

Resolution No. 10-894
Introduced: July 31, 1984
Adopted: July 31, 1984

COUNTY COUNCIL

FOR MONTGOMERY COUNTY, MARYLAND

By: County Council

SUBJECT: Proposed Amendments to County Charter and Ballot Titles

WHEREAS, Section 5 of Article XI-A of the Constitution of Maryland, and Section 16-14 of the Montgomery County Code, 1972, as amended, provide that amendments to the County Charter may be proposed by a resolution of the County Council; and

WHEREAS, pursuant to Section 23-1 of Article 33 of the Annotated Code of Maryland, proposed Charter amendments must be certified to the Board of Supervisors of Elections on or before the third Monday in the month of August in the year in which there is to be a general or Congressional election at which those Charter amendments are to be voted upon; and

WHEREAS, the Council desires to submit to the Board of Supervisors of Elections for inclusion on the 1984 general election ballot, the following Charter amendments:

1. Amendments to Section 305; and
2. Amendment to Section 401 and addition of Section 511; and

WHEREAS, Section 16-16 of the Montgomery County Code, 1972, as amended provides that there shall appear in print on the voting machine or ballot a ballot title or summary, prepared by the Council, of all proposed Charter amendments; now therefore,

BE IT RESOLVED by the County Council for Montgomery County, Maryland that -

I.

It is proposed to amend Section 305 of the County Charter to read as follows:

SECTION 305

Approval of the Budget; Tax Levies

The Council may add to, delete from, increase or decrease any appropriation item in the operating or capital budget. The Council shall approve the budgets, as amended, and appropriate the funds therefor not later than May 15 of the year in which it is submitted. The aggregate operating budget [excluding the Washington Suburban Sanitary Commission, the bi-county portion of the Maryland-National Capital Park and Planning Commission, and the Washington Suburban Transit Commission] which exceeds the aggregate operating budget for the preceding year by a percentage increase greater than that of the Consumer Price Index for all urban consumers for the Washington

metropolitan area for the twelve months preceding [calendar] December first of each year, shall be approved by the affirmative vote of five Councilmembers. For the purposes of this limitation the aggregate operating budget shall exclude operating budgets for enterprise funds, the Washington Suburban Sanitary Commission, the bi-county portion of the Maryland-National Park and Planning Commission, and the Washington Suburban Transit Commission. Prior to June 30, the Council shall make the tax levies deemed necessary to finance the budgets.

The ballot title shall be designated and read as follows:

"Question A.

Amend Section 305 of the County Charter to exempt the operating budgets of enterprise funds from the computation of the aggregate operating budget when making the determination as to whether the affirmative vote of five Councilmembers is required to approve the budget; to provide that the Consumer Price Index in the computation is computed for the twelve months preceding December first of each year; and to make a clarifying change."

II.

It is proposed to amend Section 401 of the County Charter and to add Section 511 to the County Charter to read as follows:

SECTION 401

Merit System

The Council shall prescribe by law a merit system for all officers and employees of the County government, except members of the Council, the County Executive, the Chief Administrative Officer, the County Attorney, the heads of the departments, the heads of the principal offices and agencies, as defined by law, one confidential aide for each member of the Council, two senior professional staff positions for the Council as a whole as may be designated from time to time by the Council, three special assistant positions in the office of the County Executive as may be designated from time to time by the County Executive, special legal counsel employed pursuant to this Charter, and members of boards and commissions and other officers authorized by law to be appointed to serve in a quasi-judicial capacity. Officers and employees who are members of a unit for which a collective bargaining contract exists may be excluded from provisions of the merit system, only to the extent that such provisions are subject to collective bargaining pursuant to legislation enacted under Section 510 or Section 511 of this Charter. The merit system shall provide the means to recruit, select, develop, and maintain an effective, non-partisan, and responsive work force with personnel actions based on demonstrated merit and fitness. Salaries and wages of all classified employees in the merit system shall be determined pursuant to a uniform salary plan. The Council shall establish by law a system of retirement pay.

SECTION 511

Collective Bargaining - County Employees

The Montgomery County Council may provide by law for collective bargaining, with arbitration or other impasse resolution procedures, with authorized representatives of officers and employees of the County government not covered by Section 510 of this Charter. Any law so enacted shall prohibit strikes or work stoppages for such officers and employees.

The ballot title shall be designated and read as follows:

"Question B.

Amend Section 401 of the County Charter and add Section 511 to the County Charter to authorize the County Council to provide by law for collective bargaining, with arbitration or other impasse resolution procedures, with authorized representatives of officers and employees of the County government not covered by Section 510 of the Charter; to provide that if a law is enacted it shall prohibit strikes or work stoppages for the officers and employees; and to provide that the officers and employees may be excluded from the provisions of the merit system to the extent that the provisions are subject to legislation enacted under Sections 510 or 511."

BE IT FURTHER RESOLVED, that immediately following each of the ballot titles on the ballot, the ballot questions should be stated as follows:

"For the Amendment"

"Against the Amendment"

BE IT FURTHER RESOLVED, that the Secretary of the County Council is authorized and directed to file a certified copy of the Resolution with the Board of Supervisors of Elections.

A True Copy.

Attest:



Kathleen A. Freedman, Acting Secretary
of the County Council for Montgomery
County, Maryland

