

CHARTER COMMENTS

The following comments are based on my preparation for my Interview for the Charter Board and the discussions from the last 3 meetings. They're being provided to evoke Board discussion. I kept as a back drop how the Executive and Legislative Branches of our federal government are organized.

GENERAL: Its apparent that the Charter will include an elected County Executive. I see the value in having one person responsible for the day-to-day operations of the County. However, there are 2 issues with this. First, it's a lot of power for one person to have, therefore significant checks and balances need to be incorporated into the Charter. Second, since this is an elected position, there appears to be no requirements for the knowledge, skills or abilities of the person elected to this position. I'm not sure how to address this, but it needs to be factored in. Just because someone has a nice smile and can give a good speech, doesn't mean they can run county government.

- The Draft 2014 Charter is a good start, but needs sections from other county charters to be added.
- Super Majority should be defined as 2/3rds rounded up, ie with 5 it would be 4, with 7 it would be 5, with 9 it would be 7. A simple majority is not sufficient on major issues.

SPECIFIC: The following comments are top level based on the 2014 Charter, are not to be all inclusive and don't include articles that should be incorporated from other Counties Charters.

Article 1: Generally OK.

Article 2:

201 - The number of council members should be discussed. There could be advantages to having more representation than five members.

204 – (a) Do not agree with only 3 districts if 5 council members, would keep current districts.

Also, district council members should require in-district voting.

(c) Would limit number of at large members only to get odd number of members. Would investigate the possibility of staggered terms.

205 - (a) Assume council members are part time.

206 – (b) 12 year term for council members sounds like a maximum for discussion.

207 – (a) President determined IAW article 211.

209 – Member removal should require Super Majority. As currently written, Exec to stop removal.

I would propose that Exec be a voting member for Super Majority since one less member voting.

Article 3:

304 – (a) A majority to conduct business, unless specific action requires Super Majority.

305 – (d) Super Majority as defined above.

306 – (d) The Exec should be able to Veto Annual Budget, with Council being able to override using Super Majority.

Article 4:

404 – (b) 8 year term limit seems reasonable.

406 – The Executive Officers salary should not be tied directly to any state salaries, as has been proposed by one county exec who testified.

411 – Possibly add qualifications for Administrator since they will be doing the actual work.

Ex: “The Chief Administrative Officer shall be appointed solely on the basis of the individual's integrity, managerial ability, technical knowledge, qualities of leadership, professional attitude and of the individual's executive and administrative qualifications for the performance of the duties of the office as hereinafter set forth. The individual shall have had, prior to appointment, a Master's Degree in Business or Public Administration from an accredited college or university and at least five years' experience as an executive either in public administration or private business, or both; or an equivalent combination of education and experience.” (taken from Anne Arundel Charter)

412 Does the county Attorney represent only the Executive side or the Council side as well? If so, who adjudicates when there is a dispute between the two groups?

Add qualifications for County Attorney: Ex. “The County Attorney shall be a resident of the County and a member in good standing of the Bar of the Court of Appeals and of the Circuit Court for Anne Arundel County, and shall have been actively engaged in the general practice of his profession in the State of Maryland for at least five years prior to appointment. The County Attorney shall serve on a fulltime basis and shall not engage in the private practice of law while County Attorney.” (taken from Anne Arundel Charter)

415 – More of the County Organization should be included in this section specifically for major department heads, including appointment procedures and Council confirmation.

4XX – Irrespective of decision to have Police and Fire/EMS as part of the Exec Branch, the relationship between those groups should be included in Charter.

Article 5:

501 – “With the approval of the council” should read “With the confirmation of the council”.

- Add qualifications for Financial Office. Ex: “who shall be appointed on the basis of his knowledge and experience in governmental accounting and financial administration, of

which at least five years shall be in an executive or supervisory capacity, and his demonstrated capacity to discharge the duties as set forth in this Charter”.

- Should the Finance Department be split into a Budget Office and a separate Finance Office? The Financial Officer would act as a Comptroller, responsible for the administration of all financial affairs of the County. Budget Office: “The Budget Officer shall be responsible for the formulation of the budget under the supervision of the Chief Administrative Officer in accordance with the procedures set out in Article VII of this Charter, including the control of positions; research on economic trends and long-term fiscal plans; the study of the organization, methods and procedures of each office, department, board, commission, institution and agency of the County government; the submission to the Chief Administrative Officer of periodic reports on their efficiency and economy” (taken from Anne Arundel Charter).

506 – (a) Council should be able to move funding between lines keeping balance budget requirements.

507 – Where is it called out the citizens involvement in Taxing?

508 – This reads 3%, is that number correct?

509 – (a) Should there be a cap on the amount of funding that the Exec can transfer between lines within a Department without Council approval?

513 – Majority or Super Majority?

Article 6:

601 – For clarity, would state details when/how citizens would vote for Charter changes.

603 – (a) why establish a Charter Review Commission within 6 months? Should be tied to 10-year review unless you’re trying to get input from the incoming County Executive.

(c) Do not agree with adding additional at-large council members, if council membership is increased. This does not need to be included, since adding members will require a charter change anyway.

604 – Why is this in this section? Also, Independent should be external for the Annual Audits, for transparency.

Article 7:

705 – (a) If we go with 5 Council members, keep current Commissioner districts. If we go with more members, then new districts will be required, limiting any at-large members.