

ENROLLED

**COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND
LEGISLATIVE SESSION, 2020
LEGISLATIVE BILL 2020-09**

Introduced: August 18, 2020

BY: The County Council President.

AN ACT to prohibit unauthorized increase in the salary for a position stated in the budget and to establish liability for any excess and sanction for payment thereof by amending the Wicomico County Code to include in Chapter 59, Personnel Rules, an Article V, titled "Other Rules," and Section 59-23.

WHEREAS, the salary of County personnel is specified by position in the Expense Budget and the Capital Budget adopted in the Annual Budget and Appropriation Bill or in the County Charter or Code and is subject to change only as they may be amended.

SECTION I: BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, under the premises stated above and hereby incorporated by reference, that the Wicomico County Code is hereby amended by addition in Chapter 59, Personnel Rules, an Article V, containing the following section:

Chapter 59
Personnel Rules

Article V
Other Rules

§ 59-23. PAYMENT OF UNAUTHORIZED SALARY; PENALTIES, REMOVAL AND LIABILITY.

- A. THE SALARY FOR A POSITION OF EMPLOYMENT BY THE COUNTY SHALL BE THE AMOUNT STATED FOR THE POSITION IN THE COUNTY'S BUDGET OR IN THE COUNTY CHARTER OR CODE AND MAY NOT BE INCREASED EXCEPT (1) BY AMENDMENT THEREOF OR (2) AS MAY BE REQUIRED BY APPLICABLE LAW OR REGULATIONS THEREUNDER OR AUTHORIZED BY A REGULATION OR AN AGREEMENT MADE OR ADOPTED BY THE COUNTY COUNCIL FOR EITHER THE PERSONNEL SYSTEM, GENERALLY, OR FOR SPECIFIC PERSONNEL. A PERSON WHO KNOWINGLY MAKES OR AUTHORIZES PAYMENT OF COUNTY FUNDS FOR SALARY IN EXCESS OF THAT STATED OR PROPERLY INCREASED AMOUNT SHALL BE GUILTY OF A MISDEMEANOR, AND SUBJECT TO A FINE NOT TO EXCEED \$1000. SUCH PAYMENT OR AUTHORIZATION THEREOF SHALL BE GROUNDS FOR REMOVAL BY THE COUNCIL FROM ELECTED OR OTHER COUNTY OFFICE OR EMPLOYMENT BY THE COUNTY PURSUANT TO THE PROCEDURE FOR SUCH REMOVAL PROVIDED ELSEWHERE IN THIS CODE. THIS SECTION REFLECTS THE POWER OF THE GOVERNING BODY OF THE COUNTY UNDER SECTION 12-102 OF THE LOCAL GOVERNMENT ARTICLE OF THE MARYLAND CODE TO DETERMINE THE COMPENSATION OF THE APPOINTED OFFICERS AND EMPLOYEES OF THE COUNTY,
- B. SOMEONE WHO KNOWINGLY MAKES OR AUTHORIZES PAYMENT OF COUNTY FUNDS FOR SALARY IN VIOLATION OF THIS SECTION OR WHO RECEIVES ANY SALARY PAID OR PROVIDED IN VIOLATION THEREOF SHALL BE PERSONALLY LIABLE TO THE COUNTY FOR SUCH SALARY AND THE REASONABLE COURT COSTS AND ATTORNEY'S FEES TO ENFORCE THAT LIABILITY.

COUNTY COUNCIL
OF
WICOMICO COUNTY, MARYLAND

2020 Legislative Session

Legislative Day No. 17

LEGISLATIVE BILL NO. 2020-09

INTRODUCED BY: President of the Council

Bill No. 2020-09: An Act to prohibit unauthorized increase in the salary for a position stated in the budget and to establish liability for any excess and sanction for payment thereof by amending the Wicomico County Code to include in Chapter 59, Personnel Rules, an Article V, titled "Other Rules," and Section 59-23.

Introduced and read first time on August 18, 2020. Ordered posted and public hearing scheduled September 15, 2020 at 10:00 a.m.

Laura Hurley
Laura Hurley, Council Administrator

PUBLIC HEARING: Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, the Bill was read for a second time at a public hearing held on September 15, 2020

Laura Hurley
Laura Hurley, Council Administrator

CERTIFICATION: The undersigned hereby certifies that this Bill was Approved and Adopted by the County Council of Wicomico County, Maryland, on the 17th day of November, 2020.

Laura Hurley
Laura Hurley, Council Administrator

Presented to the Acting County Executive for approval this 18th day of November, 2020 at 9:00 a.m. (5 days §411)

Laura Hurley
Laura Hurley, Council Administrator

BY THE ACTING COUNTY EXECUTIVE:

John D. Pate
Acting County Executive

APPROVED
Date: 12-07-2020
(21 days §411)

VETOED

Date: _____

BY THE COUNCIL:

Option One: This Bill, having been approved by the Acting County Executive and returned to the Council, becomes law on December 7, 2020 and effective on: February 5, 2021.
(60 days §311)

Option Two: This Bill, having received neither the approval nor the disapproval of the Acting County Executive with 21 days of its presentation, stands enacted on _____ and becomes effective on _____.
(60 days §311)

Option Three: This Bill, being exempt from the Executive Veto stands enacted on _____ and becomes effective on _____. (Charter Section 305)

ENROLLMENT: Legislative Bill No. 2020-09 is herewith submitted to the County Council of Wicomico County for enrollment as being the text as finally passed.

Laura Hurley
Laura Hurley, Council Administrator

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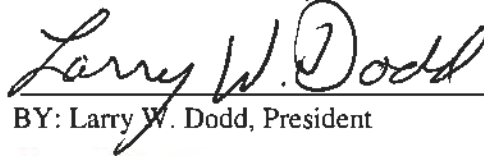


Laura Hurley, Council Administrator

SECTION II: BE IT FURTHER ENACTED THAT this Bill shall be known as Bill No. 2020-09 of Wicomico County, Maryland, and will take effect 60 days after its final passage, unless a proper Petition for Referendum is filed before then. If a timely Petition is filed, the Bill will not take effect until the expiration of 30 days following the approval of this Bill by a majority of the qualified voters of the County voting in a referendum.

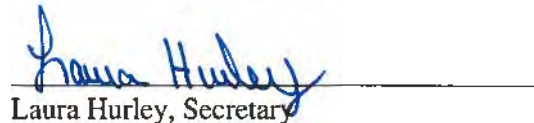
Certified correct as passed and adopted by the County Council of Wicomico County, Maryland this 17th day of November, 2020.

WICOMICO COUNTY, MARYLAND


BY: Larry W. Dodd, President


BY: Laura Hurley, Secretary

I HEREBY CERTIFY that copies of the above Bill are available to the public, the press and other news media at the time of its introduction.


Laura Hurley, Secretary

Explanation:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

~~Strike out indicates material deleted from law.~~

~~CAPITAL STRIKE OUT~~ indicates matter stricken from Bill by Amendment.

Underlining indicates Amendments to Bill.