

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2020 Legislative Session

Legislative Day No. 9

Resolution No. 94 -2020

Introduced by: David Yungmann

A RESOLUTION proposing to amend County Charter Section 202 to alter the method for appointing members of a Councilmanic Redistricting Commission; 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 June 1, 2020. Ordered posted and hearing scheduled.

By order

Diane Schwartz Jones
Diane Schwartz Jones, Administrator

This Resolution was read the ~~third~~ ^{second} time on June 15, 2020 and Passed Passed with amendments Failed .

By order

Diane Schwartz Jones
Diane Schwartz Jones, Administrator

This Resolution was read the third time and was Adopted Adopted with amendments Failed Withdrawn by the County Council on July 29, 2018.

By order

Diane Schwartz Jones
Diane Schwartz Jones, Administrator

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1
2 **BE IT RESOLVED** by the County Council of Howard County, Maryland, that County
3 Charter Section 202. – The County Council is, upon approval of the voters of Howard County,
4 amended to read as follows:
5

6 **Article II. - The Legislative Branch**

7 **Section 202. - The County Council.**

8 Section 202. - The County Council.

9 The legislative power of the County is vested in the County Council of Howard
10 County which shall consist of five members who shall be elected from the Councilmanic
11 Districts.

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

15 (b) *Qualifications.*

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

21 2. Other Offices or Employment. No person shall qualify or serve as a member
22 of the council: while holding any other office of profit or trust of or under the State
23 or County government; while employed by the County; or while employed by any
24 agency, board, commission, unit or other entity which receives funds through the
25 County budget. No member of the Council shall, during the whole term for which he
26 or she was elected, be eligible for appointment to any County office or position or be
27 eligible for employment by the County.

28 3. Forfeiture of Office. If a member of the Council ceases to be a qualified and
29 registered voter of the County, moves his or her residence from the councilmanic
30 district he or she was elected to represent, accepts any other office of profit or trust

1 of or under the state or county government, becomes employed by the County or any
2 other entity which receives funds through the County budget, or is convicted of any
3 crime involving moral turpitude, he or she shall immediately forfeit his or her office.

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

15 (d) *Compensation and allowances.* Each member of the Council shall receive as
16 compensation and allowances for the performance of public duties under this Charter
17 the sum of not less than Seventy-eight Hundred Dollars (\$7,800.00) per annum and
18 shall not accrue annual leave or be entitled to any payment in lieu thereof. The
19 compensation and allowances shall be in full compensation for all services required
20 by this Charter to be performed by the members of the Council, but shall not preclude
21 reasonable and necessary expenses as may be provided in the budget. The County
22 Council shall establish a Compensation Review Commission every four years to
23 review the Council's compensation and allowances in accordance with the provisions
24 of Article 25A Subsection 5(AA) of the Annotated Code of Maryland.

25 (e) *Vacancies.* Unless provision for filling a vacancy by special election has been
26 established by ordinance, a vacancy occurring in the office of the Council member
27 prior to the expiration of his or her term shall be filled by the Council within thirty
28 days after the vacancy occurs by the appointment of a person whose name is to be
29 submitted in writing to the Council by the State Central Committee of Howard County
30 representing the political party to which the previous member belonged at the time of

1 the member's most recent election. If a name is not submitted by the appropriate State
2 Central Committee within twenty-five days after the vacancy occurs or if the previous
3 incumbent was not a member of a political party at the time of the member's most
4 recent election, then the vacancy shall be filled by a majority vote of the remaining
5 members of the Council. The member so appointed shall reside in the same
6 Councilmanic District as his or her predecessor and shall possess and maintain the
7 same qualifications as an elected Council member. The member so appointed shall
8 serve the unexpired term of his or her predecessor.

9 (f) *Redistricting.*

10 1. Boundaries.

11 The Council shall appoint, by resolution, not later than April 1 of the year after each
12 decennial census date, a Councilmanic Redistricting Commission CONSISTING OF AT
13 LEAST SEVEN MEMBERS. EACH MEMBER SHALL BE APPOINTED BY SEPARATE RESOLUTION.
14 IF ANY COUNCIL MEMBER VOTES AGAINST A RESOLUTION TO APPOINT A MEMBER, THE
15 RESOLUTION IS DEEMED TO HAVE FAILED. The Central Committee of each political party
16 which polled at least twenty-five per centum of the total vote cast for all the candidates
17 for the Office of County Executive in the last preceding general election shall nominate
18 [[three]] persons to serve on the Commission. [[The Council shall appoint all such
19 nominees as members of the Commission as well as one additional member of the
20 Commission.]] The Council shall appoint the Chairperson of the Commission from
21 among the Commission members. No person shall be eligible for appointment to the
22 Commission who holds elective office.

23 By October 15 of the year in which the Commission is appointed, the Commission
24 shall prepare a plan of Councilmanic Districts and shall present that plan to the Council.
25 Within thirty days after receiving the plan of the Commission, the Council shall hold a
26 public hearing on the plan. If by March 15 of the year following submission of the plan,
27 no ordinance re-establishing the boundaries of the Councilmanic Districts has been
28 enacted, then the plan as submitted by the Commission shall become law. Any
29 Councilmanic District established in accordance with this Article shall be compact,
30 contiguous, substantially equal in population, and have common interest as a result of

1 geography, history, or existing political boundaries. Any ordinance establishing
2 Councilmanic Districts shall be exempt from referendum.

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

5 (g) *Planning and zoning.*

6 1. Any amendment, restatement or revision to the Howard County General
7 Plan, the Howard County Zoning Regulations or Howard County Zoning Maps,
8 other than a reclassification map amendment established under the "change and
9 mistake" principle set out by the Maryland Court of Appeals, is declared to be a
10 legislative act and may be passed only by the Howard County Council by original
11 bill in accordance with the legislative procedure set forth in Section 209 of the
12 Howard County Charter. Such an act shall be subject to executive veto and may be
13 petitioned to referendum by the people of the county pursuant to Section 211 of the
14 Charter.

15
16 **AND BE IT FURTHER RESOLVED** by the County Council of Howard County,
17 Maryland, that at the next general election to be held in Maryland, the proposed amendment to
18 the Howard County Charter shall be submitted to the voters of Howard County for their adoption
19 or rejection in accordance with the provisions of the Article X of the Howard County Charter and
20 Article XI-A of the Maryland Constitution, and if adopted by the majority of the voters, shall
21 stand adopted from and after the 30th day following the general election.

22
23 **AND BE IT FURTHER RESOLVED** by the County Council of Howard County,
24 Maryland, that this Resolution, having been approved by two-thirds of the members of the
25 Howard County Council, stands adopted this ___ day of _____, 2020 in accordance
26 with provisions of Article X of the Howard County Charter.