limited to, mileage reimbursement, other travel expenses, and the cost of attending conferences and conventions related to duties that are directly relevant to the office.

() The term "Bill" means any proposed act of the County Council resulting in a law or ordinance. It shall not mean a resolution that is not intended to have the effect of law.

() The term "Budget" means...

() The term "Charter" means the Charter of Frederick County.

() The term "Compensation" means Allowances, Fringe Benefits and Salary.

() The term "Council" means the County Council of Frederick County.

() The term "County" means Frederick County, Maryland.

() The term "Executive" means the County Executive of Frederick County, Maryland.

() The term "Frederick County Government" means the officers, personnel, departments, agencies, offices, boards, commissions, and other entities that are subject collectively to the powers of local self-government and home rule as are now or may be provided or necessarily implied by this Charter, Article XI-A of the Maryland Constitution, and Article 25A of the Annotated Code of Maryland.

() The term "Executive" means the County Executive of Frederick County.

() The term "Fringe Benefits" means employment benefits that are generally available to all salaried County employees and that do not discriminate in favor elected officials. Fringe Benefits may include, but are not limited to, group life, health, hospitalization or medical insurance and retirement benefits.

() The term "Government" means the County Government of Frederick County.

() The term "Salary" means the fixed amount of money paid annually to an office holder for the duties performed.

() The term "State" means the State of Maryland.

**ARTICLE 2.
County Council**

201. Composition

There shall be a County Council of Frederick County, Maryland, composed of five (5) council members.

202. Powers

All legislative powers which may be exercised by the County under the Maryland Constitution and laws of the State are vested in the Council, subject to those powers retained by the people of the County as hereinafter set forth in Section [Referendum] of this Charter.

203. Council to Act as a Body

In all functions and deliberations, the Council shall act as a body. It shall have no power to create standing committees or to delegate any of its functions and duties to a smaller number of its members than the whole. The Council may, however, appoint special ad hoc committees solely for the purpose of inquiry and fact finding.

204. Election

(a) The County shall be divided into five Council Districts, which shall be designated as Council District 1, Council District 2, Council District 3, Council District 4, and Council District 5. Until otherwise changed pursuant to Section [Redistricting] of this Charter, the boundaries of the districts shall be as follows: [to be established] [Alternatively: Until otherwise changed pursuant to Section [Redistricting] of this Charter, the boundaries of the districts shall be those provided in Chapter ___ of the Laws of Maryland 2012]

[Staff note: the elements in Paragraph (a) will be discussed at a later date]

(b) A council member shall reside in each of the five Council Districts and be nominated and elected by the voters of the district in which a council member resides. Council members shall be elected at the same time as members of the General Assembly are elected in the manner provided by law.

205. Qualifications

(a) Except as provided in subsection (b) of this section, each council member shall be a citizen of the United States and, for at least one year immediately preceding election or appointment, a resident and registered voter of the County and the district from which the council member is elected or appointed.

(b) If a candidate for the Office of County Council cannot have resided and been a registered voter of the district in which he or she resides for at least one year prior to election solely because the boundaries of the district have changed as a result of redistricting as provided in Section ___ of this Charter, the candidate may be elected or appointed to represent the district if he or she meets the following criteria:

- a citizen of the United States
- a resident and registered voter of the County for at least one year prior or election or appointment; and
- a resident and registered voter of the district for at least six months.

(c) While serving as a council member, no council member may:

- (1) Hold any other elected public office;
- (2) Hold any other office of profit created by the Maryland Constitution or laws of the State, pursuant to Article 35 of the Maryland Declaration of Rights;
- (3) Be employed by any public agency, department, board, commission, or other public entity receiving any funds from the Budget; and
- (4) Hold any compensated position in any public agency, department, board, commission, or other public entity receiving any funds from the Budget.

206. Term of Office

(a) A council member shall hold office for a term beginning at noon on the first Monday of December next following the election of the council member and ending at noon on the first Monday of December in the fourth year thereafter, or until a successor is qualified.

(b) No council member may serve more than three consecutive terms.

(c) For purposes of the restriction imposed by subsection (b), a council member who has been appointed to fill a vacancy and who has served two or more years of that term will be considered to have served one full term. An appointed council member who serves less than a two-year term will be considered, solely for purposes of the subsection (b) restriction, not to have served a term as a council member.

207. Compensation

Each council member shall receive as compensation and allowances for the performance of public duties under this Charter the sum of not less than _____ (\$_____) per annum. A council member shall not accrue annual leave or be entitled to any payment in lieu thereof. The compensation and allowances shall be in full compensation for all services performed, but shall not preclude reasonable and necessary expenses as may be provided in the Budget. The Council shall establish by ordinance a Compensation Review Commission every four years to review the Council's compensation and allowances in accordance with the provisions of Article 25A Subsection 5(AA) of the Annotated Code of Maryland. The Council may reduce or reject the Commission's recommendation, but it shall not increase any recommended item.

208. Forfeiture of Office

(a) A council member shall immediately forfeit office upon:

1. the council member ceasing to be a citizen of the United States, a registered voter of the County, or a resident of the Council District in which the council member resided when elected or appointed;
2. the council member pleading guilty to a felony or a crime involving moral turpitude;
3. the council member being granted probation before judgment for a felony or a crime involving moral turpitude; or
4. acceptance by a court of a plea of nolo contendere for a felony or a crime involving moral turpitude.

(b) A council member shall be suspended from office by operation of law without pay or benefits upon being convicted of a felony or a crime involving moral turpitude. During the period of suspension the Council shall appoint a person to temporarily fill the elective office in the manner provided in Section 209 of this Charter. If the conviction becomes final, after judicial review or otherwise, the council member shall immediately forfeit office and the office shall be deemed vacant.

209. Vacancies

(a) A vacancy occurs when a council member, prior to the expiration of the term for which elected, dies, resigns from office, is suspended from office, or becomes disqualified to hold office pursuant to Section 208 of this Charter.

(b) When a vacancy occurs, the remaining council members within forty-five days shall appoint a person to serve the unexpired term of office. The appointee shall be selected by a majority vote of the remaining council members. The appointee shall meet the same

qualifications and residence requirements and, when succeeding a party member, shall be a member of the same political party as the person who vacated office.

(c) When succeeding a party member, the appointee shall be selected from a list of three persons submitted to the Council by the County central committee of the political party affiliated with the person vacating office, provided the list is submitted within thirty days from the date a vacancy occurs. If no such list is submitted within thirty days, or if the council member vacating office is not a member of a political party, the Council shall appoint the person it deems best qualified to hold office regardless of his or her party affiliation, if any, provided the appointee meets the qualifications and residency requirements provided in subsection (b) of this section.

(d) If the Council fails to fill a vacancy pursuant to the provisions of this section, the Executive shall appoint a person to fill the vacancy, provided the appointee is nominated in accordance with the provisions of this section and meets its qualification and residency requirements.

210. Officers

At the first scheduled meeting of the Council in December following an election and biennially thereafter, the Council shall elect from among its members a President and Vice President of the Council. The President, or in the absence of the President, the Vice President, shall preside over meetings of the Council. The Council may provide for the selection of other officers as the Council may deem desirable for the exercise of its powers.

211. Investigations by the Council

The Council may investigate the affairs of the County and the conduct and performance of any Agency. The Council may subpoena witnesses, administer oaths, take testimony, and require the production of evidence for purposes of this section. Subpoenas may be issued only upon the affirmative vote of at least four council members.

212. Non-interference

(a) Neither the Council nor any of its members shall appoint, dismiss, or give directions to any individual employee of the Executive Branch of the Government, except as may be provided by State law or this Charter.

(b) Notwithstanding subsection (a) of this section, it shall be the duty of the Executive to provide any information that is requested by the Council in writing for the purpose of introducing and evaluating legislation or to engage in the review and monitoring of Government programs, activities, and policy implementation.

213. Council Assistance

The Council may by resolution, at its discretion and subject to the provisions of its budget or supplementary appropriation, employ administrative employees or such legal, financial or other advisors as it deems necessary to perform its functions.

214. Redistricting

(a) The Council shall appoint by resolution a Redistricting Commission not later than April 1 of the year following each decennial census date. The central committee of each political party shall nominate five persons to serve on the Commission if, at the time of nomination, at least twenty-five percent of the total number of registered voters in the County are affiliated with the political party. The list submitted by the political party shall include one person who resides in each Council District. The Council shall appoint all such nominees as members of the Commission as well as one or two additional members of the Commission, as the case may be, to ensure that its total membership equals an odd number. The Council shall appoint the Chair of the Commission from among the Commission members. No person shall be eligible for appointment to the Commission who holds elective office.

(b) By November 15 of the year before the year in which redistricting is to take effect, the Commission shall present to the Council a plan of Council Districts, together with a report explaining it. Within thirty days of receiving the plan of the Commission, the Council shall hold a public hearing on the plan. If within ninety days after submission of the plan no other legislation reestablishing the boundaries of the Council Districts has been enacted, the plan as submitted shall become law.

(c) Any Council District established in accordance with this section shall be compact, contiguous, substantially equal in population, and have common interests as a result of geography, occupation, history, or existing political boundaries.

(d) An ordinance establishing Council Districts shall be exempt from referendum.

**ARTICLE 3.
Legislative Process**

301. Legislative Powers

In accordance with Section 202 of this Charter, the Council may enact public local laws for the peace, good government, health, safety or welfare of the County and on all subjects that have been delegated to the County under the Maryland Constitution and by the laws of the State. The Council may repeal and amend the local laws for the County heretofore enacted by the General Assembly as provided by law.

302. Legislative Sessions

Except during the month of November in the year in which council members are elected, the Council may enact legislation on the first and third Tuesdays of each month, and on any additional days the Council may determine necessary. When the first or third Tuesday is a legal holiday, the next succeeding Tuesday shall be a day for the enactment of legislation. In no event shall the Council sit for more than forty-five (45) days in a calendar year for the purpose of enacting legislation.

303. Non-legislative Sessions

The Council may sit in non-legislative sessions at such other times and places as it may determine. In such sessions the Council may perform any activity or engage any subject matter that is within its powers and duties to perform or engage, other than the enactment or introduction of legislation. The subject matter and activities in non-legislative sessions may include, but are not limited to, conducting public hearings on legislative matters, fact-finding and inquiry, proposing and adopting Bill amendments, as well as deliberating and debating legislation and legislative policy.

304. Legislative Procedure

(a) Three (3) council members shall constitute a quorum for the transaction of legislative business.

(b) Legislative sessions shall be open to the public, advertised in advance, with such notice to include using electronic media such as the County website, and shall comply with all requirements for open meetings provided by law.

(c) The Council shall provide for the keeping of a journal, which shall contain all the formal actions taken by the Council, whether legislative, administrative or any other types of formal action. The journal shall include all appointments, motions, orders, resolutions, introduction of bills, reports and votes, but shall not include transcripts of speeches, debates or other statements or remarks. The journal shall be open to public inspection during normal business hours. If the minutes of the Council meetings contain the same material required to be contained in the journal, the collection of minutes shall constitute the journal; otherwise the journal and minutes shall be separate publications. Copies of the minutes of Council meetings shall be made available to the public upon approval and shall appear on the County website or otherwise be published using electronic media.

(d) Voting on legislation shall be by roll call, except on procedural motions. The ayes and nays shall be recorded in the minutes.

(e) The Council may adopt and publish additional rules of legislative procedure that may be desirable and not in conflict with this Charter.

305. Enactment of Legislation

- (a) The Council may enact no law except by written Bill.
- (b) A Bill shall embrace one subject. The subject shall be described in its title. No law may be enacted, revised, or amended by reference to its title alone. The duty of the Council shall be to enact the same format and arrangement of words as the legislation would read when it becomes law.
- (c) A Bill may be introduced by one or more council members at a legislative session. A bill and each copy of the bill shall bear the name or names of the council member(s) introducing the bill and the date of introduction.
- (d) On the date a Bill is introduced, the Council shall either reject the Bill by an affirmative vote of at least four council members or the President of the Council shall schedule a public hearing on the Bill. Within seventy-two hours of its introduction, a copy of the Bill, with notice of the date, time, and place of the public hearing, shall be publicized. Before a public hearing on a Bill, the title and a fair summary of the Bill and the date, time, and place of the public hearing shall be published at least once each week for two successive weeks in a newspaper of general circulation in the County. If the Council determines that no such newspaper exists in the County, the Council shall use whatever media it deems most suited to satisfy the public notice requirements of this subsection. The President of the Council may schedule more than one public hearing on a Bill, provided the publication and notice requirements of this subsection are met for each hearing.
- (e) After a public hearing, the Council may enact a Bill into law, with or without amendment, by an affirmative vote of at least three council members. In the event a Bill is amended before enactment, and the amendment or amendments constitute a change of substance, the Bill, as amended, shall not be enacted into law until the Bill meets the public hearing, notice, and publication requirements of a newly introduced Bill.
- (f) A Bill not enacted within ninety days of introduction is void. A Bill not enacted prior to the month of November in any year in which council members are elected to office is void.

306. Executive Veto

- (a) Except as otherwise provided in this section, within ten business days after the passage of any legislation, the Council shall deliver the legislation to the Executive for approval or veto. If the Executive takes no action to approve or veto the legislation within ten business days after receipt, it shall be deemed approved as if the Executive had approved it.
- (b) If the Executive approves the legislation, it shall take effect as provided in this Charter.

(c) If the Executive vetoes the legislation, the Executive shall return it to the Council together with reasons for the veto stated in writing. Not later than the next legislative session immediately following the receipt of the vetoed legislation, the Council may override the veto by the affirmative vote of four members of the Council.

(d) The Executive shall not veto the annual budget and appropriation law.

307. Effective Date of Laws

The Annual Budget and Appropriations Ordinance shall take effect on the first day of the fiscal year to which it applies. All other laws shall take effect sixty calendar days after enactment, except in the event a law provides for a later effective date or is referred to the voters under Section 308 of this Charter.

308. Referendum

(a) Except for the following, a law, or part of a law, enacted pursuant to this Charter may be referred to the voters for approval upon the filing of a petition signed by ten percent of the registered voters of the County:

- (1) A law imposing a tax;
- (2) A law appropriating funds for current expenses to maintain the Government;
- (3) A law prescribing Council Districts.

(b) A petition to refer a law, or portion of a law, to the voters of the County shall meet the requirements of State law and may consist of several papers, but each paper shall contain the full and accurate text of the law, or part of the law, that is subject to the petition. There shall be attached to each paper of signatures filed with a petition an affidavit of the person procuring those signatures. The affidavit shall state that the signatures were affixed in the person's presence and that, based upon the person's best knowledge and belief, every signature on the paper is genuine and bona fide and that the signers are registered voters of the County at the address set opposite or below their names.

(c) No later than fifty-nine days following the date a law is enacted, a petition to refer the law, or portion of law, to the voters under this section may be filed with the Board of Supervisors of Elections for the County.

(d) Whenever a petition complying with all the provisions of law and this Charter is filed, the referred law, or the referred portion of law, shall not take effect until thirty days after approval by a majority of voters.

(e) A law, or portion of a law, shall be submitted to the voters pursuant to this section voting either at: (1) the next general election for members of the United States Congress; or (2) a special election called by the Council, which shall be held not less than thirty days and not more than ninety days following the filing of a valid petition pursuant to this section. A special election is prohibited whenever members of the United States Congress

are to be elected at a general election within one hundred eighty days of the filing of a valid petition under this section.

309. Publication of Laws

The Council shall cause a fair summary of all laws enacted, amended, or repealed under this Charter to be published promptly at least once in a newspaper of general circulation in the County and on the County website or otherwise be published using electronic media.

310. Compilation of Laws

At intervals not greater than every ten years, the Council shall cause all local laws of the County which are of general application and continuing force in the County to be codified. The codification shall be known as "The Code of Frederick County, Maryland." The publication shall contain an index and appropriate notes, citations, annotations, and appendices as the Council determines.

ARTICLE 4 Executive

401. Composition

The executive branch of the County government shall comprise the County Executive and all officers, agents, and employees under the supervision and authority of the Executive.

402. County Executive Powers and Duties

There is a County Executive, who shall be the chief executive officer of the County and shall faithfully execute the laws. All executive power vested in the County by the Constitution and laws of Maryland and this Charter shall be vested in the Executive. The Executive shall see that the affairs of the executive branch are administered properly and efficiently, and that employees of the executive branch faithfully perform their duties. The duties and responsibilities of the Executive shall include, but are not limited to:

(a) Supervising and directing offices, agencies and divisions of the executive branch and ensuring that County employees as well as County boards and commissions faithfully perform their duties;

(b) preparing and submitting to the Council the annual County Budget.

(c) preparing and submitting to the Council and the public within six months after the close of the fiscal year, an annual report on the activities and accomplishments of the County government, including a comprehensive annual financial statement;

(d) providing the Council with any information the Executive deems necessary or, as the Council in writing may request, information concerning the executive branch which the Council may require for the exercise of its powers;

(e) recommending to the Council such measures for legislative action that the Executive may consider to be in the best interests of the County; and

(f) signing or causing to be signed on the County's behalf all deeds, contracts, and other instruments.

403. Election of the County Executive

The Executive shall be elected by the registered voters of the entire County in the manner provided by law at the same time as members of the General Assembly are elected.

404. Term of the County Executive

(a) The Executive shall hold office for a term beginning at noon on the first Monday of December next following the election of the Executive as provided in Section 403 of this Charter and ending at noon on the first Monday in December in the fourth year thereafter, or until a successor is qualified.

(b) No Executive may serve more than two consecutive terms.

(c) For purposes of the restriction imposed by subsection (b) of this section, an Executive who has been appointed to fill a vacancy and who has served two or more years of that term will be considered to have served one full term. An appointed Executive who serves less than a two-year term will be considered, solely for purposes of the subsection (b) restriction, not to have served a term as Executive.

405. Qualifications of the County Executive

(a) The Executive shall be a citizen of the United States and, for at least two years immediately preceding election or appointment, a resident and registered voter of the County.

(b) The Executive shall devote full-time to the duties of the office. The Executive shall not participate in any private occupation for compensation. During the term of office, the Executive shall not hold any other office of profit.

406. Compensation of the County Executive

(a) Subject to subsection (b) of this section, the Executive shall receive a Salary of not less than _____. In addition to Salary, the Executive shall be entitled to receive Allowances and Fringe Benefits as those terms are defined in this

Charter. The Executive shall not accrue annual leave or be entitled to any payment in lieu thereof.

(b) The Compensation Review Commission established pursuant to Section 207 of this Charter shall review the Executive's Salary and make recommendations to the Council. The Council shall have the power to increase the Salary by the affirmative vote of not less than three council members. To reduce the Salary, the affirmative vote of not less than four council members is required. In no event shall the Salary be reduced by a figure lower than that provided in subsection (a) of this section except by amendment thereto. The Salary of the Executive shall not be increased or reduced during his or her current term.

407. Forfeiture of Office by the Executive

(a) An Executive shall immediately forfeit office and the office shall be deemed vacant upon:

1. the Executive ceasing to be a citizen of the United States or a registered voter of the County;
2. the Executive pleading guilty to a felony or a crime involving moral turpitude;
3. the Executive being granted probation before judgment for a felony or a crime involving moral turpitude; or
4. acceptance by a court of a plea of nolo contendere for a felony or a crime involving moral turpitude.

(b) An Executive shall be suspended from office by operation of law without pay or benefits upon being convicted of a felony or a crime involving moral turpitude. During the period of suspension the Council shall appoint a person to temporarily fill the office in the manner provided in Section 408 of this Charter. If the conviction becomes final, after judicial review or otherwise, the Executive shall immediately forfeit office and the office shall be deemed vacant.

408. Vacancy in the Office of County Executive

(a) A vacancy in the Office of the Executive shall exist upon the death or resignation of the Executive, or upon forfeiture of office as provided in Section 407 of this Charter. A majority of the council members shall appoint, within thirty days, a person to fill the vacancy. An appointee, when succeeding a party member, shall be a member of the same political party as the person elected to such office and shall be a nominee of the County central committee of that party.

(b) If the Council has not made an appointment within the thirty-day period provided in subsection (a) of this section, the Council shall appoint within fifteen days thereafter: (1)

the nominee of the County central committee of the political party, if any, of the person who vacated the office; or (2) the Chief Administrative Officer, if the person who vacated office was not a member of a political party.

(c) Any person appointed to fill a vacancy pursuant to this section, except the Chief Administrative Officer, shall meet the qualifications provided in Section 405 of this Charter.

409. Temporary Absence or Disability

In the event of the temporary absence of the Executive, the Chief Administrative Officer shall perform the duties of the Executive.

410. Chief Executive Officer

The Executive shall appoint a Chief Executive Officer, subject to confirmation by the Council. The Chief Executive Officer shall be selected on the basis of qualifications as a professional administrator, skill in governmental budgeting and technical training for the duties of the office. He or she shall be a resident of the County within six months of appointment. The duties of the Chief Administrative Officer, which shall include supervising the departments, agencies and offices under the control of the Executive, advising the Executive on all administrative matters and performing such other duties as may be assigned by the Executive or by this Charter, shall be subject to the direction of the Executive. The Chief Executive Officer shall serve at the pleasure of the Executive.

411. County Attorney

(a) The Executive shall appoint a County Attorney, subject to confirmation by the Council. The County Attorney shall be the chief legal officer of the County and conduct all the law business of the County. The County Attorney shall be a legal advisor to the Executive, the Council, all County departments, agencies, offices and other instrumentalities of the Government. The County Attorney shall serve at the pleasure of the Executive.

(b) The County Attorney, with the approval of the Executive, and as provided in the Budget, may appoint assistants to serve as members of the legal staff. The County Attorney and the staff of the office shall engage in no other law practice.

(c) The County Attorney may, with the approval of the Council, employ special legal counsel to work on problems when the work to be done is of such character or magnitude as to require services in addition to those regularly provided by the County Attorney.

412. Appointment and Removal of Department Heads and Others

(a) The Executive shall appoint an individual to head each principal operating department, agency or office under the control of the Executive, subject to confirmation

of the Council. Individuals appointed under this subsection shall serve at the pleasure of the Executive.

(b) Except as provided in subsection (c) of this section or prescribed by law, the provisions of this Charter or by ordinance, the Executive shall appoint all members of boards and commissions. Such membership shall be subject to confirmation by the Council. Individuals appointed under this subsection shall serve at the pleasure of the Executive, unless otherwise prohibited by law, the provisions of this Charter or by ordinance.

(c) The membership of boards and commissions that are established exclusively to advise the Council shall be appointed and removed by the Council, at the Council's discretion, unless such matters are prescribed by law, the provisions of this Charter or by ordinance.

(d) If the Council fails to take action within thirty days upon an appointment made by the Executive pursuant to this section, the appointment shall become effective.

413. Temporary Administrative Appointments

When a vacancy occurs in the position of the Chief Executive Officer or the head of any principal operating department, agency or office under the control of the Executive, the Executive shall appoint an acting Chief Executive Officer or acting head of the department, agency or office, as the case may be, to serve for a period not exceeding six months. This limit may be extended by the Council for a period of time not to exceed an additional four months.

414. Plan of Organization

(a) An Executive shall make an evaluation of the structure, organization, functions, powers, and duties of each department, agency and office under the Executive's control within fourteen months of the Executive's election.

(b) The Executive shall report the results of the evaluation to the Council within the time frame established in subsection (a) of this section, along with any recommendations that require legislative authorization and which the Executive believes would increase the efficiency and effectiveness of the County government. If recommendations are made pursuant to this subsection, the Executive shall, along with the Executive's report, include a plan for implementing the recommendations.

(c) The Council shall consider the Executive's recommendations that require legislative authorization and the plan of implementation.

(d) At the discretion of the Executive, the Executive at any time may alter, adjust, modify or in any manner change the structure, functions, powers and duties of any department,

agency or office under the Executive's control if the alteration, adjustment, modification or change does not require legislative authorization.

ARTICLE 5.
Budget and Finance