

# County Council of Howard County, Maryland

2020 Legislative Session

Legislative Day No. 9

## Resolution No. 95 -2020

Introduced by: Opel Jones  
and cosponsored by Christiana Mercer Rigby

A RESOLUTION proposing to amend Howard County Charter Section 202 “The County Council”, Section 208 “Sessions of the County Council; quorum; rules of procedure”, Section 1201 “Nature of the Article”, and Section 1202 “Establishment of District boundaries for Councilmanic Districts” by changing the term “Councilmanic” to “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 XI-A of the Maryland Constitution.

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Introduced and read first time on \_\_\_\_\_, 2020.

By order \_\_\_\_\_  
Diane Schwartz Jones, Administrator to the County

Council

Read for a second time and a public hearing held on \_\_\_\_\_, 2020.

By order \_\_\_\_\_  
Diane Schwartz Jones, 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This Resolution was read the third time and was Adopted\_\_\_, Adopted with amendments\_\_\_, Failed\_\_\_, Withdrawn \_\_\_ by the County Council on \_\_\_\_\_, 2020.

Certified by \_\_\_\_\_  
Diane Schwartz Jones, Administrator to the County Council

NOTE: [[text in brackets]] indicates deletions from existing language; TEXT IN SMALL CAPITALS indicates additions to existing language.

~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1           **WHEREAS**, in certain sections of the Howard County Charter, the term “Councilmanic”  
2 is used; and

3  
4           **WHEREAS**, the use of the term “Council” rather than “Councilmanic” will ensure the  
5 Charter is clear in meaning.

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7           **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,  
8 Maryland, that County Charter Section 202 “The County Council”, Section 208 “Sessions of  
9 the County Council; quorum; rules of procedure”, Section 1201 “Nature of the Article”, and  
10 Section 1202 “Establishment of District boundaries for Councilmanic Districts” are, upon  
11 approval of the voters of Howard County, amended to read as follows:

12  
13                                   **Article II. – The Legislative Branch**  
14                                   **Section 202. – The County Council.**

15  
16 Section 202. - The County Council.

17  
18           The legislative power of the County is vested in the County Council of Howard  
19 County which shall consist of five members who shall be elected from the  
20 [[Councilmanic]] COUNCIL Districts.

21 (a) *Mode of election.* Each of the members of the Council shall be nominated and elected  
22 by the qualified voters of the [[Councilmanic]] COUNCIL District in which he or she  
23 resides. Each [[Councilmanic]] COUNCIL District shall elect one Council member.

24 (b) *Qualifications.*

25           1. In General. Each candidate for the council shall have resided in the County  
26 for a period of not less than two years immediately prior to nomination; shall be a  
27 registered voter; and shall be a resident of the Council District which the candidate  
28 seeks to represent at the time of filing for candidacy and during the full term of  
29 office; and shall not be less than twenty-five years of age at the time of election.

1           2. Other Offices or Employment. No person shall qualify or serve as a member  
2 of the council: while holding any other office of profit or trust of or under the State  
3 or County government; while employed by the County; or while employed by any  
4 agency, board, commission, unit or other entity which receives funds through the  
5 County budget. No member of the Council shall, during the whole term for which he  
6 or she was elected, be eligible for appointment to any County office or position or be  
7 eligible for employment by the County.

8           3. Forfeiture of Office. If a member of the Council ceases to be a qualified and  
9 registered voter of the County, moves his or her residence from the [[councilmanic]]  
10 COUNCIL district he or she was elected to represent, accepts any other office of profit  
11 or trust of or under the state or county government, becomes employed by the  
12 County or any other entity which receives funds through the County budget, or is  
13 convicted of any crime involving moral turpitude, he or she shall immediately forfeit  
14 his or her office.

15 (c) *Term of office.* Members of the Council shall qualify for office on the first Monday  
16 in December following their election, or as soon thereafter as practicable and shall  
17 enter upon the duties of their office immediately upon their qualification. They shall  
18 hold office for a term of four years commencing at the time of their qualification and  
19 continuing until their successors shall qualify. A person who has been elected to the  
20 County Council three times or who has been elected to the County Council twice and  
21 has been appointed to fill a Council vacancy and served two or more years of that term  
22 shall be ineligible to be a candidate for the County Council. In determining eligibility  
23 of a candidate pursuant to this subsection, no term or part of any term served prior to  
24 the election of November 6, 1990, shall be used in calculating the limitation on number  
25 of terms a Council member may serve.

26 (d) *Compensation and allowances.* Each member of the Council shall receive as  
27 compensation and allowances for the performance of public duties under this Charter  
28 the sum of not less than Seventy-eight Hundred Dollars (\$7,800.00) per annum and  
29 shall not accrue annual leave or be entitled to any payment in lieu thereof. The  
30 compensation and allowances shall be in full compensation for all services required

1 by this Charter to be performed by the members of the Council, but shall not preclude  
2 reasonable and necessary expenses as may be provided in the budget. The County  
3 Council shall establish a Compensation Review Commission every four years to  
4 review the Council's compensation and allowances in accordance with the provisions  
5 of Article 25A Subsection 5(AA) of the Annotated Code of Maryland.

6 (e) *Vacancies.* Unless provision for filling a vacancy by special election has been  
7 established by ordinance, a vacancy occurring in the office of the Council member  
8 prior to the expiration of his or her term shall be filled by the Council within thirty  
9 days after the vacancy occurs by the appointment of a person whose name is to be  
10 submitted in writing to the Council by the State Central Committee of Howard County  
11 representing the political party to which the previous member belonged at the time of  
12 the member's most recent election. If a name is not submitted by the appropriate State  
13 Central Committee within twenty-five days after the vacancy occurs or if the previous  
14 incumbent was not a member of a political party at the time of the member's most  
15 recent election, then the vacancy shall be filled by a majority vote of the remaining  
16 members of the Council. The member so appointed shall reside in the same  
17 [[Councilmanic]] COUNCIL District as his or her predecessor and shall possess and  
18 maintain the same qualifications as an elected Council member. The member so  
19 appointed shall serve the unexpired term of his or her predecessor.

20 (f) *Redistricting.*

21 1. Boundaries.

22 The Council shall appoint, by resolution, not later than April 1 of the year  
23 after each decennial census date, a [[Councilmanic]] COUNCIL Redistricting  
24 Commission. The Central Committee of each political party which polled at  
25 least twenty-five per centum of the total vote cast for all the candidates for the  
26 Office of County Executive in the last preceding general election shall nominate  
27 three persons to serve on the Commission. The Council shall appoint all such  
28 nominees as members of the Commission as well as one additional member of  
29 the Commission. The Council shall appoint the Chairperson of the Commission

1 from among the Commission members. No person shall be eligible for  
2 appointment to the Commission who holds elective office.

3 By October 15 of the year in which the Commission is appointed, the  
4 Commission shall prepare a plan of [[Councilmanic]] COUNCIL Districts and  
5 shall present that plan to the Council. Within thirty days after receiving the plan  
6 of the Commission, the Council shall hold a public hearing on the plan. If by  
7 March 15 of the year following submission of the plan, no ordinance re-  
8 establishing the boundaries of the [[Councilmanic]] COUNCIL Districts has been  
9 enacted, then the plan as submitted by the Commission shall become law. Any  
10 [[Councilmanic]] COUNCIL District established in accordance with this Article  
11 shall be compact, contiguous, substantially equal in population, and have  
12 common interest as a result of geography, history, or existing political  
13 boundaries. Any ordinance establishing [[Councilmanic]] COUNCIL Districts  
14 shall be exempt from referendum.

15 The Board of Supervisors of Elections shall take any necessary steps to  
16 implement any such revisions of the [[Councilmanic]] COUNCIL District  
17 Boundaries so adopted.

18 (g) *Planning and zoning.*

19 1. Any amendment, restatement or revision to the Howard County General  
20 Plan, the Howard County Zoning Regulations or Howard County Zoning Maps,  
21 other than a reclassification map amendment established under the "change and  
22 mistake" principle set out by the Maryland Court of Appeals, is declared to be a  
23 legislative act and may be passed only by the Howard County Council by original  
24 bill in accordance with the legislative procedure set forth in Section 209 of the  
25 Howard County Charter. Such an act shall be subject to executive veto and may be  
26 petitioned to referendum by the people of the county pursuant to Section 211 of the  
27 Charter.

28 **Article II. – The Legislative Branch**

29 **Section 208. – Sessions of the County Council; quorum; rules of procedure.**

30

- 1 Section 208. - Sessions of the County Council; quorum; rules of procedure.
- 2 (a) *Total session days.* The Council may sit up to forty-five days in each year for the  
3 purpose of enacting legislation.
- 4 (b) *Legislative sessions.* The Council shall meet for the purpose of enacting legislation  
5 on the first Monday of each month and on such additional days as it may provide by  
6 resolution from time to time, provided, however:
- 7 (1) In the event that a legislative session should fall on a holiday, the said session-  
8 day shall be held on the next succeeding day which is not a holiday.
- 9 (2) There shall be no legislative session in August, except for an emergency  
10 legislative session, unless the council provides by resolution for a session in  
11 August.
- 12 (3) At a session prior to any scheduled session, the council may determine by a two-  
13 thirds (2/3) vote not to sit at any regularly scheduled session.
- 14 (4) During a [[councilmanic]] COUNCIL election year, no legislative session, except  
15 for an emergency legislative session, shall be held during the month of November  
16 nor during the month of December until majority of members of the council has  
17 qualified.
- 18 (c) *Non-legislative sessions.* The Council may sit in non-legislative sessions at such other  
19 times and places as it may determine. In such sessions the Council may review the  
20 County budget as proposed by the County Executive, conduct public hearings and  
21 perform such additional functions as by charter or law are properly exercisable by it,  
22 other than enacting legislation.
- 23 (d) *Emergency sessions.* The Council may be called into emergency session for the  
24 purpose of introducing and enacting emergency legislation either by the County  
25 Executive or by a majority of members of the Council.
- 26 (e) *Quorum.* A majority of the members of the Council shall constitute a quorum for the  
27 transaction of business, except that for emergency sessions two-thirds of the members  
28 of the Council shall be required.

1 (f) *Rules of procedure.* The Council shall adopt and publish such rules of procedure as  
2 it determines are desirable for its efficient operation.

3 (g) *Public meetings.* Unless otherwise provided by law, all sessions and meetings of the  
4 Council shall be open to the public.

5 (h) *Journal.* The Council shall provide for the keeping of a Journal which shall be  
6 available to the public in electronic form at any time.

7 **Article XII. – Transitional Provisions**

8 **Section 1201. – Nature of the Article.**

9  
10 Section 1201. - Nature of the Article.

11 The provisions of this Article relate to the [[Councilmanic]] COUNCIL District  
12 method of election and establishment of district boundaries for [[Councilmanic]]  
13 COUNCIL Districts.

14  
15 **Article XII. – Transitional Provisions**

16 **Section 1202. – Establishment of District boundaries for Councilmanic Districts.**

17  
18 Section 1202. - Establishment of District boundaries for [[Councilmanic]] COUNCIL  
19 Districts.

20 The [[Councilmanic]] COUNCIL Districts for Primary and General Elections of 1986  
21 shall be established by the County Council, based on the 1980 decennial census of the  
22 population of the United States, on or before March 15, 1986. Any [[Councilmanic]]  
23 COUNCIL District established in accordance with this Article shall be compact,  
24 contiguous, substantially equal in population, and have common interest as a result of  
25 geography, occupation, history, or existing political boundaries. The Board of  
26 Supervisors of Elections shall take any necessary steps to implement the election of the  
27 County Council by [[Councilmanic]] COUNCIL Districts so established.

28

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

7

8           **AND BE IT FURTHER RESOLVED** by the County Council of Howard County,  
9 Maryland, that this Resolution, having been approved by two-thirds of the members of the  
10 Howard County Council, stands adopted this \_\_\_\_ day of \_\_\_\_\_, 2020 in accordance  
11 with provisions of Article X of the Howard County Charter.