

County Council of Howard County, Maryland

2020 Legislative Session

Legislative Day No. 9

Resolution No. 93 -2020

Introduced by: Deb Jung

A RESOLUTION proposing to amend the Howard County Charter by amending Section 202 “The County Council” by altering certain dates for the Council to appoint a Councilmanic Redistricting Commission and for the Commission to prepare a plan of Councilmanic Districts and present the plan to the Council; altering a date, if by which, no ordinance re-establishing the boundaries of the Councilmanic Districts has been enacted, the plan submitted by the Commission becomes law; and submitting this amendment to the voters of Howard County for their adoption or rejection in accordance with Article X of the Howard County Charter and Article XI-A of the Maryland Constitution.

Introduced and read first time on _____, 2020.

Council

By order _____
Diane Schwartz Jones, Administrator to the County

Read for a second time and a public hearing held on _____, 2020.

Council

By order _____
Diane Schwartz Jones, Administrator to the County

This Resolution was read the third time and was Adopted___, Adopted with amendments___, Failed___, Withdrawn ___ by the County Council on _____, 2020.

Council

Certified by _____
Diane Schwartz Jones, Administrator to the County

NOTE: [[text in brackets]] indicates deletions from existing language; TEXT IN SMALL CAPITALS indicates additions to existing language.

~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **WHEREAS**, a change in State law altered the Primary Election date in a year in which
2 the Governor is elected from the second Tuesday in September to the last Tuesday in June;

3
4 **WHEREAS**, to ensure the efficient operation of County government, it is necessary to
5 change the timeline for establishing a plan of Councilmanic Districts after each decennial census
6 date in order to provide the Howard County Board of Elections adequate time to accomplish its
7 work to prepare for the primary election on June 28, 2022; and

8
9 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
10 Maryland, that County Charter Section 202 “The County Council” is, upon approval of the voters
11 of Howard County, amended to read as follows:

12
13 **Article II. - The Legislative Branch**
14 **Section 202. - The County Council.**

15
16 Section 202. - The County Council.

17
18 The legislative power of the County is vested in the County Council of Howard
19 County which shall consist of five members who shall be elected from the Councilmanic
20 Districts.

21 (a) *Mode of election.* Each of the members of the Council shall be nominated and elected
22 by the qualified voters of the Councilmanic District in which he or she resides. Each
23 Councilmanic District shall elect one Council member.

24 (b) *Qualifications.*

25 1. In General. Each candidate for the council shall have resided in the County
26 for a period of not less than two years immediately prior to nomination; shall be a
27 registered voter; and shall be a resident of the Council District which the candidate
28 seeks to represent at the time of filing for candidacy and during the full term of
29 office; and shall not be less than twenty-five years of age at the time of election.

30 2. Other Offices or Employment. No person shall qualify or serve as a member
31 of the council: while holding any other office of profit or trust of or under the State

1 or County government; while employed by the County; or while employed by any
2 agency, board, commission, unit or other entity which receives funds through the
3 County budget. No member of the Council shall, during the whole term for which he
4 or she was elected, be eligible for appointment to any County office or position or be
5 eligible for employment by the County.

6 3. Forfeiture of Office. If a member of the Council ceases to be a qualified and
7 registered voter of the County, moves his or her residence from the councilmanic
8 district he or she was elected to represent, accepts any other office of profit or trust
9 of or under the state or county government, becomes employed by the County or any
10 other entity which receives funds through the County budget, or is convicted of any
11 crime involving moral turpitude, he or she shall immediately forfeit his or her office.

12 (c) *Term of office.* Members of the Council shall qualify for office on the first Monday
13 in December following their election, or as soon thereafter as practicable and shall
14 enter upon the duties of their office immediately upon their qualification. They shall
15 hold office for a term of four years commencing at the time of their qualification and
16 continuing until their successors shall qualify. A person who has been elected to the
17 County Council three times or who has been elected to the County Council twice and
18 has been appointed to fill a Council vacancy and served two or more years of that term
19 shall be ineligible to be a candidate for the County Council. In determining eligibility
20 of a candidate pursuant to this subsection, no term or part of any term served prior to
21 the election of November 6, 1990, shall be used in calculating the limitation on number
22 of terms a Council member may serve.

23 (d) *Compensation and allowances.* Each member of the Council shall receive as
24 compensation and allowances for the performance of public duties under this Charter
25 the sum of not less than Seventy-eight Hundred Dollars (\$7,800.00) per annum and
26 shall not accrue annual leave or be entitled to any payment in lieu thereof. The
27 compensation and allowances shall be in full compensation for all services required
28 by this Charter to be performed by the members of the Council, but shall not preclude
29 reasonable and necessary expenses as may be provided in the budget. The County
30 Council shall establish a Compensation Review Commission every four years to

1 review the Council's compensation and allowances in accordance with the provisions
2 of Article 25A Subsection 5(AA) of the Annotated Code of Maryland.

3 (e) *Vacancies.* Unless provision for filling a vacancy by special election has been
4 established by ordinance, a vacancy occurring in the office of the Council member
5 prior to the expiration of his or her term shall be filled by the Council within thirty
6 days after the vacancy occurs by the appointment of a person whose name is to be
7 submitted in writing to the Council by the State Central Committee of Howard County
8 representing the political party to which the previous member belonged at the time of
9 the member's most recent election. If a name is not submitted by the appropriate State
10 Central Committee within twenty-five days after the vacancy occurs or if the previous
11 incumbent was not a member of a political party at the time of the member's most
12 recent election, then the vacancy shall be filled by a majority vote of the remaining
13 members of the Council. The member so appointed shall reside in the same
14 Councilmanic District as his or her predecessor and shall possess and maintain the
15 same qualifications as an elected Council member. The member so appointed shall
16 serve the unexpired term of his or her predecessor.

17 (f) *Redistricting.*

18 1. Boundaries.

19 The Council shall appoint, by resolution, not later than [[April 1]] JANUARY
20 15 of the year after each decennial census date, a Councilmanic Redistricting
21 Commission. The Central Committee of each political party which polled at
22 least twenty-five per centum of the total vote cast for all the candidates for the
23 Office of County Executive in the last preceding general election shall nominate
24 three persons to serve on the Commission. The Council shall appoint all such
25 nominees as members of the Commission as well as one additional member of
26 the Commission. The Council shall appoint the Chairperson of the Commission
27 from among the Commission members. No person shall be eligible for
28 appointment to the Commission who holds elective office.

29 By [[October]] SEPTEMBER 15 [[of the year in which]] FOLLOWING THE
30 APPOINTMENT OF the Commission [[is appointed]], the Commission shall prepare

1 a plan of Councilmanic Districts and shall present that plan to the Council.
2 Within thirty days after receiving the plan of the Commission, the Council shall
3 hold a public hearing on the plan. If by [[March 15]] DECEMBER 31 [[of the
4 year]] following [[submission]] PRESENTATION of the plan BY THE COMMISSION,
5 no ordinance re-establishing the boundaries of the Councilmanic Districts has
6 been enacted, then the plan as submitted by the Commission shall become law.
7 Any Councilmanic District established in accordance with this Article shall be
8 compact, contiguous, substantially equal in population, and have common
9 interest as a result of geography, history, or existing political boundaries. Any
10 ordinance establishing Councilmanic Districts shall be exempt from referendum.

11 The Board of Supervisors of Elections shall take any necessary steps to
12 implement any such revisions of the Councilmanic District Boundaries so
13 adopted.

14 (g) *Planning and zoning.*

15 1. Any amendment, restatement or revision to the Howard County General
16 Plan, the Howard County Zoning Regulations or Howard County Zoning Maps,
17 other than a reclassification map amendment established under the "change and
18 mistake" principle set out by the Maryland Court of Appeals, is declared to be a
19 legislative act and may be passed only by the Howard County Council by original
20 bill in accordance with the legislative procedure set forth in Section 209 of the
21 Howard County Charter. Such an act shall be subject to executive veto and may be
22 petitioned to referendum by the people of the county pursuant to Section 211 of the
23 Charter.

24
25 **AND BE IT FURTHER RESOLVED** by the County Council of Howard County,
26 Maryland, that at the next general election to be held in Maryland, the proposed amendment to
27 the Howard County Charter shall be submitted to the voters of Howard County for their adoption
28 or rejection in accordance with the provisions of the Article X of the Howard County Charter and
29 Article XI-A of the Maryland Constitution, and if adopted by the majority of the voters, shall
30 stand adopted from and after the 30th day following the general election.

1

2 **AND BE IT FURTHER RESOLVED** by the County Council of Howard County,
3 Maryland, that this Resolution, having been approved by two-thirds of the members of the
4 Howard County Council, stands adopted this ____ day of _____, 2020 in accordance
5 with provisions of Article X of the Howard County Charter.