

County Council Of Howard County, Maryland

2012 Legislative Session

Legislative Day No. 8

Resolution No. 106 - 2012

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

A RESOLUTION proposing to repeal Section 906 "Copies of books and papers on demand" and Section 907 "Inspection of books, accounts, and papers" of the Howard County Charter and replace them with new Section 906 "Right to Inspect and Copy Public Records"; making the public access provisions of the County Charter consistent with the Maryland Public Information Act; expanding the public right to inspect records to include all persons; permitting persons to obtain copies of public records upon payment of a reasonable fee prescribed 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 XIA of the Maryland Constitution.

Introduced and read first time June 4, 2012.

By order Stephen M. LeGendre
Stephen M. LeGendre, Administrator

Read for a second time and a public hearing held on June 18, 2012.

Tabled July 2, 2012

By order Stephen M. LeGendre
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This Resolution was read for the third time and was Adopted , Adopted with amendments , Failed , Withdrawn by the County Council on July 26, 2012.

By order Stephen M. LeGendre
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 **WHEREAS**, the Howard County Charter provisions regarding public access to
2 County records conflict with the Maryland Public Information Act (“the PIA”), which
3 governs public access to State, county, and city records; and

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5 **WHEREAS**, the Charter’s public access provisions don’t protect against
6 disclosure of sensitive personal information such as financial and medical records, but the
7 PIA does protect such records; and

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9 **WHEREAS**, the Charter grants access to County records only to Howard County
10 residents and “representatives of the press,” but the PIA grants access to anyone
11 regardless of residency or occupation; and

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13 **WHEREAS**, in order to expand access to County records, protect against
14 disclosure of sensitive personal information, and make the Howard County Charter
15 consistent with the Maryland Public Information Act, the County Council proposes this
16 amendment to the Howard County Charter.

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18 **NOW, THEREFORE, BE IT RESOLVED** *by the County Council of Howard*
19 *County, Maryland, that Section 906 “Copies of books and papers on demand” and*
20 *Section 907 “Inspection of books, accounts and papers”, of Article IX, “General*
21 *Provisions”, of the Howard County Charter, are hereby repealed, and that new Section*
22 *906 “Right to inspect and copy public records”, be added to Article IX “General*
23 *Provisions”, of the Howard County Charter, to read as follows:*

24
25 **Article IX. General Provisions.**

26 **SECTION 906. RIGHT TO INSPECT AND COPY PUBLIC RECORDS.**

27 ANY PERSON SHALL HAVE THE RIGHT TO INSPECT ANY PUBLIC RECORD, IN
28 ACCORDANCE WITH THE MARYLAND PUBLIC INFORMATION ACT, IN THE
29 POSSESSION OF ANY BOARD, COMMISSION, OFFICE, OR DEPARTMENT OF THE
30 COUNTY. A COPY OF ANY SUCH DOCUMENT SHALL BE FURNISHED UPON PAYMENT
31 OF A REASONABLE FEE PRESCRIBED BY THE COUNTY COUNCIL.

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[[Section 906. Copies of books and papers on demand.

The Executive shall, with reasonable promptness, furnish to any resident of the County, on demand, a certified copy of any book, account or paper kept by any board, commission, office or department of the County government, or such part thereof as may be demanded, except criminal investigation reports, and individual personnel records, upon payment in advance by the person demanding the same, of a reasonable fee to be prescribed by resolution of the Council.]]

[[Section 907. Inspection of books, accounts and papers.

All books, accounts, bids, contracts, papers and records of any board, commission, office or department, except criminal investigation reports and individual personnel records, shall at all times be open to the inspection of any resident of the County or representative of the press, subject to such reasonable rules and regulations in regard to the time and manner of such inspection as the Executive may make.]]

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

AND BE IT FURTHER RESOLVED *by the County Council of Howard County, Maryland, that this Resolution, having been approved by two-thirds of the members of the Howard County Council, stands adopted this 26th day of July, 2012 in accordance with Article X of the Howard County Charter.*