

Thursday, Dec. 16, 2010

## County leaders take first step to change form of government

### Commissioners vote to appoint charter-writing board

by Sherry Greenfield | Staff Writer

Frederick County voters will not only elect a president in 2012, but they will also choose whether to change the county's form of government during that election cycle.

The Frederick Board of County Commissioners voted 4-0 Tuesday to appoint a board on or before March 1, that would write a charter, which is a document that describes how the county government would run. Commissioners have the option to appoint five, seven or nine county residents to the board.

In 2002, Frederick County residents voted down a change from commission to code home rule, and in 1991, voters were against a change to charter.

If the charter is positively received by voters in the 2012 election, then an election for a Frederick County executive and county council would occur in 2014.

"The four of us [during the campaign] expressed interest in going this way," said Commissioner C. Paul Smith (R). "I kind of feel it is part of our mandate to go this way."

Commissioners' President Blaine R. Young (R) and Commissioners Kirby Delauter (R) and Billy Shreve (R) spoke often about changing the county's current commissioner form of government to charter, which has an executive and council running the county.

Commissioner David P. Gray (R) was not at Tuesday's meeting because of a family commitment. During the campaign Gray said he favored the commissioner form of government, writing in response to a Gazette voters' guide questionnaire that "the commissioner form works quite well. This last board has achieved efficiencies in operation, such as use of consent agendas, creating a four-year strategic plan, etc., that have streamlined the commissioner decision-making process."

Of Maryland's 23 counties, 10 have charter form of government, six have code home rule and seven have commissioners.

In Frederick County's commission form of government, the commissioners cannot pass certain legislation without the authority of the Maryland General Assembly.

On their own, the board can enact property taxes, impact fees on residential development and water and sewer rates. The commission oversees executive and legislative branches of government.

Under a charter, Frederick County would not rely as heavily on the General Assembly.

Under a charter, the executive and legislative branches are separate.

During the campaign, Young said that residents should have the opportunity to decide if they want to change the county's form of government. Young said that the county's population has grown to the point where an executive with representatives from each section of the county should run the government.

On Tuesday, Smith said he supported moving to charter, but wanted to appoint a board after addressing the financial shortfalls projected in the county's operating budget for fiscal 2012.

"In my mind the budget issues we face are so significant that this is something I want to address, but certainly after the budget," he said. "I think that would be better."

Commissioners are slated to adopt the budget in June. Young said he did not want to wait until then to appoint the committee.

"If we want to give residents the option to choose what form of government they want, at some point we need to give direction to staff," he said.

Shreve agreed: "We're not doing the work, staff is doing the work. They're just keeping us in the loop."

Mathias informed commissioners that once they appoint a charter writing committee their work is done because the committee is tasked with writing the document.

"Once you appoint the charter board it's out of your hands," he said.

After the board is appointed, members have 18 months to prepare a charter. County residents have 60 days to contest the appointments with a petition signed by 3 percent of the registered voters (4,130 voters). The petition can nominate additional charter board members.

Commissioners then must hold a special election within 30 to 90 after receiving the petitions. At this election, voters will elect the charter board.

Once the charter is prepared, commissioners must publish the written document twice in 30 days. Voters will cast their ballot within 30 to 90 days after publication of the charter, in either a special election or a general election.

## FORMS OF GOVERNMENT

Maryland counties can have one of three forms of government:

- Charter: A county executive and a county council typically lead the government.
- Code home rule: Commissioners govern, but have a bit more power and can pass certain legislation.
- Commissioner: Commissioners must present most bills, including those requesting taxing authority, to the county delegation of the Maryland General Assembly. Those lawmakers then choose whether to take the legislation to the entire General Assembly, which must approve new laws.

sgreenfield@gazette.net