

DORCHESTER COUNTY CHARTER AMENDMENT PETITION

Article 4, County Manager, Sections 405 & 406—summarized on the back of this page

We, the undersigned voters of Dorchester County, Maryland, hereby petition to have the amendment of the County Charter summarized on the back of this page submitted to a vote of the registered voters of Dorchester County for approval or rejection at the next general election.

THIS PETITION IS SPONSORED BY **DORCHESTER CITIZENS FOR BETTER GOVERNMENT**. TO ASSIST OR PARTICIPATE IN THIS IMPORTANT EFFORT TO AMEND THE DORCHESTER COUNTY CHARTER, PLEASE CONTACT ALLEN NELSON AT Dorchartchg22@yahoo.com

NOTICE TO SIGNERS: Please print or type all information other than your signature. Sign and print your name (1) as it appears on the voter registration list, OR (2) your last name, as registered, AND at least one full given name AND the initial of any other names. Post Office Box addresses are not generally accepted as valid. By signing this petition, you agree that the aforementioned charter amendment proposal should be placed on the ballot as a question at the next general election and that, **to the best of your knowledge and belief, you are registered to vote in Dorchester County, Maryland** and are eligible to have your signature counted for this petition.

A copy of the full text proposed by this petition is immediately available from the petition circulator.

Please Note: The information you provide on this petition is public information and may be used to change your voter registration address.

1	Print Name:	First Name	Middle Name	Last Name	Birth Date:	Month	Date	Year
	Signature:				Date of Signature:	Month	Date	Year
	Maryland Residence Address:	Street Number	Street Name	Apt. No.	City or Town	Zip		
2	Print Name:	First Name	Middle Name	Last Name	Birth Date:	Month	Date	Year
	Signature:				Date of Signature:	Month	Date	Year
	Maryland Residence Address:	Street Number	Street Name	Apt. No.	City or Town	Zip		
3	Print Name:	First Name	Middle Name	Last Name	Birth Date:	Month	Date	Year
	Signature:				Date of Signature:	Month	Date	Year
	Maryland Residence Address:	Street Number	Street Name	Apt. No.	City or Town	Zip		
4	Print Name:	First Name	Middle Name	Last Name	Birth Date:	Month	Date	Year
	Signature:				Date of Signature:	Month	Date	Year
	Maryland Residence Address:	Street Number	Street Name	Apt. No.	City or Town	Zip		
5	Print Name:	First Name	Middle Name	Last Name	Birth Date:	Month	Date	Year
	Signature:				Date of Signature:	Month	Date	Year
	Maryland Residence Address:	Street Number	Street Name	Apt. No.	City or Town	Zip		

Individual Circulator's printed or typed name _____

Residence Address _____

City _____ State _____ Zip _____

Telephone (including area code) _____

Circulator's Affidavit Under penalties of perjury, I swear (or affirm) that: (a) I was at least 18 years old when each signature was obtained; (b) the information given to the left identifying me is true and correct; (c) I personally observed each signer as he or she signed this page; and (d) to the best of my knowledge and belief: (i) all signatures on this page are genuine; and (ii) all signers are registered voters of Maryland. *(Sign and Date when signature collection is completed)*

Circulator's Signature _____ Date (mm/dd/yy) _____

NOTICE TO SIGNERS: this summarizes the amended language of Sections 405 & 406 of the Dorchester County Charter proposed by this petition. The full text proposed by the amendment is available for review before signing this petition, if requested, from the person who has provided it for you to sign.

Section 405. County Manager.

The County Manager shall serve at the pleasure of the County Council, which establishes his or her compensation. The position requires full-time availability, to the exclusion of participation in commercial or business enterprise or management thereof, except as approved by the Council. With limited exception, the County Manager directs, supervises and controls the operation of the County's departments, agencies and offices, under the authority of the Council and as provided in the Charter.

Duties, tasks and responsibilities of the County Manager specified in subpart (d) of this section – some of which currently exist and would continue – include: hiring, suspending and removing all heads of departments, agencies and offices, subject to approval by the Council, and appointing someone to serve on an acting basis during a vacancy in those positions; attending Council meetings; purchasing; providing reports on finances and administrative activities; proposing the County's capital and annual expense budgets; conducting investigations and providing recommendations to the Council. Other duties of the County Manager would be added by the amendment, including:

- Appointing, hiring, suspending and removing County personnel, which may be delegated to the head of a department or office, subject to the County Manager's supervision and control.
- Assuring that the appointment and hiring of County personnel are based solely upon training, education and experience relevant to the particular position.
- Appointing an assistant County Manager, subject to the Council's approval of the appointment and compensation. The assistant would serve as interim County Manager if the County Manager is temporarily unavailable or that position becomes vacant.

The amendment includes subparts to be added in Section 405 providing that:

Subpart (a) – Other than requesting information about the County's administration and operations, Council members cannot direct the County Manager to take any action that has not been approved by the Council, acting as a body, and must address those matters and constituents' requests and suggestions through the County Manager.

Subpart (b) – The County Manager shall be appointed by a majority vote of the entire Council based solely upon education and experience in accepted competencies and practices of local government management and without regard to political affiliation. An employment agreement between the County Manager and the County is required.

Subpart (c) – The County Manager may be suspended or removed by the Council under a specified process, which requires that he or she shall be provided notice, stating the reason(s), which need not constitute cause, and, if he or she requests, a hearing (public, if so requested). Following a hearing, if one is requested, the County Manager may be removed by a majority vote of the entire Council.

Subpart (e) – In the event of a vacancy in the position of County Manager:

- (1) The Council shall promptly appoint an Acting County Manager and set his or her compensation. The appointee shall function as the County Manager until the Council appoints another County Manager. An Acting County Manager is not subject to the full-time requirement or to the qualifications of the County Manager specified in Section 406; a member of the Council may not be appointed as Acting County Manager.
- (2) The Council shall promptly conduct an extensive search for a County Manager, including public notice with the Maryland Association of Counties and the International City/County Management Association and advertisement, and for that purpose may appoint an advisory committee and retain professional services for compensation.
- (3) The vacancy shall be filled within six months, but the Council may extend that period for up to three additional months.

Section 406. Qualifications of County Manager.

The County Manager must be a United States citizen who has not been a member of the County Council for at least two years. He or she need not be a resident of the County at the time of appointment but must become a resident within six months or such longer period after appointment as the Council may approve and thereafter remain a County resident.

DORCHESTER CITIZENS FOR BETTER GOVERNMENT

Full text of sections 405 and 406, Article 4, of the Dorchester County Charter proposed by petition

405. County Manager.

To facilitate the performance of its executive duties, the Council shall appoint a County Manager who shall serve at the pleasure of the Council so long as he or she is qualified, subject to the provisions stated herein on such terms not inconsistent therewith, including compensation, as the Council may approve. The County Manager position requires full-time availability, to the exclusion of participation in commercial or business enterprise or management thereof, except as may be approved by the Council, but subject to leave as approved by the Council or required by law. Unless otherwise provided in this Charter or State law, all departments, agencies, and offices of the Government shall be subject to the direction, supervision, and control of the County Manager, to be exercised as provided herein, under the authority of the Council.

- (a) The County Manager shall not be directed by Council members to take any action that has not been approved by the Council, acting as a body, other than to provide information about the County's administration and operations. Council members shall address those matters and constituent's requests and suggestions solely through the County Manager and not through the County's other personnel, or its contractors and agents.
- (b) The County Manager shall be appointed by a resolution passed by a majority vote of the entire Council based solely upon his or her education and experience in the accepted competencies and practices of local government management and without regard to his or her political affiliation. The appointment shall be contingent upon execution, before or after passage of the resolution, of an employment agreement between him or her and the County that includes terms customarily found in city manager and county manager employment agreements or as otherwise agreed by the Council and the appointee.
- (c) The County Manager may be suspended by and removed by the Council pursuant to an initial resolution setting forth the reason(s), which need not constitute cause, provided that he or she shall have 10 days after receiving a copy of the signed resolution to deliver to the Council's office or its president or vice president a signed request for a hearing by the Council, which shall occur between 10 and 20 days after such delivery at a public meeting if so requested by the County Manager. Following the deadline for such request and the hearing, if requested, the Council may adopt a final resolution removing the County Manager by a majority vote of its entire membership. Unless so removed within 30 days after he or she receives the initial resolution, the County Manager shall continue to serve and any suspension terminated. If suspended, the County Manager shall receive full salary and other compensation, which shall continue until the effective date of the final resolution if he or she is terminated.
- (d) The County Manager shall:
 - (1) Direct, supervise, and coordinate the administrations and functions of all departments, agencies, and offices of the Government, except as may be otherwise provided by law or this Charter;
 - (2) Except as may otherwise be provided in the Charter, hire, suspend, and remove all heads of departments, agencies, and offices of the Government, subject to approval by the Council. During a vacancy in any such position, the County Manager may appoint someone to serve on an acting basis with compensation as provided for the position in the County's budget until the position has been filled by Council approval;
 - (3) Ensure that all laws and provisions of the Charter, which may be subject to enforcement by the County Manager or by officers who are subject to the County Manager's direction and supervision, are faithfully executed;
 - (4) Attend every meeting, including closed meetings of the Council unless excused or excluded by the Council from a meeting to discuss his or her compensation or employment, and participate in discussion but not vote at the meetings;
 - (5) Be responsible for the care and custody of Government buildings and all real property of the Government;

- (6) Be responsible for administering the purchasing policies of the Government;
 - (7) Present a proposed capital and annual expense budget in a manner and form described in the Charter;
 - (8) Fully advise the Council as to the financial condition and future needs of the County and make appropriate recommendations;
 - (9) Within 90 days following the end of the fiscal year, provide the Council a complete and detailed report on the finances and administrative activities of the Government for the preceding year. Copies of the report shall be available for distribution to the public;
 - (10) At his or her initiative or upon request by the Council make, or cause to be made, studies or investigations that are in the best interests of the County, including but not limited to investigations of the affairs, functions, acts, methods, personnel or efficiency of any department, agency, office, or officer;
 - (11) Recommend to the Council County legislation, policy, and regulatory measures or revision or rescission thereof and other action by the Council;
 - (12) Appoint, hire, suspend, and remove County personnel, except as otherwise provided by this Charter, and delegate any such function(s) to the head of a department or office that reports to the County Manager regarding personnel in the specific department or office, subject, however to supervision and direction by the County Manager. Neither the Council nor any member thereof shall direct or request any action regarding these functions;
 - (13) Assure that the appointment and hiring of County personnel are based solely upon training, education, and experience relevant to the particular position;
 - (14) Appoint an assistant County Manager, subject to approval by the Council of the appointment and compensation for the position, who shall function as the interim County Manager if the County Manager is temporarily unavailable due to disability, absence unauthorized by the Council, or unanticipated circumstances and, in the event of vacancy in the County Manager position until the Council shall have appointed a County Manager or an Acting County Manager; and
 - (15) Perform other duties as may be prescribed by law, this Charter, or the Council.
- (e) In the event of a vacancy in the position of County Manager:
- (1) As soon as possible the Council shall appoint an Acting County Manager, who shall receive such compensation as approved by the Council and function as the County Manager until the Council has appointed someone to that position or appointed someone else as the Acting County Manager. Unless otherwise required by the Council, an Acting County Manager shall not be subject to the full-time requirement or the qualifications specified in section 406, except United States Citizenship, but a member of the County Council may not be appointed as the Acting County Manager.
 - (2) Promptly and before filling the vacancy. the Council shall conduct a search for a County Manager that includes public notice of extensive scope (such as the International City/County Management Association and the Maryland Association of Counties) and such advertisement as Council deems appropriate, with a reasonable period for response by prospective appointees. For suggestions and guidance in the recruitment and appointment process, the Council may appoint an advisory committee and may engage professional services for compensation.
 - (3) The Council shall fill the vacancy within six months, provided that period may be extended for up to three additional, consecutive months by resolution.

406. Qualifications of County Manager.

The County Manager shall be a United States citizen who has not been a member of the County Council for at least two years. The County Manager need not be a resident of the County at the time of appointment but shall become a resident within six months or such longer period after appointment as the Council may approve and thereafter shall maintain residency in the County for as long as he or she is employed as the County Manager.