

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.

Introduced and read first time on June 1, 2020.

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

Council

Read for a second time and a public hearing held on June 15, 2020.

By order Diane Schwartz Jones
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This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn by the County Council on July 6, 2020.

Certified by Diane Schwartz Jones
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.

6
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.**

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.

**Office of the County Auditor
Auditor's Analysis**

Council Resolution No. 95-2020
Introduced: June 1, 2020
Auditor: Maya Cameron

Fiscal Impact:

There is no fiscal impact to this legislation.

This legislation is a technical change and does not impact revenue or expense for the County.

Purpose:

The purpose of this legislation is to change the term "Councilmanic" to the term "Council" within Sections 202, 208, 1201, and 1202 of the Howard County Charter and to submit the amendment to the voters of Howard County for their adoption or rejection.

Other Comments:

There are no additional comments.

Sayers, Margery

From: joel hurewitz <joelhurewitz@gmail.com>
Sent: Friday, July 3, 2020 11:01 AM
To: CouncilMail
Subject: Fwd: Charter Amendments - State Law Citations and Terms of Boards

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Council Members,

I am very disappointed that I do not see an amendment to make the technical correction to the State Code citation in Charter Section 202(d). Finding the old Code provisions is extremely difficult if not impossible for the general public.

If it is not amended now, at some future time, an amendment will be needed just to make the technical correction.

Joel Hurewitz

----- Forwarded message -----

From: joel hurewitz <joelhurewitz@gmail.com>
Date: Wed, Jun 24, 2020 at 10:58 AM
Subject: Charter Amendments - State Law Citations and Terms of Boards
To: Councilmail <councilmail@howardcountymd.gov>

Dear Council,

In reducing the terms of board members in CR99-2020, it seems that some consideration should also be given to the number of consecutive years in Line 10, and whether something less than eight years is appropriate, or whether three consecutive terms of nine years would be desired for most appointees.

Furthermore, consideration should also be given to amending the similar provisions in Sections 501 and 703 for the Board of Appeals and Personnel Board respectively.

As I testified, there are outdated State Code references in Sections 202(d) and 501(b). If Section 501 were to be amended regarding the terms of the Board of Appeals, then there would also be an opportunity to correct the citation in Section 501(b)

As always, I would be happy to discuss these further.

Sincerely,

Joel Hurewitz

Sayers, Margery

From: joel hurewitz <joelhurewitz@gmail.com>
Sent: Wednesday, June 24, 2020 10:58 AM
To: CouncilMail
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As always, I would be happy to discuss these further.

Sincerely,

Joel Hurewitz

Sayers, Margery

From: Angie Boyter <angie.boyter@gmail.com>
Sent: Saturday, June 20, 2020 6:11 PM
To: CouncilMail
Subject: CR99-2020

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Council Members,

I am writing to urge you NOT to pass this resolution, which reduces the terms for board and commission members from 5 years to 3. This STRONG recommendation is based on my own and my husband's experience serving on several boards and commissions over the years.

If these boards are going to be effective, the members need to be well informed. I serve as a consumer member on the Commission on Aging with a great group of people, most of whom have impressive specialized knowledge. None of us, though, had the breadth of knowledge of needs and services to which we have been exposed during our service. There is quite a learning curve. It took me probably more than three years to begin to feel I was informed enough to express an sound recommendation.

Others may have picked up knowledge faster, but they still need the learning time. This is even more true of several highly important boards like the Planning Board and the Board of Appeals.

Finally, I would have to disagree with the apparent reasoning behind this recommendation, the contention that there are not enough well qualified people willing to serve a 5-year term. My suspicion is that people who do not want to make the five-year commitment tend to be people who simply want to add it to their resume or who have "an axe to grind"; a single issue they want to address and leave, rather than a genuine interest in the broad mission of a board or commission. I have on several occasions heard of vacancies and spoken to people I thought would be qualified. They were very willing to serve. They had NOT, however, heard of the opening until I brought it to their attention. I think we need to improve the publicizing of the vacancies, not reduce the term of office.

Please do NOT pass this resolution.

Angie Boyter

CR95-2020

Sayers, Margery

From: Cynthia Williams <cawilliams66@hotmail.com>
Sent: Monday, June 8, 2020 5:57 PM
To: CouncilMail
Subject: CR95-2020 - Support

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

The League of Women Voters of Howard County enthusiastically supports CR95-2020, a resolution to change the word councilmanic to council where it appears in the Howard County Charter.

Thank you for your attention.

Cynthia Williams
President
League of Women Voters of Howard County

Sayers, Margery

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