

Introduced	<u>June 1, 2020</u>
Public Hearing	<u>June 15, 2020</u>
Council Action	<u>July 6, 2020</u>
Executive Action	_____
Effective Date	_____

County Council of Howard County, Maryland

2020 Legislative Session

Legislative Day No. 9

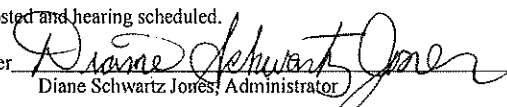
Resolution No. 96 -2020

Introduced by: David Yungmann

A RESOLUTION proposing to amend County Charter Section 209 to alter the minimum time between introduction of a bill and the public hearing on the bill; 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.

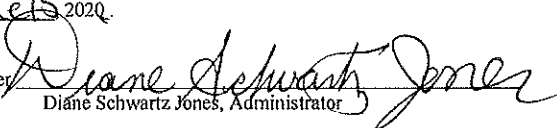
Introduced and read first time June 1, 2020. Ordered posted and hearing scheduled.

By order


Diane Schwartz Jones, Administrator

This Resolution was read for a second time at a public hearing held on June 15, 2020.

By order


Diane Schwartz Jones, Administrator

This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn by the County Council on _____, 2020.

By order


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 619. - [Reserved.] is, upon approval of the voters of Howard County, amended to
4 read as follows:

5
6 **Article II. – The Legislative Branch.**

7 **Section 209. - Legislative procedure.**

8 **Section 209. - Legislative procedure.**

9 (a) *Enacting clause.* The style of the enacting clause for all laws of the Council shall be: "Be it
10 enacted by the County Council of Howard County, Maryland." All laws shall be passed by
11 original bill.

12 (b) *Titles.* Each law enacted by the Council shall embrace but one subject and that subject shall
13 be described in its title; and no law or section of law shall be revised or amended by reference to
14 its title or section only.

15 (c) *Procedure for passage of laws.* A proposed law may be introduced by bill by any member
16 of the Council during any legislative session of the Council; provided, however, that the Council
17 may reject any proposed law on its introduction by a vote of two-thirds of its members. Every
18 copy of each bill shall bear the name of the member or members of the Council introducing and
19 co-sponsoring it and the date it was introduced for the consideration of the Council.

20 Not later than the next calendar day following the introduction of a bill, the Chairperson of the
21 Council shall schedule a public hearing thereon.

22 Within twenty-four hours after the introduction of any bill, a copy thereof and notice of
23 the time and place of the hearing shall be posted by the Administrator of the Council on an
24 official bulletin board to be maintained in a public place by the Council. Such public hearing shall
25 commence not less than ~~[[ten]]~~ SEVEN calendar days after its introduction. The hearing may, but
26 need not be, held during a legislative session and may be recessed from time to time.

27 The title of each bill and the time and place of the hearing thereon shall be published once a week
28 for two successive weeks in at least one newspaper of general circulation in the County, and in at
29 least one electronic medium readily available to the public.

30 After the public hearing, as herein provided, a bill shall be finally passed during a
31 legislative session, with or without amendment. If a bill is amended before it is passed and the
32 amendment constitutes a change of substance, as determined by the affirmative vote of a majority
33 of the Council, the bill shall not be passed until the title of the bill has been rewritten to reflect the
34 substance of the amendment, a date for a public hearing is scheduled thereon and the revised title

1 published in at least one newspaper of general circulation in the County, and in at least one
2 electronic medium readily available to the public, setting forth the time and place of the hearing
3 to be held thereon.

4 The title of each enacted bill shall be published once in at least one newspaper of general
5 circulation in the County, and in at least one electronic medium readily available to the public.
6 A public hearing shall be held on all resolutions of confirmation of executive and Council
7 appointments to all boards and commissions and in no event shall such resolution of confirmation
8 be adopted less than twenty-five days after its introduction.

9 (d) *Procedure for passage of emergency laws.* To meet an immediate emergency affecting the
10 public health, safety, or welfare, the Council may pass emergency bills. Every emergency bill
11 shall be plainly designated as such, and shall contain, after the enacting clause, a declaration
12 stating that an emergency exists and describing the claimed emergency in clear and specific
13 terms. The term "emergency bill" shall not include any measure creating or abolishing any office;
14 changing the compensation, term, or duty of any officer; granting any franchise or special
15 privilege; or creating any vested right or interest.

16 Upon the introduction of an emergency bill, the Chairperson of the Council shall
17 schedule a public hearing which shall take place not less than thirty-six hours after its
18 introduction. The Administrator of the Council shall, within twelve hours after its introduction,
19 post a copy thereof and notice of time and place of the hearing upon an official bulletin board to
20 be maintained by the Council in a public place, and in at least one electronic medium readily
21 available to the public.

22 In accordance with State law, the validity of emergency legislation shall not be affected if
23 passed prior to the completion of advertising thereof. An emergency bill may be passed during
24 any legislative session by an affirmative vote of two-thirds of the members of the Council. The
25 effective date of all emergency bills shall be the date of their enactment.

26 (e) *Votes required.* No bill shall become law unless it be passed by the affirmative vote of a
27 majority of the members of the Council, or such greater number as may elsewhere be required in
28 this Charter, and on its final passage the yeas and nays and the names of members voting for and
29 against the bill shall be recorded in the Journal.

30 (f) *Effective date of laws.* Except as otherwise provided in this Charter, all laws shall take effect
31 sixty-one days after their enactment. The County Council may, by the affirmative vote of two-
32 thirds of its members, pass legislation to be effective at a later date.

33 (g) *Executive veto.* Upon the passage of any legislation by the Council, with the exception of
34 such measures as may in this Charter be made expressly exempt from the executive veto, the

1 same shall be presented within three calendar days to the County Executive for his or her
2 approval or disapproval, and within ten calendar days after such presentation the County
3 Executive shall return any such legislation to the Council with his or her approval endorsed
4 thereon or with a statement in writing of his or her reasons for not approving the same. Upon
5 approval by the County Executive, any such legislation shall stand enacted. Any such legislation
6 presented to the County Executive and returned with his or her veto may be reconsidered by the
7 Council. The County Executive's objections shall be entered upon the Journal of the Council, and
8 not later than at its next legislative session, the Council may reconsider the enactment thereof;
9 and if two-thirds of the members of the Council vote in the affirmative, the legislation shall stand
10 enacted. Whenever the County Executive shall fail to return any such legislation within ten days
11 after the date of its presentation to him or her, the Administrator of the Council shall forthwith
12 record the fact of such failure in the Journal and such legislative act shall thereupon stand
13 enacted. The County Executive may strike out or reduce any item in a supplementary
14 appropriation bill and the procedure in such a case shall be the same as in the case of the veto of a
15 bill by the County Executive.

16 (h) *Failure of bills.*

17 (1) Subject to paragraph (2) of this subsection, any bill not passed within seventy
18 calendar days after its introduction shall fail, unless, by affirmative vote of two-thirds of the
19 members, the Council shall extend the deadline for another thirty-five days. The Council may
20 approve a maximum of two such extensions for each bill.

21 (2) (i) The deadline provided under paragraph (1) of this subsection is extended:

22 1. To the next business day if the deadline falls on a Saturday, Sunday,
23 or holiday on which the Council does not meet; and

24 2. To the end of a rescheduled legislative session if a legislative
25 session that was scheduled to occur on or before the deadline is postponed because of inclement
26 weather or emergency conditions.

27 (ii) The deadline is the end of a legislative session that begins on the last day
28 of the period specified in paragraph (1) of this subsection or any extension of the period.

29

30 **AND BE IT FURTHER RESOLVED** by the County Council of Howard County,
31 Maryland, that at the next general election to be held in Maryland, the proposed amendment to
32 the Howard County Charter shall be submitted to the voters of Howard County for their adoption
33 or rejection in accordance with the provisions of the Article X of the Howard County Charter and

1 Article XI-A of the Maryland Constitution, and if adopted by the majority of the voters, shall
2 stand adopted from and after the 30th day following the general election.

3

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

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

Council Resolution No. 96-2020

Introduced: June 1, 2020

Auditor: Maya Cameron

Fiscal Impact:

There will be minimal fiscal impact of this legislation.

According to the Baltimore Sun's Ad Options website, the cost¹ to publish the amendment announcement in the Howard County Times will be approximately \$340.

Purpose:

The purpose of this legislation is to amend County Charter Section 209 in order to alter the minimum time between introduction of a bill and the public hearing on the bill from ten calendar days to seven calendar days.

Other Comments:

Decreasing the number of days between the introduction of a bill and the public hearing will lessen the amount of time allotted for the Auditor to complete fiscal impacts statements as required in Council Bill 8-2020.

Charter amendments must be approved by a two-thirds Council vote and are then submitted to the voters of Howard County for their adoption or rejection.

Any amendment to the Charter must be published in at least one newspaper of general circulation within the County for five successive weeks prior to the election.

The next general election in Maryland is scheduled for Tuesday, November 3, 2020.

¹ Source: <https://placeanad.baltimoresun.com/ad-options/?pub=howard-county-times&type=productpublication>
\$68 per publication x 5 weeks = \$340