

County Council of Howard County, Maryland

2020 Legislative Session

Legislative Day No. 9

Resolution No. 101-2020

Introduced by: Deb Jung

A RESOLUTION proposing to amend the Howard County Charter by amending Section 606 "Action on the annual budget and appropriation ordinance by the County Council" to allow the County Council to appropriate funds to capital projects or departments; 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 June 1, 2020.

By order Diane Schwartz Jones  
Diane Schwartz Jones, Administrator to the County

Council

Read for a second time and a public hearing held on June 15, 2020.

By order Diane Schwartz Jones  
Diane Schwartz Jones, Administrator to the County

Council

This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn  by the County Council on July 6, 2020.

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

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           **BE IT RESOLVED** by the County Council of Howard County, Maryland, that County  
2 Charter Section 606 “Action on the Annual Budget and Appropriation Ordinance by the County  
3 Council” is, upon approval of the voters of Howard County, amended to read as follows:

4  
5                           **Article VI. – Budgetary and Fiscal Procedures**

6           **Section 606. – Action on the Annual Budget and Appropriation Ordinance by the**  
7   **County Council.**

8  
9 Section 606. - Action on the annual budget and appropriation ordinance by the County  
10 Council.

11  
12           After the public hearing specified in the preceding section, the Council may decrease  
13 or delete any items in the budget ordinance except those required by the public general  
14 laws of this State and except any provisions for debt service on obligations then  
15 outstanding or for estimated cash deficits. The Council shall have no power to change the  
16 form of the budget as submitted by the Executive, to alter the revenue estimates or to  
17 increase any expenditure recommended by the Executive for current or capital purposes  
18 except: 1) as expressly provided in State law; 2) to appropriate funds to the retiree  
19 obligations trust, the contingency reserve, [[or the contingency reserve]] capital  
20 [[project]] PROJECTS, OR DEPARTMENTS; and 3) to correct arithmetic errors. The adoption  
21 of the budget ordinance, which shall include only the current expense budget and the  
22 capital budget, shall be by the affirmative vote of not less than a majority of the Council  
23 on an ordinance to be known as the Annual Budget and Appropriation Ordinance of  
24 Howard County. The capital program, as defined in this Charter, shall be adopted by the  
25 Council by its separate resolution. Any borrowing to finance capital projects must be  
26 authorized by an existing law of the General Assembly of Maryland or by a law of the  
27 Council adopted in accordance with the Charter. The Council may adopt from time to  
28 time bond issue authorization ordinances pursuant to an enabling law or laws then in  
29 force and effect to provide the means of financing such capital projects as are to be  
30 financed from borrowing. Such bond issue authorization ordinances are not subject to

1 referendum and shall take effect from the date of their enactment. All of said ordinances  
2 referred to in this section shall be exempt from the executive veto. The Annual Budget  
3 and Appropriation Ordinance shall be adopted by the Council on or before the first day of  
4 the last month of the fiscal year currently ending, and if the Council fails to do so, the  
5 proposed current expense budget submitted by the Executive shall stand adopted, and  
6 funds for the expenditures proposed in the current expense budget shall stand  
7 appropriated as fully and to the same extent as if favorable action thereon had been taken  
8 by the Council.

9  
10 **AND BE IT FURTHER RESOLVED** by the County Council of Howard  
11 County, Maryland, that at the next general election to be held in Maryland, the proposed  
12 amendment to the Howard County Charter shall be submitted to the voters of Howard County for  
13 their adoption or rejection in accordance with the provisions of the Article X of the Howard  
14 County Charter and Article XI-A of the Maryland Constitution, and if adopted by the majority of  
15 the voters, shall stand adopted from and after the 30th day following the general election.

16  
17 **AND BE IT FURTHER RESOLVED** by the County Council of Howard County,  
18 Maryland, that this Resolution, having been approved by two-thirds of the members of the  
19 Howard County Council, stands adopted this \_\_\_ day of \_\_\_\_\_, 2020 in accordance  
20 with provisions of Article X of the Howard County Charter.

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

**Council Resolution No. 101-2020**

Introduced: June 1, 2020

Auditor: Owen Clark

---

Fiscal Impact:

The minimal fiscal impact from this legislation would be the cost<sup>1</sup> to publish the amendment announcement in the Howard County Times, which is approximately \$340.

This amendment does not change the stipulation that *"the Council shall have no power to change the form of the budget as submitted by the Executive"*. Therefore, any increase to capital or operating appropriations would require corresponding reductions and must have a neutral impact on total appropriations in any budget year.

Purpose:

To amend Section 606 of the County Charter to authorize the County Council to appropriate funds to Capital Projects and Departments.

Other Comments:

The Council would have the authority to amend proposed capital and operating appropriations by pairing the authority provided by this resolution with their current authority to reduce a capital and operating appropriation.

*For example, the Council could reduce proposed General Obligation (GO) Bond appropriation in Project C0317 – Systemic Improvements and increase the GO Bond appropriation to H8904 – Community Road Revitalization.*

We would like to note that this resolution only authorizes the Council to increase existing funding source appropriations in a capital project. For example, here is a scenario that was discussed during the Fiscal Year 2021 capital budget cycle:

*The Council could NOT add Pay Go appropriation to fund computer hardware purchases in Project C0315 – Public Safety System by reducing a Pay Go appropriation in another project. This is because there is no existing Pay Go appropriation in project C0315.*

---

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

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