

records and perform such other duties as may be required by this charter or the council.

66. Town attorney.

The mayor with the approval of the council may appoint a town attorney. The town attorney shall be a member of the bar of the Maryland Court of Appeals. The town attorney [shall be] *is* the legal adviser of the town and shall perform such duties in this connection as may be required by the council or the mayor. His compensation shall be determined by the council. The town [shall have] *has* the power to employ such legal consultants as it deems necessary from time to time.

67. Authority to employ personnel.

The town [shall have the power to] *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.

68. 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 [shall have the power to] *may* adopt such rules and regulations governing the operation of a merit system as it deems desirable or necessary. Among other things these rules and regulations may provide for competitive examinations, 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 Commissioner of State Personnel for the administration of its merit system, as provided in State law.

69. Unclassified and classified service.

(a) *Division.* The civil service of the town shall be divided into the unclassified and classified service.

(b) *Unclassified service.* The unclassified service shall comprise the following offices and positions, which shall not be included within the merit system:

(1) The mayor, the councilmen, and persons appointed to fill vacancies in these positions.

(2) The clerk-treasurer and the town attorney.

(3) The heads of all offices, departments, and agencies and members of town boards and commissions.

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

(c) *Classified service.* The classified service shall comprise all positions not specifically included by 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.

70. Prohibitions.

(a) *Listed.* If a merit system is adopted, no person in the classified service of the town or seeking admission thereto shall be appointed,