

**COUNTY COUNCIL OF CECIL COUNTY, MARYLAND
LEGISLATIVE SESSION DAY 2024-10**

RESOLUTION NO. 26-2024 AS AMENDED

Title of Resolution: Charter Amendment – Appointment and Removal of Department Heads and Others – Executive

Synopsis: A Resolution amending Article 4, Executive, Section 412, Appointment and Removal of Department Heads and Others, County Executive, of the Cecil County Charter to provide that the Council shall have 30 days after introduction at a Legislative Session to approve appointments of the Executive. To require submission of this amendment to the legally qualified voters of Cecil County for their adoption or rejection, in accordance with Section 602 of the Charter of Cecil County.

Introduced by: Council President at the request of the County Council


Introduced and ordered posted on: June 4, 2024

Public hearing scheduled on: July 2, 2024 at 7:00 p.m.

Scheduled for consideration on: July 16, 2024

By: 
Council Manager

Notice and title of Resolution having been posted on June 4, 2024 at the County Administration Building, 200 Chesapeake Blvd., Elkton and having been published according to the Charter on June 19 2024 and June 26, 2024, a public hearing was held on July 2, 2024, and concluded on July 2, 2024.

By: 
Council Manager

Explanation: CAPITAL LETTERS INDICATE LANGUAGE ADDED TO EXISTING DOCUMENT
~~Strike through~~ indicates language deleted from existing document
Underlining indicates language added to document by amendment.
~~Double Strike through~~ indicates language stricken from document by amendment

RESOLUTION NO. 26-2024 AS AMENDED

Charter Amendment – Appointment and Removal of Department Heads and Others – Executive

1 **WHEREAS**, pursuant to Article 6, Section 602 of the Cecil County Charter, the Charter

2 may be amended by the procedures provided in Article XI-A of the Maryland Constitution; and

3 **WHEREAS**, pursuant to Article XI-A, §5 of the Maryland Constitution, amendments to
4 any charter adopted by any County of this State under the provisions of this Article may be
5 proposed by a resolution of the Council of the County, or by a petition signed by not less than
6 20% of the registered voters of the City or County, provided, however, that in any case 10,000
7 signatures shall be sufficient to complete a petition; and

8 **WHEREAS**, pursuant to Md. Code Ann., §7-103(a)(iii) and §7-103(c)(3)(i) of the Election
9 Law Article, the Attorney, designated to represent the county legislative body, shall prepare
10 and certify, and submit to the State Board of Election, not later than August 1, 2024, the
11 following information as required under §7-103(b) of the Election Law Article for each question
12 to be voted on in the County: (1) a question number or letter as by the Election Board; (2) a
13 brief designation of the type or source of the question; (3) a brief descriptive title in boldface
14 type; (4) a condensed statement of the purpose of the question; and (5) the voting choices that
15 the voter has; and

16 **WHEREAS**, pursuant to Article 6, Section 602 of the Cecil County Charter and
17 Article XI-A, §5 of the Maryland Constitution, the amendments shall be published by the
18 President of the County Council once a week for five successive weeks prior to the election in at
19 least one newspaper published in said County; and

20 **WHEREAS**, pursuant to Article 6, Section 602 of the Cecil County Charter and
21 Article XI-A, §5 of the Maryland Constitution, an amendment so proposed shall be submitted to
22 the voters of the County at the next general or congressional election occurring after the
23 passage of the resolution; and

24 **WHEREAS**, in accordance with Article 6, Section 602 of the Cecil County Charter and
25 Article XI-A, §5 of the Maryland Constitution, if at the election the majority of the votes cast for
26 the amendment shall be in favor thereof, the amendment shall be adopted and become a part
27 of the charter of the County from and after the thirtieth day after said election; and

28 **WHEREAS**, Article 4, Executive, Section 412, Appointment and Removal of
29 Department Heads and Others, of the Cecil County Charter currently provides that:

Charter Amendment – Appointment and Removal of Department Heads and Others – Executive

30 “(a) The Executive shall appoint an individual to head each principal operating
31 department, office or agency of the executive branch, subject to confirmation of the Council.

32 The Executive shall remove individuals appointed under this subsection at the Executive's
33 discretion.

34 (b) Except as provided in Subsection (c) of this section or prescribed by state law or
35 other provisions of this Charter, the Executive shall appoint all members of boards and
36 commissions. Such membership shall be subject to confirmation by the Council. The
37 Executive shall remove individuals appointed under this subsection at the Executive's
38 discretion, unless otherwise prohibited by law”.

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

42 (d) If the Council fails to take action within 30 days upon an appointment made by the
43 Executive pursuant to this section, the appointment shall become effective.”

44 **WHEREAS**, in accordance with Article 6, Section 602 of the Cecil County Charter and
45 Article XI-A, §5 of the Maryland Constitution, this Resolution proposes the following
46 amendment to Article 4, Executive, Section 412, Appointment and Removal of Department
47 Heads and Others, of the Cecil County Charter:

48 “(a) The Executive shall appoint an individual to head each principal operating
49 department, office or agency of the executive branch, subject to confirmation of the Council.
50 The Executive shall remove individuals appointed under this subsection at the Executive's
51 discretion.

52 (b) Except as provided in Subsection (c) of this section or prescribed by state law or
53 other provisions of this Charter, the Executive shall appoint all members of boards and
54 commissions. Such membership shall be subject to confirmation by the Council. The
55 Executive shall remove individuals appointed under this subsection at the Executive's
56 discretion, unless otherwise prohibited by law.

57 (c) The membership of boards and commissions that are established exclusively to
58 advise the Council shall be appointed and removed by the Council, at the Council's

Charter Amendment – Appointment and Removal of Department Heads and Others – Executive discretion, unless such matters are prescribed by state law or other sections of this Charter.

(d) If the Council fails to take action ~~within 30 days~~ **AFTER 2 CONSECUTIVE LEGISLATIVE SESSIONS** upon an appointment made by the Executive pursuant to this section within 30 days after introduction at a Legislative Session, the appointment shall become effective.”

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND, that the following amendment to Article 4, Executive, Section 412, Appointment and removal of department heads and others, of the Cecil County Charter, shall be submitted to the voters of the County at the next general or congressional election in accordance with Article 6, Section 602 of the Cecil County Charter and Article XI-A, §5 of the Maryland Constitution:

“ (a) The Executive shall appoint an individual to head each principal operating department, office or agency of the executive branch, subject to confirmation of the Council. The Executive shall remove individuals appointed under this subsection at the Executive's discretion.

(b) Except as provided in Subsection (c) of this section or prescribed by state law or other provisions of this Charter, the Executive shall appoint all members of boards and commissions. Such membership shall be subject to confirmation by the Council. The Executive shall remove individuals appointed under this subsection at the Executive's discretion, unless otherwise prohibited by law.

(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 state law or other sections of this Charter.

(d) If the Council fails to take action ~~within 30 days~~ **AFTER 2 CONSECUTIVE LEGISLATIVE SESSIONS** upon an appointment made by the Executive pursuant to this section within 30 days after the introduction at a Legislative Session, the appointment shall become effective.”

AND BE IT HEREBY FURTHER RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND, that, pursuant to Md. Code Ann., §7-103(a)(iii) and §7-103(c)(3)(i)

RESOLUTION NO. 26-2024 AS AMENDED

88 Charter Amendment – Appointment and Removal of Department Heads and Others – Executive
 89 of the Election Law Article, the Attorney, designated to represent the county legislative
 90 body, shall prepare, certify, and submit to the State Board of Election, not later than
 91 August 1, 2024, the following information as required under §7-103(b) of the Election Law
 92 Article: (1) a question number or letter as by the Election Board; (2) a brief designation of
 93 the type or source of the question; (3) a brief descriptive title in boldface type; (4) a
 94 condensed statement of the purpose of the question; and (5) the voting choices that the
 95 voter has.

95 **AND BE IT HEREBY FURTHER RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY,**
 96 **MARYLAND,** that pursuant to Article 6, Section 602 of the Cecil County Charter and Article XI-A,
 97 §5 of the Maryland Constitution, the amendments shall be published by the President of the
 98 County Council once a week for five successive weeks prior to the election in at least one
 99 newspaper published in said County.

100 **AND BE IT HEREBY FURTHER RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY,**
 101 **MARYLAND,** that pursuant to Article 6, Section 602 of the Cecil County Charter and Article XI-A,
 102 §5 of the Maryland Constitution, the aforementioned proposed amendment shall be submitted
 103 to the voters of the County at the next general or congressional election occurring after the
 104 passage of this Resolution.

105 **AND BE IT HEREBY FURTHER RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY,**
 106 **MARYLAND,** that in accordance with Article 6, Section 602 of the Cecil County Charter and
 107 Article XI-A, §5 of the Maryland Constitution, if at the election the majority of the votes cast for
 108 the aforementioned proposed amendment shall be in favor thereof, then the proposed
 109 amendment shall be adopted and become a part of the Charter of Cecil County from and after
 110 the thirtieth day after said election.

INTRODUCED: June 4, 2024

ADOPTED: July 16, 2024



 President of the Council

ATTEST:


 Council Manager