

Introduced January 6, 2020
Public Hearing January 21, 2020
Council Action February 3, 2020
Executive Action February 5, 2020
Effective Date February 5, 2020

County Council of Howard County, Maryland

2020 Legislative Session

Legislative Day No. 1

Transfer of Appropriation Ordinance

No. 1 - Fiscal Year 2020

Introduced by: The Chairperson at the request of the ~~Board of Education~~
County Executive

AN ACT transferring a total of \$1,563,000 from various capital projects to capital project E1044, Systemic Renovations, in the Board of Education capital budget for Fiscal Year 2020.

Introduced and read first time January 6, 2020. Ordered posted and hearing scheduled.
By order Diane Schwartz Jones
Diane Schwartz Jones, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on January 21, 2020.

By order Diane Schwartz Jones
Diane Schwartz Jones, Administrator

This Bill was read the third time on February 3 2020 and Passed , Passed with amendments X, Failed .

By order Diane Schwartz Jones
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 4th day of February, 2020 at 11:30 a.m./p.m.

By order Diane Schwartz Jones
Diane Schwartz Jones, Administrator

Approved by the County Executive February 5, 2020

Calvin Ball, County Executive

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 **WHEREAS**, Section 5-107 of the Education Article of the Annotated Code of
2 Maryland provides that a transfer between major categories or of unexpended project
3 balances of the capital budget of a County Board of Education shall be made only with the
4 approval of the County Council; and

5
6 **WHEREAS**, on or about January 6, 2020, the County Council received a request
7 from the Board of Education to approve a transfer between projects in the Fiscal Year 2020
8 capital budget; and

9
10 **WHEREAS**, the transfer moves county bond funding from projects that are in the
11 final phase of completion and for which the school system received favorable bids which
12 have resulted in lower project costs; and

13
14 **WHEREAS**, the transfer will move \$1,563,000 in county bond funding to Capital
15 Project E-1044, Systemic Renovations in order to complete HVAC improvements; and

16
17 **WHEREAS**, Section 609(b) of the Howard County Charter authorizes and
18 empowers the Howard County Council at the request of the County Executive to make
19 such transfers; and

20
21 **WHEREAS**, the Board of Education has indicated that the funds are available for
22 transfer from the respective projects.

23
24 *Section 1. Be It Enacted by the County Council of Howard County, Maryland, that,*
25 *subject to the provisions of Maryland law, the Howard County Charter, and the Howard*
26 *County Code relating to the budgetary and fiscal procedures, the amount hereafter*
27 *specified is hereby approved, appropriated, and authorized to be disbursed for the general*
28 *County purposes specified and in sums itemized for the fiscal year beginning July 1, 2019*
29 *and ending June 30, 2020, as hereinafter indicated:*

30
31 **Donor Projects:**

1	E-0973 – Waverly ES Renovation/Phase II Addition	
2	Appropriation Fiscal 2020 before transfer	\$40,769,000
3	Less amount transferred to E-1044	(\$568,000) (B)
4	Appropriation Fiscal 2020 after transfer	\$40,201,000
5		
6	E-1030 – Deep Run ES Renovation/Addition	
7	Appropriation Fiscal 2020 before transfer	\$ 23,641,000
8	Less amount transferred to E-1044	(\$133,000) (B)
9	Appropriation Fiscal 2020 after transfer	\$23,508,000
10		
11	E-1031 – Wilde Lake MS Replacement	
12	Appropriation Fiscal 2020 before transfer	\$ 40,847,000
13	Less amount transferred to E-1044	(\$495,000) (B)
14	Appropriation Fiscal 2020 after transfer	\$40,352,000
15		
16	E-1033 – Patuxent Valley MS Renovation	
17	Appropriation Fiscal 2020 before transfer	\$ 28,075,000
18	Less amount transferred to E-1044	(\$211,000) (B)
19	Appropriation Fiscal 2020 after transfer	\$27,864,000
20		
21	E-1034 – Swansfield ES Renovation/Addition	
22	Appropriation Fiscal 2020 before transfer	\$ 24,712,000
23	Less amount transferred to E-1044	(\$156,000) (B)
24	Appropriation Fiscal 2020 after transfer	\$24,556,000
25		
26	Recipient Project:	
27	E-1044 – Systemic Renovations	
28	Total Appropriation (Fiscal 2020 and prior) before transfer	\$ 43,073,000
29	Plus amount transferred from E-0973	\$568,000 (B)
30	Plus amount transferred from E-1030	\$133,000 (B)
31	Plus amount transferred from E-1031	\$495,000 (B)

1	Plus amount transferred from E-1033	\$211,000 (B)
2	Plus amount transferred from E-1034	\$156,000 (B)
3	Appropriation Fiscal 2020 after transfer	\$44,636,000

4

5 ***Section 2. And Be It Further Enacted by the County Council of Howard County,***
6 ***Maryland that this Transfer of Appropriation Ordinance shall be effective upon its***
7 ***enactment.***

Amendment 1 to Transfer of Appropriation Ordinance No. 1 Fiscal Year 2020

**BY: The Chairperson at the request
of the County Executive**

**Legislative Day 2
Date: February 3, 2020**

Amendment No. 1

(This amendment corrects the form of the Bill.)

- 1 On the title page, in the line that begins "Introduced by:", strike "Board of Education" and
- 2 substitute "County Executive".
- 3 "On page 1, in line 18, after "Council" insert "at the request of the County Executive"

ADOPTED February 3, 2020
FAILED
SIGNATURE Diana H. Jones

Amendment 1 to Amendment 1 to Transfer of Appropriation Ordinance No. 1 Fiscal
Year 2020

BY: The Chairperson at the request
of the County Executive

Legislative Day 2
Date: February 3, 2020

Amendment No. 1 to Am. # 1

(This amendment corrects a reference to a charter section.)

- 1 On page 1, after line 2, insert:
- 2 "On page 1, in line 18, after "Council" insert "at the request of the County Executive"."

ADOPTED February 3, 2020
FAILED
SIGNATURE Diane A. Jones

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on February 5, 2020.

Diane Schwartz Jones
Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council

Amendment 1 to Transfer of Appropriation Ordinance No. 1 Fiscal Year 2020

BY: The Chairperson at the request
of the County Executive

Legislative Day 2
Date: February 3, 2020

Amendment No. 1

(This amendment corrects the form of the Bill.)

- 1 On the title page, in the line that begins "Introduced by:", strike "Board of Education" and
- 2 substitute "County Executive".

44

44

Introduced 11/6/2020
Public Hearing 1/21/2020
Council Action 2/3/2020
**Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2020 Legislative Session

Legislative Day No. 1

Transfer of Appropriation Ordinance

No. 1 - Fiscal Year 2020

Introduced by: The Chairperson at the request of the Board of Education

AN ACT transferring a total of \$1,563,000 from various capital projects to capital project E1044, Systemic Renovations, in the Board of Education capital budget for Fiscal Year 2020.

Introduced and read first time January 6, 2020. Ordered posted and hearing scheduled.
By order Diane A. Jones
Diane Schwartz Jones, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on January 21, 2020.
By order Diane A. Jones
Diane Schwartz Jones, Administrator

This Bill was read the third time on February 3, 2020 and Passed , Passed with amendments , Failed .
By order Diane A. Jones
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2020 at _____ a.m./p.m.
By order _____
Diane Schwartz Jones, Administrator

Approved by the County Executive _____, 2020

Calvin Ball, County Executive

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 **WHEREAS**, Section 5-107 of the Education Article of the Annotated Code of
2 Maryland provides that a transfer between major categories or of unexpended project
3 balances of the capital budget of a County Board of Education shall be made only with the
4 approval of the County Council; and

5
6 **WHEREAS**, on or about January 6, 2020, the County Council received a request
7 from the Board of Education to approve a transfer between projects in the Fiscal Year 2020
8 capital budget; and

9
10 **WHEREAS**, the transfer moves county bond funding from projects that are in the
11 final phase of completion and for which the school system received favorable bids which
12 have resulted in lower project costs; and

13
14 **WHEREAS**, the transfer will move \$1,563,000 in county bond funding to Capital
15 Project E-1044, Systemic Renovations in order to complete HVAC improvements; and

16
17 **WHEREAS**, Section 609(b) of the Howard County Charter authorizes and
18 empowers the Howard County Council to make such transfers; and

19
20 **WHEREAS**, the Board of Education has indicated that the funds are available for
21 transfer from the respective projects.

22
23 *Section 1. Be It Enacted by the County Council of Howard County, Maryland, that,*
24 *subject to the provisions of Maryland law, the Howard County Charter, and the Howard*
25 *County Code relating to the budgetary and fiscal procedures, the amount hereafter*
26 *specified is hereby approved, appropriated, and authorized to be disbursed for the general*
27 *County purposes specified and in sums itemized for the fiscal year beginning July 1, 2019*
28 *and ending June 30, 2020, as hereinafter indicated:*

29
30 **Donor Projects:**

31 E-0973 – Waverly ES Renovation/Phase II Addition

1	Appropriation Fiscal 2020 before transfer	\$40,769,000
2	Less amount transferred to E-1044	(\$568,000) (B)
3	Appropriation Fiscal 2020 after transfer	\$40,201,000
4		
5	E-1030 – Deep Run ES Renovation/Addition	
6	Appropriation Fiscal 2020 before transfer	\$ 23,641,000
7	Less amount transferred to E-1044	(\$133,000) (B)
8	Appropriation Fiscal 2020 after transfer	\$23,508,000
9		
10	E-1031 – Wilde Lake MS Replacement	
11	Appropriation Fiscal 2020 before transfer	\$ 40,847,000
12	Less amount transferred to E-1044	(\$495,000) (B)
13	Appropriation Fiscal 2020 after transfer	\$40,352,000
14		
15	E-1033 – Patuxent Valley MS Renovation	
16	Appropriation Fiscal 2020 before transfer	\$ 28,075,000
17	Less amount transferred to E-1044	(\$211,000) (B)
18	Appropriation Fiscal 2020 after transfer	\$27,864,000
19		
20	E-1034 – Swansfield ES Renovation/Addition	
21	Appropriation Fiscal 2020 before transfer	\$ 24,712,000
22	Less amount transferred to E-1044	(\$156,000) (B)
23	Appropriation Fiscal 2020 after transfer	\$24,556,000
24		
25	Recipient Project:	
26	E-1044 – Systemic Renovation	
27	Total Appropriation (Fiscal 2020 and prior) before transfer	\$ 43,073,000
28	Plus amount transferred from E-0973	\$568,000 (B)
29	Plus amount transferred from E-1030	\$133,000 (B)
30	Plus amount transferred from E-1031	\$495,000 (B)
31	Plus amount transferred from E-1033	\$211,000 (B)

1 Plus amount transferred from E-1034 \$156,000 (B)
2 Appropriation Fiscal 2020 after transfer \$44,636,000

3
4 *Section 2. And Be It Further Enacted by the County Council of Howard County,*
5 *Maryland that this Transfer of Appropriation Ordinance shall be effective upon its*
6 *enactment.*



**BOARD OF EDUCATION OF HOWARD COUNTY
MEETING AGENDA ITEM**

TITLE: FY 2020 Capital Budget Transfer - 1 **DATE:** December 17, 2019

PRESENTER(S): Daniel Lubeley, Acting Director, Capital Planning and Construction
Thomas Yetter, Coordinator of Finance

Strategic Call To Action Alignment:

- Operations and practices are responsive, transparent, fiscally responsible and accountable, with students at the heart of all decisions.

OVERVIEW:

The Capital Budget transfer request totaling \$1,563,000 is detailed below. The transfer moves funds from projects in the final phase of completion to a project in need of additional funding.

The detail of the transfer is as follows:

Donor Project

E-0973 – Waverly ES	(\$568,000)	County Bond Funding
E-1030 – Deep Run ES	(\$133,000)	County Bond Funding
E-1031 – Wilde Lake MS	(\$495,000)	County Bond Funding
E-1033 – Patuxent Valley MS	(\$211,000)	County Bond Funding
E-1034 – Swansfield ES	(\$156,000)	County Bond Funding

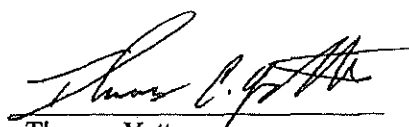
Recipient Project

E-1044 – Systemic Renovations	\$1,563,000	Systemic Projects
-------------------------------	-------------	-------------------

RECOMMENDATION/FUTURE DIRECTION:

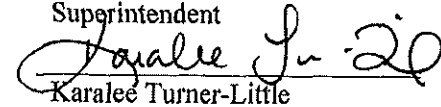
Approve the requested transfer of funds. Following Board approval, the County Council will be asked to approve a resolution to transfer the funding. The action will follow the County’s normal legislative process and is expected to take approximately 90 days.

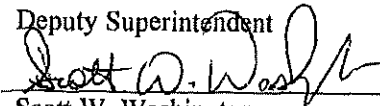
SUBMITTED BY: 
Daniel Lubeley
Acting Director, Capital
Planning and Construction

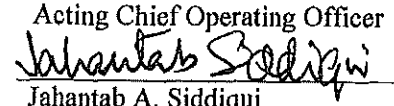

Thomas Yetter
Coordinator of Finance

APPROVAL/CONCURRENCE: 

Michael J. Martirano, Ed.D.
Superintendent


Karalee Turner-Little
Deputy Superintendent


Scott W. Washington
Acting Chief Operating Officer


Jahantab A. Siddiqui
Chief Administrative Officer

Amendment 1 to Amendment 1 to Transfer of Appropriation Ordinance No. 1 Fiscal
Year 2020

BY: The Chairperson at the request
of the County Executive

Legislative Day 2
Date: February 3, 2020

Amendment No. 1 to Am. # 1

(This amendment corrects a reference to a charter section.)

- 1 On page 1, after line 2, insert:
- 2 “On page 1, in line 18, after “Council” insert “at the request of the County Executive””.



**BOARD OF EDUCATION OF HOWARD COUNTY
MEETING AGENDA ITEM**

TITLE: FY 2020 Capital Budget Transfer - 1 **DATE:** December 17, 2019

PRESENTER(S): Daniel Lubeley, Acting Director, Capital Planning and Construction
Thomas Yetter, Coordinator of Finance

Strategic Call To Action Alignment:

- Operations and practices are responsive, transparent, fiscally responsible and accountable, with students at the heart of all decisions.

OVERVIEW:

The Capital Budget transfer request totaling \$1,563,000 is detailed below. The transfer moves funds from projects in the final phase of completion to a project in need of additional funding.

The detail of the transfer is as follows:

Donor Project

E-0973 – Waverly ES	(\$568,000)	County Bond Funding
E-1030 – Deep Run ES	(\$133,000)	County Bond Funding
E-1031 – Wilde Lake MS	(\$495,000)	County Bond Funding
E-1033 – Patuxent Valley MS	(\$211,000)	County Bond Funding
E-1034 – Swansfield ES	(\$156,000)	County Bond Funding

Recipient Project

E-1044 – Systemic Renovations	\$1,563,000	Systemic Projects
-------------------------------	-------------	-------------------

RECOMMENDATION/FUTURE DIRECTION:

Approve the requested transfer of funds. Following Board approval, the County Council will be asked to approve a resolution to transfer the funding. The action will follow the County's normal legislative process and is expected to take approximately 90 days.

SUBMITTED BY:
Daniel Lubeley
Acting Director, Capital
Planning and Construction

Thomas Yetter
Coordinator of Finance

APPROVAL/CONCURRENCE:
Michael J. Martirano, Ed.D.
Superintendent

Karalee Turner-Little
Deputy Superintendent

Scott W. Washington
Acting Chief Operating Officer

Jahantab A. Siddiqui
Chief Administrative Officer

OFFICE OF THE SUPERINTENDENT

Michael J. Martirano, Ed.D., Superintendent



January 7, 2020

Ms. Deb Jung
Council Chairperson
Howard County Council
George Howard Building
3430 Court House Drive
Ellicott City, Maryland 21043

Dear Chairperson Jung:

The Board of Education requests that the County Council authorize a capital budget transfer. This transfer moves a total of \$1,563,000 between six projects. The transfer is summarized below:

Donor Projects

E-0973 – Waverly ES	(\$568,000)	County Bond Funding
E-1030 – Deep Run ES	(\$133,000)	County Bond Funding
E-1031 – Wilde Lake MS	(\$495,000)	County Bond Funding
E-1033 – Patuxent Valley MS	(\$211,000)	County Bond Funding
E-1034 – Swansfield ES	(\$156,000)	County Bond Funding

Recipient Projects

E-1044 – Systemic Renovations	\$1,563,000	Systemic Projects
-------------------------------	-------------	-------------------

Thank you for your attention to this matter.

Sincerely,

Michael J. Martirano, Ed.D.
Superintendent

Copies: Dr. Calvin Ball, County Executive
County Council Members
County Council Administrator
Board of Education Members

J. Sager
B. Kidwell
S. Washington
D. Lubeley

K. Turner-Little
J. Siddiqui
T. Yetter



**BOARD OF EDUCATION OF HOWARD COUNTY
MEETING AGENDA ITEM**

TITLE: FY 2020 Capital Budget Transfer - 1 **DATE:** December 17, 2019

PRESENTER(S): Daniel Lubeley, Acting Director, Capital Planning and Construction
Thomas Yetter, Coordinator of Finance

Strategic Call To Action Alignment:

- Operations and practices are responsive, transparent, fiscally responsible and accountable, with students at the heart of all decisions.

OVERVIEW:

The Capital Budget transfer request totaling \$1,563,000 is detailed below. The transfer moves funds from projects in the final phase of completion to a project in need of additional funding.

The detail of the transfer is as follows:

Donor Project

E-0973 – Waverly ES	(\$568,000)	County Bond Funding
E-1030 – Deep Run ES	(\$133,000)	County Bond Funding
E-1031 – Wilde Lake MS	(\$495,000)	County Bond Funding
E-1033 – Patuxent Valley MS	(\$211,000)	County Bond Funding
E-1034 – Swansfield ES	(\$156,000)	County Bond Funding

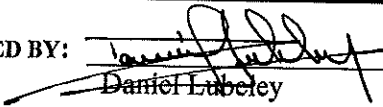
Recipient Project

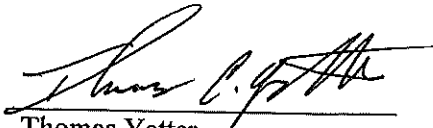
E-1044 – Systemic Renovations	\$1,563,000	Systemic Projects
-------------------------------	-------------	-------------------

RECOMMENDATION/FUTURE DIRECTION:

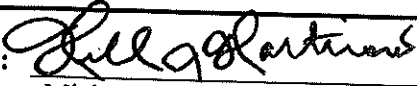
Approve the requested transfer of funds. Following Board approval, the County Council will be asked to approve a resolution to transfer the funding. The action will follow the County's normal legislative process and is expected to take approximately 90 days.

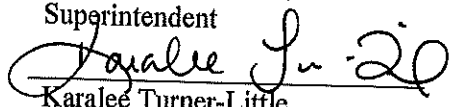
SUBMITTED BY:

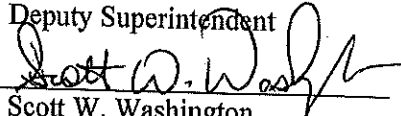

Daniel Lubeley
Acting Director, Capital
Planning and Construction

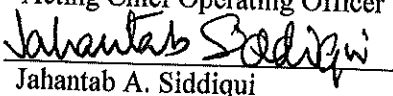

Thomas Yetter
Coordinator of Finance

APPROVAL/CONCURRENCE:


Michael J. Martirano, Ed.D.
Superintendent


Karalee Turner-Little
Deputy Superintendent


Scott W. Washington
Acting Chief Operating Officer


Jahantab A. Siddiqui
Chief Administrative Officer



HOWARD COUNTY DEPARTMENT OF FINANCE

3430 Court House Drive Ellicott City, Maryland 21043

410-313-2195

Janet R. Irvin, Director
jairvin@howardcountymd.gov

FAX 410-313-4433
TDD 410-313-2323

January 15, 2020

To: Lonnie R. Robbins
Chief Administrative Officer

From: Janet R. Irvin *JRI*
Director of Finance

Re: TAO No. 1

I hereby certify that funds are unencumbered and available for transfer as follows:

FROM:	
E0973	
Waverly Elementary School	\$568,000
E1030	
Deep Run Elementary School	\$133,000
E1031	
Wilde Lake Middle School Replacement	\$495,000
E1033	
Patuxent Valley Middle School	\$211,000
E1034	
Swansfield Elementary School Renovation/Addition	\$156,000
TO:	
E1044	
Systemic Renovations	\$1,563,000

**Office of the County Auditor
Auditor's Analysis – Revised**

**Amendment No. 1
Transfer of Appropriation Ordinance No. 1-FY2020**

Introduced: January 6, 2020

Auditor: Maya Cameron

Fiscal Impact:

There is no fiscal impact resulting from Amendment 1 to Transfer of Appropriation Ordinance 1-FY2020.

Purpose:

This amendment to TAO1-FY2020 corrects the title page by changing the “Introduced by” section from the Board of Education (BOE) to the County Executive.

Other Comments:

Per an inquiry from the County Auditor, the Administration has indicated they will make an amendment to revise lines 17 and 18 to reflect the Executive's role in this request to the Council.

The Administration has, also, indicated they intend to keep the language in the ‘whereas’ clause on page 1, lines 6 – 8, which states that a request from the Board of Education (BOE) for this transfer was received by the County Council on or about January 6, 2020.

The Administration stated there could be an unintended consequence of amending lines 6 – 8 to reference the BOE's letter to the Executive, dated December 20, 2019. State law, Education Article Subsection 5-107, states that, *“If the county commissioners or county council does not take action on a transfer within 30 days after the receipt of a written request substantiating the transfer, the failure to take action constitutes approval.”*

Consequently, referencing the BOE's letter to the Executive as the origin of this request, or tabling this legislation for a future legislative session, could result in the lapse of this 30-day period and the transfer request to be technically approved without Council vote per State law.

**Office of the County Auditor
Auditor's Analysis**

**Amendment No. 1
Transfer of Appropriation Ordinance No. 1-FY2020**

Introduced: January 6, 2020

Auditor: Maya Cameron

Fiscal Impact:

There is no fiscal impact resulting from Amendment 1 to Transfer of Appropriation Ordinance 1-FY2020.

Purpose:

This amendment to TAO1-FY2020 corrects the title page by changing the "Introduced by" section from the Board of Education (BOE) to the County Executive.

Other Comments:

As noted in our original fiscal analysis for TAO1-FY2020, in addition to this amendment, the 'whereas' clause on page 1, lines 6 – 8, should be amended to indicate that the BOE's formal request for this transfer was received by the County Executive, and lines 17 and 18 should be amended to reflect the Executive's request to the Council. **We have inquired to the Administration if they intend to amend these lines of the TAO.**