



Briefing on Charter Form of Government for Charles County

March 21, 2023

Presenter

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FORMS OF GOVERNMENT

Local Governments are “Creatures of the State.” All authority and power given to local governments is provided by the General Assembly.

(MD Constitution Art 11-A)

THREE OPTIONS:

1. **Commissioner County** - all powers must be explicitly provided by the General Assembly, and the General Assembly may choose to repossess previously delegated powers.

2. **Code Home Rule** - provides broader authority for local officials to decide and execute policies on local matters. Government structure established and revised by Commissioners.

3. **Charter** – government structure established in charter adopted by voters and must be amended by voters. County Council required; elected Executive optional.

CURRENT FORM MARYLAND COUNTIES

- 11 charter counties: Anne Arundel, Baltimore, Cecil, Dorchester, Harford, Howard, Montgomery, Prince George's, Talbot, Wicomico, Frederick.
- 6 code counties: Allegany, Caroline, Charles, Kent, Queen Anne's, Worcester.
- 6 non-home rule (commission) counties: Calvert, Carroll, Garrett, St. Mary's, Somerset, Washington.

FORMS OF GOVERNMENT BY POPULATION

COMMISSIONER FORM OF GOVERNMENT:

- Calvert (93,928)
- Carroll (173,873)
- Garrett (28,702)
- St. Mary's (114,468)

(voters rejected Code Home Rule in 2016)

- Somerset (24,584)
- Washington (191,226)

CODE HOME RULE FORM OF GOVERNMENT:

- Allegany (68,729)
- Caroline (33,386)
- Charles (168,698)
- *(voters rejected Charter in 2014)*
- Kent (19,270)
- Queen Anne's (50,798)
- Worcester (51,620)

CHARTER FORM OF GOVERNMENT:

- Anne Arundel (590,336)
- Baltimore City (576,498)
- Baltimore County (849,316)
- Cecil (103,905) (voters adopted Charter in 2010)
- Dorchester (32,489)

(voters adopted Charter in 2000)

(council has executive/legislative power with appointed county manager)

- Frederick (279,835)
- *(voters adopted Charter in 2012)*
- Harford (262,977)
- Howard (334,529)
- Montgomery (1,055,677)
- Prince George's (955,306)
- Talbot (37,626)

(5 member council has executive/legislative power with appointed county manager)

- Wicomico (103,980)

BASICS ABOUT CHARTER

CHARTER

Form of Government –

Determined by a Charter - established and amended only by the county voters.

Authority – broad –

County Council may enact, repeal or amend public local laws on matters covered by the Maryland Code.

The County Council may enact ordinances & act to carry out laws enacted by the General Assembly

Executive & Legislative Functions –

A County Executive is responsible for the executive function & the County Council for the legislative if set forth in the Charter and approved by the voters .

MARYLAND FORMS OF GOVERNMENT

Code Home Rule vs. Commissioner vs. Charter

ISSUE	CODE HOME RULE	COMMISSIONER	CHARTER
Structure of Government	Commissioners determine structure through local enactments. County Commissioner title retained. First authorized in 1966 – Article XI-F of the Maryland Constitution.	Specified in State law. General Assembly may determine through legislation. First authorized in 1827.	Determined by the charter.
Public Local Laws	Commissioners can enact, amend, or repeal local laws on a wide array of matters. Most powers granted Charter counties also granted to Code counties. General Assembly may still enact public local laws covering an entire class of Code counties, but not for one single Code county See Article 25B.	Commissioner authority limited. General Assembly has full power to legislate for County. Commissioners may enact ordinances where authorized by Express Powers enabling legislation, or specific public local laws. See Article 25.	Broad legislative power vested in county council – General Assembly may enact laws for a single charter county in a subject not contained in their express powers outlined under Article 25A.
Bonding Authority	Commissioners authorize. No statutory maximum, but General Assembly may establish a limit. Subject to local referendum if petitioned by 10% of the voters.	General Assembly must specifically authorize. No statutory limitation.	Charter must authorize issuance of general obligation debt and controls whether or not debt needs to go to public referendum. Debt may not exceed 15% of assessable base. See Article 25A, Section 5(p).
Tax caps	Commissioners may not enact. General Assembly may, however, enact a tax cap for a	General Assembly may establish.	General Assembly establishes – except Baltimore and Montgomery.

MARYLAND FORMS OF GOVERNMENT

ISSUE	CODE HOME RULE	COMMISSIONER	CHARTER
	Code county.		
Referenda	All legislation subject to referendum if petition is filed with Board of Election Supervisors by 10% of registered voters.	Public local laws subject to referendum if petitioned to Secretary of State by 10% of registered voters. General Assembly may enact public local laws contingent on approval at referendum.	Article 25A, Section 8 – all legislation subject to referendum upon petition of county voters or as per county charter.
Enact new taxes, license or franchise fees	General Assembly authorization required. Cannot create new taxes, license or franchise fees not authorized at time County gets Code Home Rule status.	General Assembly authorization required.	General Assembly authorizes except for Baltimore and Montgomery have full taxing authority with some exceptions.
Tax credits	General Assembly authorization required.	General Assembly authorization required.	General Assembly authorization required – except Baltimore and Montgomery.
Impact fees	Commissioners may establish.	General Assembly authorization required. See Article 25.	General Assembly authorization required – except Baltimore and Montgomery
Planning and Zoning Authority	Subject to State law.	Subject to State law. See Article 66B.	Article 25A, Section 5(X) – and as per State law.
Declare/levy civil infractions/fines for enforcement of laws	Commissioners may enact subject to limitations	General Assembly must specifically authorize.	Authorized under Article 25A.
Excise Taxes	Commissioners may enact a school construction excise tax (up to \$750 per lot) if not already levying a development impact fee. May also enact an agricultural excise tax (up to \$750 per lot) for purchase of TDRs if county is not levying a development impact fee.	General Assembly must authorize.	General Assembly authorization required – except Baltimore and Montgomery

MARYLAND FORMS OF GOVERNMENT

ISSUE	CODE HOME RULE	COMMISSIONER	CHARTER
Formality of legislative process/procedures	Formal. Annotated Code specifies precise format, maximum number of legislative sessions, public notification requirements; provisions for emergency bills, effective dates, publications of proposed bills, etc.	Informal - no provisions covering legislative days, emergency bills, publication of proposed bills.	As per county charter.
Number of Commissioners/Council members, method of election, alternative form of board composition	Commissioners may determine through enactment of public local laws.	General Assembly determines.	As per county charter.
Compensation	Commissioners may enact recommendation of a salary commission established by ordinance.	General Assembly sets compensation. Informal salary board may be established to make recommendations to General Assembly.	As per county charter.
Ability to establish separate police and corrections departments	Corrections Department or warden may be done through enactment by Commissioners of a public local law. Police department still requires General Assembly approval.	Required General Assembly approval. See Article 25, Section 3(q).	As per county charter.

MARYLAND FORMS OF GOVERNMENT:

Key Difference

Provisions	Charter	Code
General Welfare Clause (aka “Police Powers”)	Authority to adopt “such ordinances as may be deemed expedient in maintaining the peace, good government, health and welfare of the county.” (MD LOCAL GOVT §10-206(a))	

MARYLAND FORMS OF GOVERNMENT:

Major Limitations

Charter

General Assembly power to enact laws on local matters for two or more Charter counties

No authority to impose new taxes, including development impact fees or excise taxes

Debt limit imposed by General Assembly

Code

General Assembly power to enact laws on local matters for class of Code counties

No elected Executive option

All legislation subject to referendum

No power to impose new types of taxes or fees

No local ability to establish a tax cap or debt cap

No general welfare clause

COST OF CHARTER GOVERNMENT

According to Jeanne E. Bilanin, Ph.D., in 2019, the cost of county government depends on a county's size, demand for services, and wealth -- regardless of form of government.

In Fiscal Year 2017:

Among 8 counties with *lowest* per capita spending:
4 were Commission, 1 was Code, and 3 were Charter

Among 7 counties with *mid-level* per capita spending:
3 were Code and 4 were Charter

Among 8 counties with *highest* per capita spending: ¹¹
2 were Commission, 2 were Code, and 4 were Charter

PUBLIC SAFETY SERVICES IN CHARTER COUNTIES

County (year charter adopted)	Police	Firefighters	EMS
Montgomery (1948)	County department	C & V	C & V
Baltimore (1956)	County department	C & V	C & V
Anne Arundel (1964)	County department	C & V	C & V
Wicomico (1964)	Sheriff	V	C & V
Howard (1968)	County department	C & V	C & V
Prince George's (1970)	County department	C & V	C & V
Harford (1972)	Sheriff	V	C & V
Talbot (1973)	Sheriff	V	C & V
Dorchester (2002)	Sheriff	V	C & V
Cecil (2010)	Sheriff	V	C & V
Frederick (2012)	Sheriff	C & V	C & V

C = career; V = volunteer ¹²

Note: Depending on the county, career EMS providers may be hired either by the county or by their Fire-EMS company.

CHARLES COUNTY

HOME RULE HISTORY

1948 - First Home Rule Charter Adopted (Montgomery County)

1966 - Code Home Rule Established by Maryland General Assembly

1976 - Charles County Ballot Included Option to Establish Charter Form- FAILED

2002- Charles County Ballot Included Option to Establish Code Home Rule – PASSED

2014- Charles County Ballot Included Option to Establish Charter Form- FAILED

ASSEMBLING A CHARTER BOARD

The Maryland Constitution provides that a Charter Board shall draft a proposed Charter to establish Charter form of government. There are two options for establishing a Charter Board:

Option 1. Requires petition to Election Board to place the question of whether to establish a Charter Board to draft a Charter on the next regular election ballot. The Charter Board then drafts the Charter and it is voted on during the following election.

Option 2. Allows the Board of Commissioners to appoint a Charter Board at any time, who will be charged with drafting a Charter. The draft Charter will be subject to a vote.

DETAILS OF CHARTER ADOPTION PROCESS

- Commissioners appoint 5-, 7-, or 9-member Charter Board
- Charter Board prepares charter and presents to Commissioners within 18 months of appointment.
- Commissioners publish charter twice within 30 days of presentation.
- Voters cast ballots at general or special election within 30 to 90 days after publication
- If approved, charter takes effect in 30 days

CHARGE OF THE CHARTER BOARD: DRAFTING A CHARTER

- Charter document explains in detail the authority and structure of a local government.
 - The Constitution of the County.
 - ✓ Authority and functions of elected officials.
 - ✓ Elected and Appointed positions.
 - ✓ Qualifications for Elected and Appointed positions.
 - ✓ Term limits for elected officials.
 - ✓ District and at-large election of Council.
 - ✓ Referendum procedures.
 - ✓ Compensation amounts for elected officials.
 - ✓ Budget process.
 - ✓ Process for passing local laws.
 - ✓ Process to fill vacancies.
 - ✓ Meeting requirements.
 - ✓ Transition Process.

NEXT STEPS

STEP 1 -REVIEW FORMATION WORKSHEET (*ATTACHED*)

STEP 2 - PASS RESOLUTION TO ESTABLISH CHARTER BOARD

STEP 3 – ADVERTISE CHARTER BOARD VACANCY/COMMISSIONERS TO APPOINT MEMBERS

STEP 4 – CHARTER BOARD TO HOLD SEVERAL MEETINGS, PUBLIC HEARINGS AND DRAFT CHARTER OVER NO MORE THAN 18 MONTHS

STEP 5- CHARTER BOARD TO TRANSMIT CHARTER TO COMMISSIONERS

STEP 6 – COMMISSIONERS ADVERTISE CHARTER

STEP 7 – BALLOT QUESTION INCLUDED FOR VOTE BY CHARLES COUNTY VOTES (*CHARTER MUST BE APPROVED BY SIMPLE MAJORITY*)



QUESTIONS?

Mission Statement

The mission of Charles County Government is to provide our citizens the highest quality service possible in a timely, efficient, and courteous manner. To achieve this goal, our government must be operated in an open and accessible atmosphere, be based on comprehensive long- and short-term planning, and have an appropriate managerial organization tempered by fiscal responsibility.

Vision Statement

Charles County is a place where all people thrive and businesses grow and prosper; where the preservation of our heritage and environment is paramount, where government services to its citizens are provided at the highest level of excellence; and where the quality of life is the best in the nation.

Equal Opportunity Employer

It is the policy of Charles County to provide equal employment opportunity to all persons regardless of race, color, sex, age, national origin, religious or political affiliation or opinion, disability, marital status, sexual orientation, genetic information, gender identity or expression, or any other status protected by law.