

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. 98 -2020

Introduced by: David Yungmann

A RESOLUTION proposing to amend County Charter Section 302 "The County Executive" to provide that certain appointments are subject to confirmation by the County Council; 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 for a second time at a public hearing held on June 15, 2020.

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This Resolution was read the third time and was Adopted _____, Adopted with amendments _____, Failed , Withdrawn _____ by the County Council on July 6, 2020.

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 **WHEREAS**, a transparent, public confirmation process increases the confidence of
2 citizens in County government; and

3
4 **WHEREAS**, the County Solicitor, the Health Officer, and appointees to numerous
5 boards and commissions are already subject to confirmation by the County Council; and

6
7 **WHEREAS**, the appointment of department heads in Baltimore City, Baltimore County,
8 Cecil County, Harford County, Prince George’s County, Montgomery County, and Talbot County
9 are subject to confirmation by their respective councils.

10
11 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
12 Maryland, that County Charter Section 302 “The County Executive” is, upon approval of the
13 voters of Howard County, amended to read as follows:

14 **Article III. - The Executive Branch**

15 **Section 302. - The County Executive.**

16 Section 302. - The County Executive.

17 The executive power of the County shall be vested in the County Executive who shall be
18 the chief executive officer of the County and the official head of the County government. In such
19 capacity he or she shall be the elected executive officer mentioned in Section 3 of Article XIA of
20 the Constitution of this State. The County Executive shall devote full time to the duties of his or
21 her office.

22 (a) Mode of election. The Executive shall be nominated and elected by the qualified voters of
23 the County as provided by law.

24 (b) Qualifications.

25 1. In General. The Executive shall be a resident of the County for a period of not less
26 than five years immediately prior to election and a registered voter at the time of filing for
27 candidacy and shall be not less than thirty years of age at the time of his or her election.

28 2. Other Offices. No person shall qualify or serve as Executive while holding any other
29 office of profit or trust of or under State, County or Federal government; while employed by the
30 County; or while employed by any agency, board, commission, unit or other entity which
31 receives funds through the County budget. No Executive shall, during the whole term for which
32 he or she was elected, be eligible for appointment to any County office or position or be eligible
33 for employment by the County.

1 3. Forfeiture of office. If an Executive ceases to be a registered voter of the County or is
2 convicted of any crime involving moral turpitude, he or she shall immediately forfeit his or her
3 office.

4 (c) Term of office. The Executive shall qualify for the office on the first Monday in December
5 following his or her election, or as soon thereafter as practicable and shall enter upon the duties of
6 his or her office immediately. The County Executive shall hold office for a term of four years
7 commencing at the time of his or her qualification and continuing until his or her successor shall
8 qualify. No person shall be eligible to succeed himself or herself in office if he or she has served
9 as Executive for two consecutive four-year terms.

10 (d) Compensation and allowances. Subject to the provisions of Section 302(e) of this Article,
11 the Executive shall receive Eighteen Thousand Dollars (\$18,000.00) annually as compensation
12 and allowances and shall not accrue annual leave or be entitled to any payment in lieu thereof.

13 (e) Change in compensation and allowances. The Compensation Review Commission
14 established pursuant to Section 202(d) of this Charter shall review the Executive's compensation
15 and allowances and make recommendations to the Council. The Council shall have the power to
16 increase the compensation and allowances provided in this Charter for the Executive by the
17 affirmative vote of not less than a majority of its members. To reduce the Executive's
18 compensation and allowances the affirmative vote of not less than two-thirds of the Council
19 members is required. In no event shall such compensation be reduced by a figure lower than that
20 provided in this Charter except by amendment thereto. The compensation and allowances of the
21 Executive shall not be increased or reduced during his or her current term.

22 (f) Vacancy. Whenever for any cause the office of the Executive shall become vacant, the
23 Chief Administrative Officer shall serve as acting Executive until a new Executive shall be
24 appointed. The office of County Executive shall be filled by resolution within thirty days by the
25 affirmative vote of a majority of the members of the Council. The person so elected by the
26 Council shall possess the same qualifications for the office as provided in Section 302(b), shall
27 belong to the same political party as his or her predecessor at the time of the Executive's most
28 recent election (unless his or her predecessor was not a member of a political party) and shall
29 serve the unexpired term of his or her predecessor and until his or her successor shall qualify.

30 (g) Temporary absence or disability. The Executive shall within thirty days upon taking office,
31 designate in writing the Chief Administrative Officer or other appointive officer to perform the
32 duties of the Executive during the latter's temporary inability to perform by reason of absence
33 from the County or disability. Such designation shall be filed with the Administrator of the
34 Council. Any such designation may be revoked by the Executive at any time by filing a new

1 designation with the Administrator of the Council. An Acting Executive shall have the same
2 rights, duties, powers and obligations as an elected incumbent in said office except the power of
3 veto.

4 (h) Inability to perform duties. If an Executive is unable to perform the duties and
5 responsibilities of his or her office as set forth in Section 302(i) of this Article for a continuous
6 period of six months, his or her office may be declared vacant by the affirmative vote of not less
7 than two-thirds of the members of the Council and such vacancy shall thereupon be filled in the
8 manner above provided in Section 302(f) of this Article.

9 (i) Powers and duties. The Executive shall be responsible for the proper and efficient
10 administration of such affairs of the County as are placed in his charge or under his jurisdiction
11 and control under this Charter or by law. His express responsibilities, duties and powers shall
12 include, but not be limited to, the following:

13 1. To supervise, direct and control the offices and departments of the County
14 Government, subject to law and the provisions of this Charter;

15 2. To present to the Council the annual County budget in the manner and form
16 hereinafter in this Charter provided;

17 3. To report to the Council and the public at least once a year a general statement of
18 finances, government and affairs of the County, with a summary statement of the activities of the
19 several departments and offices thereof;

20 4. To present to the Council from time to time such other information concerning the
21 business and affairs of the County as he or she may deem necessary, or as the Council by
22 resolution may request, and to recommend such measures for legislative action as he or she may
23 deem to be in the best interest of the County;

24 5. To see that the County officers, boards, agencies, commissions, departments and
25 employees faithfully perform their duties;

26 6. To see that the laws of the State pertaining to the affairs, good order and government
27 of the County, and the acts, resolutions, ordinances and public local laws of the County are duly
28 executed and enforced within the County;

29 7. To make or cause to be made any study or investigation which in his or her opinion
30 may be in the best interests of the County, including but not limited to investigations of the
31 affairs, functions, acts, methods, personnel or efficiency of any department, office or officer
32 under his or her jurisdiction;

33 8. To veto, in his or her discretion, legislative acts of the Council, in the manner, at the
34 times and subject to the limitations provided in Article II, Section 209(g) of this Charter;

1 9. To appoint, subject to confirmation by the affirmative vote of a majority of the
2 members of the Council, the County Solicitor;

3 10. To appoint ~~[[the Chief Administrative Officer and]]~~ the heads of all offices ~~[[and~~
4 departments]] which are subject to his or her supervision and control under this Charter or by law;

5 11. TO APPOINT, SUBJECT TO CONFIRMATION BY THE AFFIRMATIVE VOTE OF A
6 MAJORITY OF THE MEMBERS OF THE COUNCIL, THE CHIEF ADMINISTRATIVE OFFICER AND THE
7 HEADS OF ALL DEPARTMENTS WHO ARE SUBJECT TO HIS OR HER SUPERVISION AND CONTROL
8 UNDER THIS CHARTER OR BY LAW;

9 12. Unless otherwise specified in this Charter, to appoint the members of all boards,
10 commissions, authorities and corporations created in or pursuant to this Charter or by law;

11 ~~[[12]]~~ 13. To sign or cause to be signed on the County's behalf all deeds, contracts and
12 other instruments, including those which prior to the adoption of this Charter required the
13 signature of the Chairperson or any member of the Board of County Commissioners, and to affix
14 the County Seal thereto;

15 ~~[[13]]~~ 14. Except as otherwise expressly provided in this Charter, to issue, or cause to
16 be issued, all executive orders, directives, licenses and permits, including those which prior to the
17 adoption of this Charter, were issued or granted by the County Commissioners;

18 ~~[[14]]~~ 15. To prepare and issue, or cause to be prepared and issued, rules and
19 regulations of the character which prior to the adoption of this Charter were prepared or issued by
20 the County Commissioners, provided that before taking effect, all such rules and regulations,
21 other than those concerned exclusively with the internal operating procedure of the executive
22 branch of the County government, shall be approved by the Council;

23 ~~[[15]]~~ 16. To perform such other executive duties as may be prescribed by this Charter
24 or required by ordinance or resolution of the Council or as may be necessarily implied from the
25 powers and duties herein specified.

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

33

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

Amendment 1 to Council Resolution No. 98-2020

BY: David Yungmann

Legislative Day No. 10

Date: July 6, 2020

Amendment No. 1

(This Amendment makes certain appointments subject to a non-binding recommendation from the County Council rather than subject to confirmation.)

1 On page 4, in line 5, strike "CONFIRMATION" and substitute "NON-BINDING RECOMMENDATION".

2

ADOPTED July 6, 2020
FAILED _____
SIGNATURE Diana Schwartz Jones

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

Council Resolution No. 98-2020

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 Council Resolution 98-2020 is to amend County Charter Section 302 ("The County Executive") to provide that the appointment of the heads of all Offices and all Departments are subject to majority confirmation by the County Council.

Other Comments:

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