

**Article VII
Administration and Personnel**

§ 701: Authority to Employ Personnel

The town may employ such officers and employees as it deems necessary to execute the powers and duties provided by this charter or other state law and to operate the town government.

§ 702: Town Manager [Amended 5-2-16, effective 6-21-16]

(a) There shall be a town manager who shall have the powers and duties as set forth in §702(c) of this charter. The town manager shall be appointed by the council with an affirmative vote of a majority of the entire council. At the time of appointment, and during the town manager's term of office, the town manager shall be a full member in good standing of the International City/County Management Association.

(b) The town manager shall serve at the pleasure of the council and his or her compensation shall be determined by the council. The council may provide an employment contract for the town manager, provided that the contract provides that the town manager serves at the pleasure of the council. The council may remove the town manager from office in accordance with the following procedures:

(1) The council shall adopt by affirmative vote of a majority of the entire council a preliminary resolution which must state the reasons for removal and may suspend the town manager from duty for a period not to exceed sixty (60) days. A copy of the resolution shall be delivered promptly to the town manager.

(2) Within five (5) days after a copy of the resolution is delivered to the town manager, the town manager may file with the council a written request for a private or a public hearing. This hearing shall be held at a council meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The town manager may file with the council a written reply not later than five (5) days after the hearing.

(3) The council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of the entire council at any time after five (5) days from the date when a copy of the preliminary resolution was delivered to the town manager, if the town manager has not requested a private or a public hearing, or at any time after a hearing if the town manager has requested one. The town manager shall continue to receive his or her salary until the effective date of a final resolution unless specified otherwise in any employment contract.

(4) If the preliminary resolution for removal is adopted during the first ninety (90) days following a municipal election and does not include criminal activity among the reasons

for removal, the town manager shall receive his or her salary for at least ninety (90) days from the date of adoption of the preliminary resolution for removal unless greater compensation is specified in an employment agreement with the town manager.

(c) The town manager shall:

(1) Be the chief executive and operating officer of the town and see that its ordinances are faithfully executed, and be the head of the administrative operations of the town government.

(2) Appoint and remove all subordinate officers and employees of the town in accordance with the rules and regulations of any merit system adopted by the council.

(3) Appoint and remove department heads with approval by affirmative vote of a majority of the entire council, subject to the terms of any employment contract providing for severance benefits in the event of removal.

(4) Provide employment contracts to department heads subject to approval by the town council.

(5) Make an annual report to the council and to the public on the condition of municipal affairs.

(6) Make recommendations to the council as needed for the public good and welfare of the town.

(7) Prepare an annual budget to be submitted to the council.

(8) Be the chief financial officer of the town, unless the town manager appoints a chief financial officer subject to the supervision of the town manager. The financial powers of the town, except as otherwise provided for in this charter, shall be exercised by the town manager or by a chief financial officer that the town manager appoints. The chief financial officer shall have the following duties and responsibilities:

(a) Supervise and be responsible for the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.

(b) Maintain a general accounting system for the town in the form as the council may require, but not contrary to state law.

(c) Submit at the end of each fiscal year and at such other times as the council may require a complete financial report to the council.

(d) Ascertain that all taxable property with the town is assessed for

taxation.

(e) **Collect all taxes, special assessments, license fees, liens, and all other revenues of the town and all other revenues for whose collection of the town is responsible, and receive any funds receivable by the town.**

(f) **Have custody of all public monies, belonging to or under control of the town, except for funds in the control of any set of trustees, and have custody of all bonds and notes of the town.**

(9) **Arrange for taking minutes of all town council legislative meetings and keeping a full and accurate account of the proceedings of the council.**

(10) **Be the town's personnel manager, unless the town manager appoints a personnel manager subject to the supervision of the town manager.**

(11) **Do such other things as the council may require or as may be required elsewhere in this charter.**

(d) **The council shall appoint or designate an acting town manager if the town manager position is temporarily vacant or if town manager is unable to serve.**

(e) **Ineligibility of elected officials. No elected official shall be appointed to the office of town manager during the term that the official is serving or within one year after the expiration of the term**

§ 703: Town Attorney

The council by affirmative vote of a majority of the entire council shall appoint a town attorney. The town attorney shall be a member of the Bar of the State of Maryland and experienced in governmental law. The town attorney shall be the legal advisor of the town and shall perform such duties as may be required by the council. Compensation shall be determined by the council. The town attorney shall serve at the pleasure of the council and may be removed by affirmative vote of a majority of the entire council. The town may employ such legal assistants and to obtain such legal services as it deems necessary from time to time. [Amended 5-2-16, effective 6-21-16]

§ 704: Merit System

The town may provide by ordinance for appointments and promotions in the administrative service on the basis of merit and fitness. To carry out this purpose, the council may adopt such rules and regulations governing the operation of the merit system as it deems desirable or necessary. Among other things, these rules and regulations may provide for competitive exams, the use of eligible lists, a classification plan, a compensation

plan, a probation period, appeals by employees included within the classified service from dismissal or other disciplinary action, and vacation and sick leave regulations. The town may request and avail itself of the facilities of the state for the administration of its merit system, as provided in state law.

§ 705: Unclassified and Classified Service [Amended 5-2-16, effective 6-21-16]

The civil service of the town shall be divided into the unclassified and classified services.

(a) The unclassified service shall comprise the following offices and positions that shall not be included within the merit system. Elected members of the unclassified service serve in accordance with the provisions of this charter. Except as may be provided by this charter or by ordinance or resolution, non-elected members of the unclassified service serve at the pleasure of the town manager, and shall have no rights of tenure. Unless otherwise specified in the town code, or by ordinance or resolution, members of boards, committees, and commissions, including election judges and clerks, which are appointed by the mayor or town council serve at the pleasure of the town council. The members of the unclassified service are:

(1) Elected members, including the mayor, council members, and persons appointed to fill vacancies in these positions.

(2) The town manager and the heads of offices, departments, and agencies of the town, including chief of police and director of public works.

(3) Members of town boards, committees and commissions, including election judges and clerks.

(4) Part-time, temporary, and unpaid offices and positions.

(b) The classified service shall comprise all positions not specifically included in this section in the unclassified service. All offices and positions included in the classified service shall be subject to any merit system rules and regulations which may be adopted.

§ 706: Retirement System

The town may do all things necessary to include its officers and employees, or any of them, within any retirement system or pension system under the terms of which they are admissible and to pay the employer's share of the cost of any such retirement or pension system out of the general funds of the town.

§ 707: Compensation of Employees

The compensation of all non-elected officers and employees of the town shall be set from time to time by the town manager, subject to appropriations for that purpose in the town budget. [Amended 5-2-16, effective 6-21-16]

§ 708: Employee Benefit Programs

The town by ordinance or resolution may provide for or participate in hospitalization or other forms of welfare benefit programs for its employees and may expend public monies of the town for such programs.