

# 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

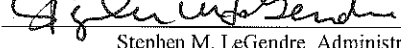
A RESOLUTION proposing to amend the Howard County Charter to make various technical changes; to amend Section 202 "The County Council" by removing an obsolete factor to be considered in redistricting; to amend Section 501 "The County Board of Appeals" by correcting a citation to the Annotated Code of 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 606 'Action on the annual budget and appropriation ordinance by the County Council' and Section 914 'Definitions and rules of construction' by removing obsolete references; 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 June 4, 2012.

By order   
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, Administrator

This Resolution was read for the third time and was Adopted , Adopted with amendments , Failed , Withdrawn  by the County Council on July 6, 2012.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.*

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 **AND BE IT FURTHER RESOLVED** *by the County Council of Howard County, Maryland*  
26 *that Section 606 "Action on the annual budget and appropriation ordinance by the County*  
27 *Council", of the Howard County Charter, is hereby amended to read as follows:*

28  
29 **Section 606. - Action on the annual budget and appropriation ordinance by the**  
30 **County Council.**

1 After the public hearing specified in the preceding section [605], the Council may  
2 decrease or delete any items in the budget ordinance except those required by the  
3 public general laws of this State and except any provisions for debt service on  
4 obligations then outstanding or for estimated cash deficits. The Council shall have  
5 no power to change the form of the budget as submitted by the Executive, to alter  
6 the revenue estimates or to increase any expenditure recommended by the  
7 Executive for current or capital purposes unless expressly provided in State law  
8 and except to correct mathematical errors. The adoption of the budget ordinance,  
9 which shall include only the current expense budget and the capital budget, shall  
10 be by the affirmative vote of not less than a majority of the Council on an  
11 ordinance to be known as the Annual Budget and Appropriation Ordinance of  
12 Howard County. The capital program, as defined in this Charter, shall be adopted  
13 by the Council by its separate resolution. Any borrowing to finance capital  
14 projects must be authorized by an existing law of the General Assembly of  
15 Maryland [(including laws authorizing borrowing on behalf of the Metropolitan  
16 Commission))] or by a law of the Council adopted in accordance with the Charter.  
17 The Council may adopt from time to time bond issue authorization ordinances  
18 pursuant to an enabling law or laws then in force and effect to provide the means  
19 of financing such capital projects as are to be financed from borrowing. Such  
20 bond issue authorization ordinances are not subject to referendum and shall take  
21 effect from the date of their enactment. All of said ordinances referred to in this  
22 Section shall be exempt from the executive veto. The Annual Budget and  
23 Appropriation Ordinance shall be adopted by the Council on or before the first  
24 day of the last month of the fiscal year currently ending, and if the Council fails to  
25 do so, the proposed current expense budget submitted by the Executive shall stand  
26 adopted, and funds for the expenditures proposed in the current expense budget  
27 shall stand appropriated as fully and to the same extent as if favorable action  
28 thereon had been taken by the Council.

29  
30 **AND BE IT FURTHER RESOLVED** *by the County Council of Howard*  
31 *County, Maryland that Section 615A "Budget stabilization" and Section 615B*

1 “Restrictions and use of surplus revenues”, all of Article VI, “Budgetary and Fiscal  
2 Procedures”, of the Howard County Charter, are hereby amended to read as follows:

3  
4 **Article VI. Budgetary and Fiscal Procedures.**

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

6 ~~[[a]]~~ *Definitions.*

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

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

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

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

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

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

27 ~~[[d]]~~ (c) *Appropriations to the Budget Stabilization Account.* Except as

1 provided in subsection (e), any estimated surplus and any unbudgeted surplus  
2 shall be appropriated to the Budget Stabilization Account. Other revenues may be  
3 appropriated to the Budget Stabilization Account if the Executive includes such  
4 an appropriation in the proposed budget and if it is approved by the County  
5 Council pursuant to Section 606 of the Charter.

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

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

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

16 ~~[[f]]~~ (e) *Use of Budget Stabilization Account.* Funds appropriated in the  
17 Budget Stabilization Account may be transferred from the Budget Stabilization  
18 Account to the general fund revenues in the current expense budget under the  
19 following conditions and pursuant to the following procedure:

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

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

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

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

27 b. Reasonable reductions in expenditures will not be sufficient to offset the

1 anticipated revenue shortfall.

2 (2)*Procedure.* Provided that the conditions in paragraph (1) are met, the County  
3 Executive may transfer funds from the Budget Stabilization Account to the  
4 general fund revenues in the current expense budget by an ordinance enacted  
5 pursuant to this subsection which amends the Annual Budget and Appropriation  
6 Ordinance. A bill to amend the Budget Ordinance shall be introduced by the  
7 County Council at the request of the County Executive. The County Council may  
8 decrease the amount to be transferred from the Budget Stabilization Account but  
9 may not increase it. The ordinance amending the Budget Ordinance shall be  
10 adopted by the affirmative vote of a majority of the members of the County  
11 Council, shall be exempt from the Executive Veto, shall take effect from the date  
12 of enactment, and shall not be subject to referendum.

13 ~~[[g]]~~ (f) *Precedence.* The provisions of this section of the Charter concerning  
14 the Budget Stabilization Account shall supersede any inconsistent provisions of  
15 the Charter.

16  
17 **Section 615B. - Restrictions on use of surplus revenues.**

18 ~~[[a]]~~ *Definitions.*

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

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

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

28 ~~[[b]]~~ (a) *Restrictions on Use of Excess Surplus Revenue.* Any excess surplus



1 shall be used to:

2 (1)Fund capital projects;

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

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

5 non-recurring expenses.

6 ~~[[c]]~~ (b) *Modification of Restriction.* The restriction on the use of excess

7 surplus imposed by this section may be modified by an ordinance passed by an

8 affirmative vote of 2/3 of the members of the County Council. An ordinance

9 enacted pursuant to this subsection (c) shall be exempt from the Executive Veto,

10 but shall otherwise be subject to the provisions of Section 209 of the Charter and

11 shall be subject to referendum, pursuant to Section 211 of the Charter.

12

13 **AND BE IT FURTHER RESOLVED** *by the County Council of Howard County,*

14 *Maryland that Section 914 "Definitions and rules of construction", of the Howard County*

15 *Charter, is hereby amended to read as follows:*

16

17 **Section 914. Definitions and rules of construction.**

18

19 ~~[[m]]~~ The "Howard County Metropolitan Commission" means the agency appointed

20 by the Howard County Board of County Commissioners in accordance with Chapter 991

21 of the Acts of the Maryland General Assembly of 1943 and dealt with in Sections 165

22 through 192 of the Code of Public Local Laws of Howard County (1965 edition as

23 amended and supplemented).]]

24 ~~[[n]]~~~~(M)~~ The phrase "two-thirds of the members of the Council" shall mean at least two-

25 thirds of all members and, in the case of a five-member Council, shall mean four

26 members.

27 ~~[[o]]~~~~(N)~~ The term "county government" shall include all offices, departments,

28 institutions, boards, commissions, and agencies established under the Howard County

29 Charter, law or resolution, and their officers, agents and employees.

1           **AND BE IT FURTHER RESOLVED** *by the County Council of Howard*  
2 *County, Maryland that Section 709 "Prohibitions" subsection (c) "Influence", of Article*  
3 *VII, "Merit System", of the Howard County Charter, is hereby amended to read as*  
4 *follows:*

5           **Article VII. Merit System.**

6           **Section 709. Prohibitions.**

7           (c) *Influence.* No person may use or promise to use, directly or indirectly, any  
8 official authority or influence, whether possessed or anticipated, to secure or  
9 attempt to secure for any person an appointment or advantage in appointment to a  
10 position in the classified service, or an increase in pay or other advantage in  
11 employment in any such position, for the purpose of influencing ~~[[thee]]~~ THE vote  
12 or political action of any person, or for any consideration. No person, directly or  
13 indirectly, shall give, render, pay, offer, solicit or accept any money, service or  
14 other valuable consideration for securing or providing any appointment, proposed  
15 appointment, promotion or proposed promotion to, or any advantage in, a position  
16 in the classified service.

17  
18           **AND BE IT FURTHER RESOLVED** *by the County Council of Howard*  
19 *County, Maryland, that at the next general election to be held in Maryland, the proposed*  
20 *amendment to the Howard County Charter shall be submitted to the voters of Howard*  
21 *County for their adoption or rejection in accordance with the provisions of the Article X*  
22 *of the Howard County Charter and Article XIA of the Maryland Constitution, and if*  
23 *adopted by the majority of the voters, shall stand adopted from and after the 30<sup>th</sup> day*  
24 *following the general election;*

25  
26           **AND BE IT FURTHER RESOLVED** *by the County Council of Howard*  
27 *County, Maryland, that this Resolution, having been approved by two-thirds of the*  
28 *members of the Howard County Council, stands adopted this \_\_\_\_\_ day of*  
29 *\_\_\_\_\_, 2012 in accordance with Article X of the Howard County Charter.*