

County Council Of Howard County, Maryland

2012 Legislative Session

Legislative Day No. 8

Resolution No. 100 - 2012

Introduced by: The Chair at the Request of the Charter Review Commission

A RESOLUTION proposing to amend the Howard County Charter to make various technical changes; to amend Section 202 “The County Council” by removing an obsolete factor to be considered in redistricting; to amend Section 501 “The County Board of Appeals” by correcting a citation to the Annotated Code of Maryland; to amend Section 601 “Fiscal year and tax year definitions”, Section 615A “Budget Stabilization”, and Section 615B “Restrictions on Use of Surplus Revenues” in order to consolidate certain duplicate definitions; to amend Section 709 “Prohibitions” by correcting a typographical error; 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 XIA of the Maryland Constitution.

Introduced and read first time _____, 2012.

By order _____
Stephen M. LeGendre, Administrator

Read for a second time and a public hearing held on _____, 2012.

By order _____
Stephen M. LeGendre, Administrator

This Resolution was read for the third time and was Adopted____, Adopted with amendments____, Failed____, Withdrawn ____ by the County Council on _____, 2012.

By order _____
Stephen M. LeGendre, Administrator

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; 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
2 Section 202 “The County Council” subsection (f) “Redistricting” 1. “Boundaries”, of
3 Article II, “The Legislative Branch”, of the Howard County Charter, is hereby amended to
4 read as follows:

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

7 **Section 202. The County Council.**

8 (f) *Redistricting.*

9 1. *Boundaries.*

10 The Council shall appoint, by resolution, not later than April 1 of the year after
11 each decennial census date, a Councilmanic Redistricting Commission. The
12 Central Committee of each political party which polled at least twenty-five per
13 centum of the total vote cast for all the candidates for the Office of County
14 Executive in the last preceding general election shall nominate three persons to
15 serve on the Commission. The Council shall appoint all such nominees as
16 members of the Commission as well as one additional member of the
17 Commission. The Council shall appoint the Chairperson of the Commission from
18 among the Commission members. No person shall be eligible for appointment to
19 the Commission who holds elective office.

20 By October 15 of the year in which the Commission is appointed, the
21 Commission shall prepare a plan of Councilmanic Districts and shall present that
22 plan to the Council. Within thirty days after receiving the plan of the
23 Commission, the Council shall hold a public hearing on the plan. If by March 15
24 of the year following submission of the plan, no ordinance re-establishing the
25 boundaries of the Councilmanic Districts has been enacted, then the plan as
26 submitted by the Commission shall become law. Any Councilmanic District
27 established in accordance with this Article shall be compact, contiguous,
28 substantially equal in population, and have common interest as a result of
29 geography, [[occupation,]] history, or existing political boundaries. Any
30 ordinance establishing Councilmanic Districts shall be exempt from referendum.

1 The Board of Supervisors of Elections shall take any necessary steps to
2 implement any such revisions of the Councilmanic District Boundaries so
3 adopted.

4
5 **AND BE IT FURTHER RESOLVED** *by the County Council of Howard*
6 *County, Maryland that Section 501 “The County Board of Appeals.” subsection (b)*
7 *“Powers and functions”, of Article V, “Board of Appeals”, of the Howard County*
8 *Charter, is hereby amended to read as follows:*

9
10 **Article V. Board of Appeals.**

11 **Section 501. The County Board of Appeals.**

12
13 b) *Powers and functions.* The Board of Appeals may exercise the functions and
14 powers relating to the hearing and deciding, either originally or on appeal or
15 review, of such matters as are or may be set forth in Article [[25a, Subparagraph
16 (u)]] 25A, SECTION 5 (U) of the Annotated Code of Maryland, excluding those
17 matters affecting the adopting of or change in the general plan, zoning map, rules,
18 regulations or ordinances.

19
20 **AND BE IT FURTHER RESOLVED** *by the County Council of Howard*
21 *County, Maryland that Section 601 “Fiscal year and tax year and definitions”,*
22 *subsection (b) “Definitions”, of Article VI, “Budgetary and Fiscal Procedures”, of the*
23 *Howard County Charter, is hereby amended to renumber paragraph (7) to be paragraph*
24 *(8) and to add new paragraphs (7), (8), (10), and (11), all to read as follows:*

25
26 **Article VI. Budgetary and Fiscal Procedures.**

27 **Section 601. Fiscal year and tax year and definitions.**

28
29 (b) *Definitions.*

30

1 (7) THE TERM “ESTIMATED SURPLUS” SHALL MEAN THE AMOUNT INCLUDED AS
2 SURPLUS REVENUE IN THE CURRENT EXPENSE BUDGET FOR THE ENSUING FISCAL
3 YEAR.

4
5 (8) THE TERM “EXCESS SURPLUS” SHALL MEAN THE AMOUNT BY WHICH THE
6 SUM OF THE ESTIMATED SURPLUS AND THE UNBUDGETED SURPLUS EXCEEDS THE
7 AMOUNT WHICH IS REQUIRED TO BE APPROPRIATED TO THE BUDGET
8 STABILIZATION ACCOUNT UNDER SECTION 615A OF THIS CHARTER.

9
10 ~~[(7)]~~ (9) The term "operating expense program" shall mean a summary
11 projection of receipts and operating expenses for the fiscal year covered by the
12 current expense budget and the next succeeding five fiscal years.

13
14 (10) THE TERM "TOTAL GENERAL FUND EXPENDITURES" SHALL MEAN THE
15 TOTAL OF ALL EXPENDITURES FROM THE GENERAL FUND, INCLUDING
16 OPERATING TRANSFERS TO THE BOARD OF EDUCATION, THE HOWARD
17 COMMUNITY COLLEGE, AND OTHER FUNDS, BUT NOT INCLUDING THE AMOUNT
18 OF ANY EXCESS SURPLUS USED FOR THE RESTRICTED PURPOSES LISTED IN
19 SECTION 615B OF THIS CHARTER.

20
21 (11) THE TERM "UNBUDGETED SURPLUS" MEANS THE AMOUNT, DETERMINED BY
22 AUDIT FOR THE LAST COMPLETE FISCAL YEAR, BY WHICH THE ACTUAL GENERAL
23 FUND SURPLUS EXCEEDS THE AMOUNT OF ESTIMATED SURPLUS FOR THAT SAME
24 FISCAL YEAR.

25
26 **AND BE IT FURTHER RESOLVED** *by the County Council of Howard*
27 *County, Maryland that Section 615A “Budget stabilization” and Section 615B*
28 *“Restrictions and use of surplus revenues”, all of Article VI, “Budgetary and Fiscal*
29 *Procedures”, of the Howard County Charter, are hereby amended to read as follows:*

30
31 **Article VI. Budgetary and Fiscal Procedures.**

1 **Section 615A. - Budget stabilization.**

2 [[a)] *Definitions.*

3 (1)*Estimated surplus.* "Estimated surplus" means the amount included as surplus
4 revenue in the current expense budget for the ensuing fiscal year.

5 (2)*Unbudgeted surplus.* "Unbudgeted surplus" means the amount, determined by
6 audit for the last complete fiscal year, by which the actual general fund surplus
7 exceeds the amount of estimated surplus for that same fiscal year.

8 (3)*Total general fund expenditures.* "Total general fund expenditures" means the
9 total of all expenditures from the general fund, including operating transfers to the
10 Board of Education, the Howard Community College, and other funds, but not
11 including the amount of any excess surplus used for the restricted purposes listed
12 in Section 615B of the Charter.

13 (4)*Excess surplus.* "Excess surplus" means the amount by which the sum of the
14 estimated surplus and the unbudgeted surplus exceeds the amount which is
15 required to be appropriated to the budget stabilization account under this section
16 of the Charter.]]

17 [[b)] (a) *Creation and Purpose.* The Budget Stabilization Account is
18 established to retain revenues for future use to be used to maintain a consistent
19 level of service without requiring a substantial tax increase if estimated revenues
20 decline substantially during the course of the budget year.

21 [[c)] (b) *Non-Lapse.* Appropriations to the Budget Stabilization Account are
22 not subject to the lapse provisions of Section 611 of the Charter.

23 [[d)] (c) *Appropriations to the Budget Stabilization Account.* Except as
24 provided in subsection (e), any estimated surplus and any unbudgeted surplus
25 shall be appropriated to the Budget Stabilization Account. Other revenues may be
26 appropriated to the Budget Stabilization Account if the Executive includes such
27 an appropriation in the proposed budget and if it is approved by the County
28 Council pursuant to Section 606 of the Charter.

1 [[e]] (d) *Conditions Under Which Appropriations Are Not Required To Be*
2 *Made.* The appropriations otherwise required by subsection (d) are not required to
3 be made if either of the following conditions exists:

4 (1)At the time the budget is adopted for the ensuing fiscal year, the amount of
5 funds in the Budget Stabilization Account equals or exceeds 7% of the total
6 general fund expenditures for the last completed fiscal year, as determined by
7 audit; or

8 (2)During the current fiscal year, funds have been or are being transferred from
9 the Budget Stabilization Account to the General fund revenues in the current
10 expense budget pursuant to subsection (f).

11 [[f]] (e) *Use of Budget Stabilization Account.* Funds appropriated in the
12 Budget Stabilization Account may be transferred from the Budget Stabilization
13 Account to the general fund revenues in the current expense budget under the
14 following conditions and pursuant to the following procedure:

15 (1)*Conditions.* Funds appropriated in the Budget Stabilization Account may be
16 used only for:

17 (i) Emergencies, pursuant to 610(b) of the Charter; or

18 (ii) At such time as the County Executive determines that both the following
19 conditions exist:

20 a. Revenues for the current fiscal year are anticipated to be substantially below
21 the revenue included in the current fiscal year's budget; and

22 b. Reasonable reductions in expenditures will not be sufficient to offset the
23 anticipated revenue shortfall.

24 (2)*Procedure.* Provided that the conditions in paragraph (1) are met, the County
25 Executive may transfer funds from the Budget Stabilization Account to the
26 general fund revenues in the current expense budget by an ordinance enacted
27 pursuant to this subsection which amends the Annual Budget and Appropriation

1 Ordinance. A bill to amend the Budget Ordinance shall be introduced by the
2 County Council at the request of the County Executive. The County Council may
3 decrease the amount to be transferred from the Budget Stabilization Account but
4 may not increase it. The ordinance amending the Budget Ordinance shall be
5 adopted by the affirmative vote of a majority of the members of the County
6 Council, shall be exempt from the Executive Veto, shall take effect from the date
7 of enactment, and shall not be subject to referendum.

8 [[(g)] (f) *Precedence*. The provisions of this section of the Charter concerning
9 the Budget Stabilization Account shall supersede any inconsistent provisions of
10 the Charter.

11
12 **Section 615B. - Restrictions on use of surplus revenues.**

13 [[(a) *Definitions*.

14 (1)*Estimated surplus*. "Estimated surplus" means the amount included as surplus
15 revenue in the current expense budget for the ensuing fiscal year.

16 (2)*Unbudgeted surplus*. "Unbudgeted surplus" means the amount, determined by
17 audit for the last complete fiscal year, by which the actual general fund surplus
18 exceeds the amount of estimated surplus for that same fiscal year.

19 (3)*Excess surplus*. "Excess surplus" means the amount by which the sum of the
20 estimated surplus and the unbudgeted surplus exceeds the amount which is
21 required to be appropriated to the Budget Stabilization Account under 615A of the
22 Charter.]]

23 [[(b)] (a) *Restrictions on Use of Excess Surplus Revenue*. Any excess surplus
24 shall be used to:

25 (1)Fund capital projects;

26 (2)Reduce existing County debt; and/or

27 (3)Fund appropriations in the current expense budget for capital outlay and for

1 non-recurring expenses.
2 ~~[[c)]~~ (b) *Modification of Restriction.* The restriction on the use of excess
3 surplus imposed by this section may be modified by an ordinance passed by an
4 affirmative vote of 2/3 of the members of the County Council. An ordinance
5 enacted pursuant to this subsection (c) shall be exempt from the Executive Veto,
6 but shall otherwise be subject to the provisions of Section 209 of the Charter and
7 shall be subject to referendum, pursuant to Section 211 of the Charter.

8
9 **AND BE IT FURTHER RESOLVED** *by the County Council of Howard*
10 *County, Maryland that Section 709 “Prohibitions” subsection (c) “Influence”, of Article*
11 *VII, “Merit System”, of the Howard County Charter, is hereby amended to read as*
12 *follows:*

13 **Article VII. Merit System.**
14 **Section 709. Prohibitions.**
15 (c) *Influence.* No person may use or promise to use, directly or indirectly, any
16 official authority or influence, whether possessed or anticipated, to secure or
17 attempt to secure for any person an appointment or advantage in appointment to a
18 position in the classified service, or an increase in pay or other advantage in
19 employment in any such position, for the purpose of influencing ~~[[thee]]~~ THE vote
20 or political action of any person, or for any consideration. No person, directly or
21 indirectly, shall give, render, pay, offer, solicit or accept any money, service or
22 other valuable consideration for securing or providing any appointment, proposed
23 appointment, promotion or proposed promotion to, or any advantage in, a position
24 in the classified service.

25
26 **AND BE IT FURTHER RESOLVED** *by the County Council of Howard*
27 *County, Maryland, that at the next general election to be held in Maryland, the proposed*
28 *amendment to the Howard County Charter shall be submitted to the voters of Howard*
29 *County for their adoption or rejection in accordance with the provisions of the Article X*
30 *of the Howard County Charter and Article XIA of the Maryland Constitution, and if*

1 *adopted by the majority of the voters, shall stand adopted from and after the 30th day*
2 *following the general election;*

3

4 **AND BE IT FURTHER RESOLVED** *by the County Council of Howard*
5 *County, Maryland, that this Resolution, having been approved by two-thirds of the*
6 *members of the Howard County Council, stands adopted this _____ day of*
7 *_____, 2012 in accordance with Article X of the Howard County Charter.*