

County Council of Howard County, Maryland

2018 Legislative Session

Legislative day # 1

Resolution No. 8 - 2018

Introduced by: Calvin Ball, Greg Fox, Mary Kay Sigaty, Jennifer Terrasa, and Jon Weinstein

A RESOLUTION proposing to amend County Charter Section 209 "Legislative procedure" to extend the initial life of a bill to 70 days and each extension to 35 days; specifying that the life of a bill is extended if the legislative session begins on the last day of the life of a bill; specifying that the life of a bill is extended because of a certain postponement; 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 January 2, 2018.

By order Jessica Feldmark
Jessica Feldmark, Administrator to the County Council

Read for a second time and a public hearing held on January 16, 2018.

By order Jessica Feldmark
Jessica Feldmark, 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This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn by the County Council on February 5, 2018.

Certified by Jessica Feldmark
Jessica Feldmark, Administrator to the County Council

NOTE; [[text in brackets]] indicates deletions from existing language; TEXT IN ALL CAPITALS indicates additions to existing language. ~~Strikethrough~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 shall commence not less than ten calendar days after its introduction. The hearing may, but need
2 not be, held during a legislative session and may be recessed from time to time.

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

6 After the public hearing, as herein provided, a bill shall be finally passed during a
7 legislative session, with or without amendment. If a bill is amended before it is passed and the
8 amendment constitutes a change of substance, as determined by the affirmative vote of a
9 majority of the Council, the bill shall not be passed until the title of the bill has been rewritten to
10 reflect the substance of the amendment, a date for a public hearing is scheduled thereon and the
11 revised title published in at least one newspaper of general circulation in the County, and in at
12 least one electronic medium readily available to the public, setting forth the time and place of the
13 hearing to be held thereon.

14 The title of each enacted bill shall be published once in at least one newspaper of general
15 circulation in the County, and in at least one electronic medium readily available to the public.

16 A public hearing shall be held on all resolutions of confirmation of executive and Council
17 appointments to all boards and commissions and in no event shall such resolution of
18 confirmation be adopted less than twenty-five days after its introduction.

19 (d) Procedure for passage of emergency laws. To meet an immediate emergency
20 affecting the public health, safety, or welfare, the Council may pass emergency bills. Every
21 emergency bill shall be plainly designated as such, and shall contain, after the enacting clause, a
22 declaration stating that an emergency exists and describing the claimed emergency in clear and
23 specific terms. The term "emergency bill" shall not include any measure creating or abolishing
24 any office; changing the compensation, term, or duty of any officer; granting any franchise or

1 special privilege; or creating any vested right or interest.

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

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

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

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

19 (g) Executive veto. Upon the passage of any legislation by the Council, with the
20 exception of such measures as may in this Charter be made expressly exempt from the executive
21 veto, the same shall be presented within three calendar days to the County Executive for his or
22 her approval or disapproval, and within ten calendar days after such presentation the County
23 Executive shall return any such legislation to the Council with his or her approval endorsed
24 thereon or with a statement in writing of his or her reasons for not approving the same. Upon

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

12 (h) Failure of bills.

13 (1) [Any] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ANY bill not passed within
14 [sixty-five] SEVENTY calendar days after its introduction shall fail, unless, by affirmative vote of
15 two-thirds of the members, the Council shall extend the deadline for another [thirty] THIRTY-FIVE
16 days. The Council may approve a maximum of two such extensions for each bill.

17 (2) (i) THE DEADLINE PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS EXTENDED:

18 1. TO THE NEXT BUSINESS DAY IF THE DEADLINE FALLS ON A SATURDAY,
19 SUNDAY, OR HOLIDAY ON WHICH THE COUNCIL DOES NOT MEET; AND

20 2. TO THE END OF A RESCHEDULED LEGISLATIVE SESSION IF A LEGISLATIVE
21 SESSION THAT WAS SCHEDULED TO OCCUR ON OR BEFORE THE DEADLINE IS
22 POSTPONED BECAUSE OF INCLEMENT WEATHER, OR EMERGENCY CONDITIONS, OR
23 ~~ANOTHER UNFORESEEN CIRCUMSTANCE.~~

1 (ii) THE DEADLINE IS THE END OF A LEGISLATIVE SESSION THAT BEGINS ON THE LAST DAY
2 OF THE PERIOD SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION OR ANY EXTENSION OF
3 THE PERIOD.
4

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

11 **AND BE IT FURTHER RESOLVED** by the County Council of Howard County,
12 Maryland, that this Resolution, having been approved by two-thirds of the members of the
13 Howard County Council, stands adopted this 5th day of February, 2018 in accordance
14 with provisions of Article X of the Howard County Charter.
15

Amendment 1 to Council Resolution No. 8-2018

BY: Jennifer Terrasa

Legislative Day No. 2

Date: 2/5/18

Amendment No. 1

(This amendment clarifies the kinds of circumstances that would extend the life of a bill.)

- 1 On page 4, in line 22, strike the first comma and substitute "OR" and strike beginning with the
- 2 second comma down through "CIRCUMSTANCE" in line 23.

ADOPTED 2/5/18
FAILED
SIGNATURE Jessica Feldman

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

12 (h) Failure of bills.

13 (1) [Any] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ANY bill not passed within
14 [sixty-five] SEVENTY calendar days after its introduction shall fail, unless, by affirmative vote of
15 two-thirds of the members, the Council shall extend the deadline for another [thirty] THIRTY-FIVE
16 days. The Council may approve a maximum of two such extensions for each bill.

17 (2) (I) THE DEADLINE PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS EXTENDED:

- 18 1. TO THE NEXT BUSINESS DAY IF THE DEADLINE FALLS ON A SATURDAY,
19 SUNDAY, OR HOLIDAY ON WHICH THE COUNCIL DOES NOT MEET; AND
20 2. TO THE END OF A RESCHEDULED LEGISLATIVE SESSION IF A LEGISLATIVE
21 SESSION THAT WAS SCHEDULED TO OCCUR ON OR BEFORE THE DEADLINE IS
22 POSTPONED BECAUSE OF INCLEMENT WEATHER, EMERGENCY CONDITIONS, OR
23 ANOTHER UNFORESEEN CIRCUMSTANCE.

24 (II) THE DEADLINE IS THE END OF A LEGISLATIVE SESSION THAT BEGINS ON THE LAST DAY



1 OF THE PERIOD SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION OR ANY EXTENSION OF
2 THE PERIOD.

3
4 **AND BE IT FURTHER RESOLVED** by the County Council of Howard County,
5 Maryland, that at the next general election to be held in Maryland, the proposed amendment to
6 the Howard County Charter shall be submitted to the voters of Howard County for their adoption
7 or rejection in accordance with the provisions of the Article X of the Howard County Charter and
8 Article XI-A of the Maryland Constitution, and if adopted by the majority of the voters, shall
9 stand adopted from and after the 30th day following the general election.

10 **AND BE IT FURTHER RESOLVED** by the County Council of Howard County,
11 Maryland, that this Resolution, having been approved by two-thirds of the members of the
12 Howard County Council, stands adopted this ___ day of _____, 2018 in accordance
13 with provisions of Article X of the Howard County Charter.
14

Amendment 1 to Council Resolution No. 8-2018

BY: Jennifer Terrasa

Legislative Day No. 2

Date: 2/5/18

Amendment No. 1

(This amendment clarifies the kinds of circumstances that would extend the life of a bill.)

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- 2 second comma down through "CIRCUMSTANCE" in line 23.

Sayers, Margery

From: joel hurewitz <joelhurewitz@gmail.com>
Sent: Friday, February 02, 2018 10:59 AM
To: CouncilMail
Subject: CR8-2018 A Resolution proposing to amend County Charter Section 209

Dear Councilmembers,

I am disappointed that there are no amendments for CR8 to add clarifying language to the County Charter resolution that a legislative session may continue past midnight. In contrast, the Council spent a considerable amount of time at your last Work Session discussing the need for clarifying language to clear up any ambiguities of whether the public safety personnel worked "in" or "for" the County, whether sheriff's deputies are treated as employees of the County, and whether volunteer firefighters worked for their volunteer company or were employees because they worked under the supervision of the Fire Chief. Because of the difficulty of amending the Charter, it is even more imperative than crafting a relatively easy amendable property tax credit program that the Charter language be as clear and unambiguous as possible.

While the resolution implies that the deadline extends to the end of the legislative session running past midnight, there is no clear language which states this. The life of a bill is measured in calendar days, so it is not necessarily intuitive to any future reader that there is an additional day in addition to the extensions for weekends, holidays, weather and other unforeseen circumstances. In the absence of clear and unambiguous language, people will read the computation of time provisions in the Code or the more mercurial Council Rules which currently states that a legislative session may last for 24 hours and be adjourned from time to time. Neither of these alternative sources is proper or conclusive to interpret the Charter.

In addition, I am not in favor of deleting the "other unforeseen circumstance" provision as proposed by Councilperson Terrasa. I feel that this clause ensures coverage of all scenarios which may not necessarily be "emergency conditions" including but not limited to disease epidemic, national disaster and mourning (such as a terrorist attack, war, or death of president) or building issues such as fire damage, plumbing leak, or power outage.

Sincerely,

Joel Hurewitz
Columbia, MD