

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

County Council of Howard County, Maryland

2020 Legislative Session

Legislative Day No. 9

Resolution No. 102 -2020

Introduced by: David Yungmann

A RESOLUTION proposing to add County Charter Section 619 to require fiscal analyses for specified ordinances and resolutions; 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 a second time at a public hearing 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This Resolution was read the third time and was Adopted ____, Adopted with amendments ____, Failed , Withdrawn ____ by the County Council on _____, 2020.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
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 VI. - Budgetary and Fiscal Procedures.**

7 **Section 619. FISCAL ANALYSES.**

8
9 Section 619. FISCAL ANALYSES.

10 (A) *IN GENERAL.*

11 (1) THE COUNTY EXECUTIVE MUST SUBMIT A FISCAL ANALYSIS TO THE COUNTY
12 COUNCIL DESCRIBING THE FISCAL IMPACT, IF ANY, OF EACH ORDINANCE OR RESOLUTION
13 INTRODUCED AT THE REQUEST OF THE COUNTY EXECUTIVE.

14 (2) A SEPARATE FISCAL ANALYSIS IS REQUIRED FOR EACH ORDINANCE OR RESOLUTION.

15 (B) *CONTENTS.*

16 A FISCAL ANALYSIS SHALL INCLUDE:

17 (1) A SUMMARY OF THE ORDINANCE OR RESOLUTION;

18 (2) AN EVALUATION OF THE FISCAL IMPACT THAT THE ORDINANCE OR RESOLUTION
19 WOULD HAVE ON COUNTY GOVERNMENT OPERATIONS, REVENUES, AND SPENDING; AND

20 (3) AN EXPLANATION OF HOW THE ORDINANCE OR RESOLUTION WILL BE IMPLEMENTED.

21 (C) *TIME FOR SUBMISSION.*

22 (1) A FISCAL ANALYSIS MUST BE SUBMITTED TO THE COUNTY COUNCIL NOT LATER THAN
23 5 BUSINESS DAYS BEFORE THE PUBLIC HEARING FOR THE LEGISLATION.

24 (2) IF THE COUNTY EXECUTIVE CANNOT SUBMIT THE FISCAL ANALYSIS WITHIN THE TIME
25 REQUIRED BY PARAGRAPH (1) OF THIS SUBSECTION, THE EXECUTIVE MUST NOTIFY THE COUNCIL
26 CHAIRPERSON IN WRITING OF THE DELAY, THE REASON FOR THE DELAY, AND THE REVISED
27 DELIVERY DATE. IF THE COUNCIL CHAIRPERSON FINDS THAT THE REVISED DELIVERY DATE IS
28 UNREASONABLE, THE CHAIRPERSON MAY SET A DIFFERENT DELIVERY DEADLINE.

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.

Amendment 1 to Council Resolution No. 102-2020

BY: David Yungmann

Legislative Day No. 10

Date: July 6, 2020

Amendment No. 1

(This Amendment specifies when a fiscal analysis must be received.)

- 1 On page 1, strike lines 22 through 23 in their entirety and substitute: "(1) THE FISCAL ANALYSIS MUST BE
2 SUBMITTED TO THE COUNTY COUNCIL NO LATER THAN 2:00 PM ON THE DATE OF THE LEGISLATIVE
3 SESSION AT WHICH THE ORDINANCE OR RESOLUTION IS TO BE INTRODUCED.".

ADOPTED July 6, 2020
FAILED
SIGNATURE Diana Schwartz Jones

Amendment 1 to Council Resolution No. 102-2020

BY: David Yungmann

Legislative Day No. 10

Date: July 6, 2020

Amendment No. 1

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

Council Resolution No. 102-2020

Introduced: June 1, 2020

Auditor: Michelle R. Harrod

Fiscal Impact:

Our office anticipates a minimal fiscal impact from this resolution resulting from \$340 of advertising costs.

According to the County Council website, there were 171 pieces of Executive sponsored legislation in Fiscal Year 2019, of which 68 were appointment resolutions and would not require analysis. Given the Administration's proposed estimate of 5 hours per analysis, this would equate to approximately 9.9 hours per week (or 1.6 hours per analyst). We believe this analysis could be completed with existing staff.

For comparison, we reviewed Anne Arundel County's Budget Office. They currently perform similar fiscal analysis as proposed in this legislation. Their analysis is conducted utilizing existing staff. As reported in their FY 2021 Operating Budget, Anne Arundel's Budget Office has eight full time equivalent employees, the same as Howard County's Budget Office.

Purpose:

This legislation proposes an amendment to the County Charter by adding Section 619 "Fiscal Analyses."

This section would require the County Executive to submit a fiscal analysis to the County Council with each ordinance or resolution introduced. Fiscal analyses must be submitted 5 business days prior to the public hearing.

The fiscal impact must include a summary of the legislation, an evaluation of the fiscal impact, and how it will be implemented.

Other Comments:

We disagree with the Administration's analysis of the fiscal impact resulting from the passage of this resolution, if it is approved by the voters of Howard County. As noted above, we believe the required fiscal analysis could be completed with existing staff.

The Administration has estimated a fiscal impact of approximately \$60,000 to fund a 0.5 full time equivalent budget analyst. This is based upon their estimate of 5 hours of analysis for 175 bills/resolutions introduced in FY 2019 (or 16.8 hours weekly).

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.

Office of the County Auditor
Auditor's Analysis

Amendment 1

Council Resolution No. 102-2020

Amendment Proposed by: David Yungmann

Introduced: June 1, 2020

Auditor: Michelle R. Harrod

Fiscal Impact:

There will be no fiscal impact as a result of this amendment.

Purpose:

This amendment consists of a change in the due date for a fiscal analysis from the County Executive.

It proposes changing from the fiscal impact due date of 5 days before the public hearing to NO LATER THAN 2:00 PM ON THE DATE OF THE LEGISLATIVE SESSION AT WHICH THE ORDINANCE OR RESOLUTION IS TO BE INTRODUCED.

Other Comments:

None.