

Introduced	<u>February 3, 2020</u>
Public Hearing	<u>February 18, 2020</u>
Council Action	<u>March 2, 2020</u>
Executive Action	<u>March 5, 2020</u>
Effective Date	<u>May 5, 2020</u>

County Council of Howard County, Maryland

2020 Legislative Session

Legislative Day No. 2

Bill No. 8 -2020

Introduced by: Opel Jones
 Co-sponsored by: Christiana Rigby and David Yungmann

AN ACT requiring a fiscal analysis for each Bill; specifying that the County Auditor must submit the statement; ~~setting a deadline~~ deadlines; specifying the contents of the analysis; providing for public availability; and generally relating to the enactment of legislation.

Introduced and read first time February 3, 2020. Ordered posted and hearing scheduled.
 By order Diane Schwartz Jones
 Diane Schwartz Jones, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on February 18, 2020.
 By order Diane Schwartz Jones
 Diane Schwartz Jones, Administrator

This Bill was read the third time on March 2, 2020 and Passed , Passed with amendments , Failed
 By order Diane Schwartz Jones
 Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 3rd day of March, 2020 at 11 (a.m./p.m.)
 By order Diane Schwartz Jones
 Diane Schwartz Jones, Administrator

Approved/Vetoed by the County Executive March 5, 2020

Calvin Ball
 Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; Text in small capitals indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 *Section 1. Be it enacted by the County Council of Howard County, Maryland, that the Howard County*
2 *Code is hereby amended as follows:*

3 *By adding:*

4 *Title 5 – County Council.*

5 *Subtitle 4. Miscellaneous.*

6 *Sec. 5.400. Fiscal analyses.*

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9

HOWARD COUNTY CODE

10
11

Title 5 – County Council.

SUBTITLE 4. MISCELLANEOUS.

12 **SEC. 5.400. FISCAL ANALYSES.**

13 (A) SCOPE OF SECTION.

14 THIS SECTION APPLIES TO EACH BILL, SUPPLEMENTAL APPROPRIATION ORDINANCE,
15 TRANSFER OF APPROPRIATION ORDINANCE, AN ACT WITH A FISCAL IMPACT ON COUNTY
16 FINANCES, AND A RESOLUTION WITH A FISCAL IMPACT ON COUNTY FINANCES.

17

18 ~~(A)~~ (B) *“FISCAL ANALYSIS”.*

19 FOR PURPOSES OF THIS SECTION, A FISCAL ANALYSIS SHALL INCLUDE:

20 (1) A SUMMARY OF A ~~BILL~~ BILL OR OTHER LEGISLATION;

21 (2) AN EVALUATION OF THE FISCAL IMPACT THAT A ~~BILL~~ BILL OR OTHER LEGISLATION WOULD
22 HAVE ON COUNTY GOVERNMENT OPERATIONS, REVENUES, AND SPENDING; AND

23 (3) AN EXPLANATION OF HOW THE ~~BILL~~ BILL OR OTHER LEGISLATION WILL BE IMPLEMENTED.

24 ~~(B)~~ (C) *IN GENERAL.*

25 (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COUNTY AUDITOR
26 MUST SUBMIT A FISCAL ANALYSIS TO THE COUNTY COUNCIL OF EACH ~~BILL~~ BILL OR OTHER LEGISLATION
27 UNDER CONSIDERATION BY THE COUNCIL.

28 (II) THIS SUBSECTION DOES NOT APPLY TO THE ANNUAL BUDGET AND APPROPRIATION
29 ORDINANCE OF HOWARD COUNTY.

30 (2) A SEPARATE FISCAL ANALYSIS IS REQUIRED FOR EACH ~~BILL~~ BILL OR OTHER LEGISLATION.

1 ~~(C)~~ (D) TIME FOR SUBMISSION.

2 (1) A FISCAL ANALYSIS MUST BE SUBMITTED TO THE COUNTY COUNCIL ~~NOT LATER THAN 2~~
3 ~~BUSINESS DAYS~~ ON OR BEFORE 5 P.M. ON THE THURSDAY BEFORE THE PUBLIC HEARING FOR THE
4 LEGISLATION, OR THE DAY THE COUNCIL CHAIRPERSON SETS TO ACCOMMODATE A HOLIDAY OR
5 OTHER CHANGE IN THE NORMAL SCHEDULE.

6 (2) IF THE COUNTY AUDITOR CANNOT SUBMIT THE FISCAL ANALYSIS WITHIN THE TIME REQUIRED
7 BY PARAGRAPH (1) OF THIS SUBSECTION, THE AUDITOR MUST NOTIFY THE COUNCIL CHAIRPERSON IN
8 WRITING OF THE DELAY, THE REASON FOR THE DELAY, AND THE REVISED DELIVERY DATE. IF THE COUNCIL
9 CHAIRPERSON FINDS THAT THE REVISED DELIVERY DATE IS UNREASONABLE, THE CHAIRPERSON MAY SET
10 A DIFFERENT DELIVERY DEADLINE.

11 ~~(D)~~ (E) CONTENT OF FISCAL ANALYSIS.

12 EACH FISCAL ANALYSIS MUST INCLUDE THE SOURCES OF INFORMATION, ASSUMPTIONS, AND
13 METHODOLOGIES USED, A DESCRIPTION OF THE VARIABLES THAT COULD AFFECT FISCAL ESTIMATES, AND,
14 IF LEGISLATION IS LIKELY TO HAVE NO FISCAL IMPACT, THE REASON FOR THAT CONCLUSION.

15 ~~(E)~~ (F) PUBLICATION.

16 (1) AT LEAST 1 BUSINESS DAY BEFORE THE PUBLIC HEARING FOR THE LEGISLATION, THE COUNTY
17 COUNCIL SHALL MAKE EACH FISCAL ANALYSIS FREELY AVAILABLE TO THE PUBLIC.

18 (2) THE COUNTY COUNCIL SHALL ARCHIVE FISCAL ANALYSES IN A WAY THAT ALLOWS EASY
19 ACCESS TO THE PUBLIC.

20 ~~(F)~~ (G) COMPLIANCE.

21 COUNCIL ACTION ON LEGISLATION THAT IS OTHERWISE VALID IS NOT INVALID BECAUSE OF ANY
22 FAILURE TO FOLLOW THE REQUIREMENTS OF THIS SECTION.

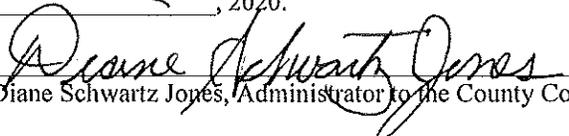
23

24 *Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act shall*
25 *become effective 61 days after its enactment.*

26

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on March 5, 2020.


Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council

ADOPTED March 2, 2020
FAILED _____
SIGNATURE David Yungmann

Amendment 1 to Council Bill No. 8-2020

BY: Opel Jones, Christiana Rigby
and David Yungmann

Legislative Day No. 3

Date: March 2, 2020

Amendment No. 1

(This Amendment clarifies the kinds of legislation that will have a fiscal analysis.)

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On page 1:

- before line 13, insert:
“(A) SCOPE OF SECTION.
THIS SECTION APPLIES TO EACH BILL, SUPPLEMENTAL APPROPRIATION ORDINANCE,
TRANSFER OF APPROPRIATION ORDINANCE, AN ACT WITH A FISCAL IMPACT ON COUNTY
FINANCES, AND A RESOLUTION WITH A FISCAL IMPACT ON COUNTY FINANCES.”
- in line 13, strike “(A)” and substitute “(B)”.
- in lines 15, 16, 18, 21, and 25. strike each reference to “BILL” and substitute “BILL OR
OTHER LEGISLATION”.
- In line 19, strike “(B)” and substitute “(C)”.
- In line 26, strike “(C)” and substitute “(D)”.

On page 2:

- in line 3, strike “(D)” and substitute “(E)”.
- in line 7, strike “(E)” and substitute “(F)”.
- in line 12, strike “(F)” and substitute “(G)”.

ACCEPTED March 2, 2020
FILED
SIGNATURE Diana Schwartz, Jr.

Amendment 2 to Council Bill No. 8-2020

BY: Opel Jones, Christiana Rigby
and David Yungmann

Legislative Day No. 3

Date: March 2, 2020

Amendment No. 2

(This Amendment clarifies when the analyses are due.)

1 On the title page, in the purpose paragraph, strike “a deadline” and substitute “deadlines”.

2

3 On page 1:

4 • beginning in line 27, strike “NOT LATER THAN 2 BUSINESS DAYS” and substitute “ON OR
5 BEFORE 5 P.M. ON THE THURSDAY”.

6 • in line 28, before the period, insert “, OR THE DAY THE COUNCIL CHAIRPERSON SETS TO
7 ACCOMMODATE A HOLIDAY OR OTHER CHANGE IN THE NORMAL SCHEDULE.”.

Introduced February 3, 2020
Public Hearing February 18, 2020
Council Action March 20, 2020
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2020 Legislative Session

Legislative Day No. 2

Bill No. 8 -2020

Introduced by: Opel Jones
Co-sponsored by: Christiana Rigby and David Yungmann

AN ACT requiring a fiscal analysis for each Bill; specifying that the County Auditor must submit the statement; setting a deadline; specifying the contents of the analysis; providing for public availability; and generally relating to the enactment of legislation.

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By order

Diane Schwartz Jones
Diane Schwartz Jones, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on February 18, 2020.

By order

Diane Schwartz Jones
Diane Schwartz Jones, Administrator

This Bill was read the third time on _____, 2020 and Passed _____, Passed with amendments _____, Failed _____.

By order

Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2020 at _____ a.m./p.m.

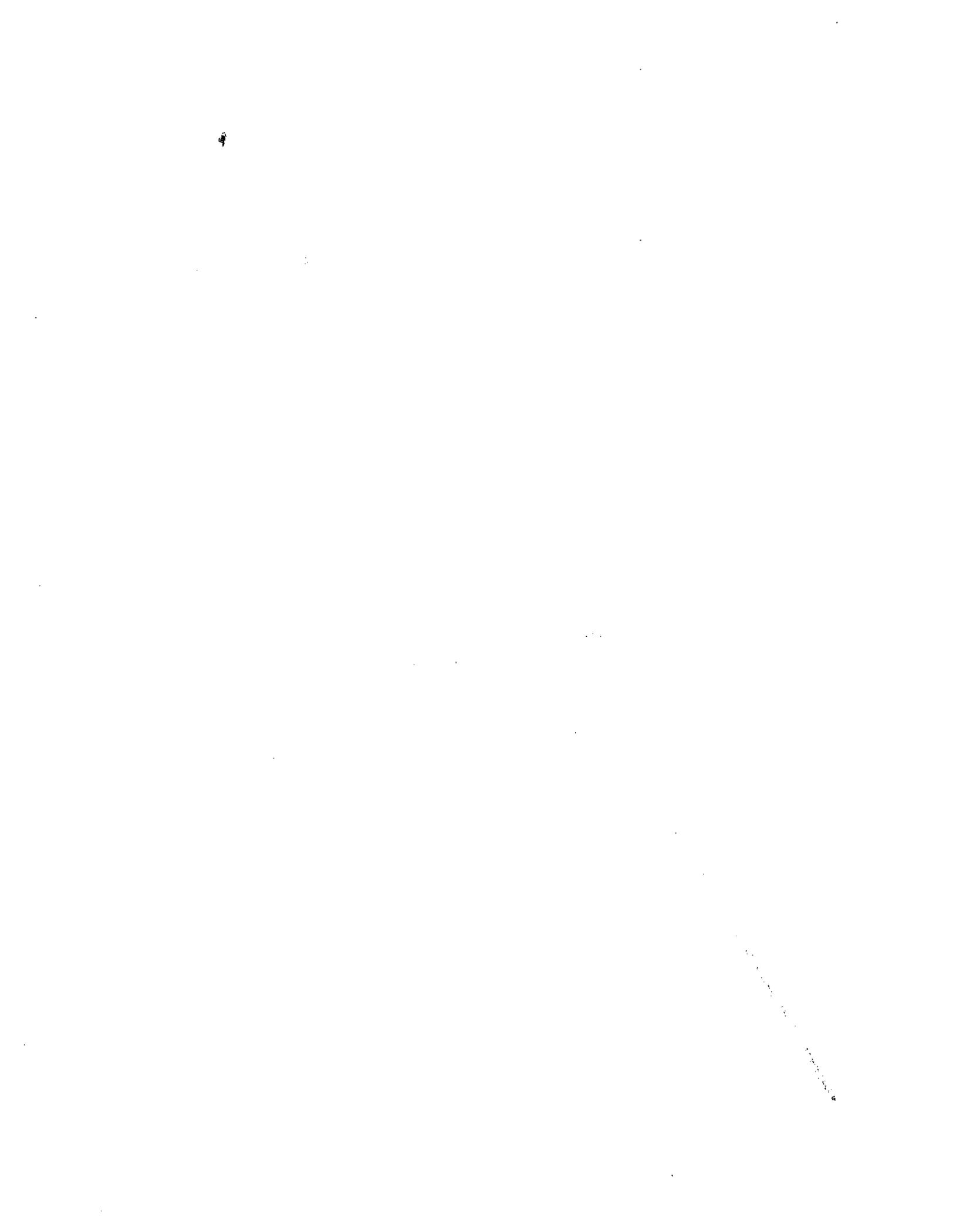
By order

Diane Schwartz Jones, Administrator

Approved/Vetoed by the County Executive _____, 2020

Calvin Ball, County Executive

NOTE: [text in brackets] indicates deletions from existing law; Text in small capitals indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.



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SUBTITLE 4. MISCELLANEOUS.

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SEC. 5.400. FISCAL ANALYSES.

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(A) "FISCAL ANALYSIS".

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FOR PURPOSES OF THIS SECTION, A FISCAL ANALYSIS SHALL INCLUDE:

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(1) A SUMMARY OF A BILL;

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(2) AN EVALUATION OF THE FISCAL IMPACT THAT A BILL WOULD HAVE ON COUNTY

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GOVERNMENT OPERATIONS, REVENUES, AND SPENDING; AND

18

(3) AN EXPLANATION OF HOW THE BILL WILL BE IMPLEMENTED.

19

(B) IN GENERAL.

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(1) (i) EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii) OF THIS PARAGRAPH, THE COUNTY AUDITOR

21

MUST SUBMIT A FISCAL ANALYSIS TO THE COUNTY COUNCIL OF EACH BILL UNDER CONSIDERATION BY

22

THE COUNCIL.

23

(ii) THIS SUBSECTION DOES NOT APPLY TO THE ANNUAL BUDGET AND APPROPRIATION

24

ORDINANCE OF HOWARD COUNTY.

25

(2) A SEPARATE FISCAL ANALYSIS IS REQUIRED FOR EACH BILL.

26

(C) TIME FOR SUBMISSION.

27

(1) A FISCAL ANALYSIS MUST BE SUBMITTED TO THE COUNTY COUNCIL NOT LATER THAN 2

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BUSINESS DAYS BEFORE THE PUBLIC HEARING FOR THE LEGISLATION.

29

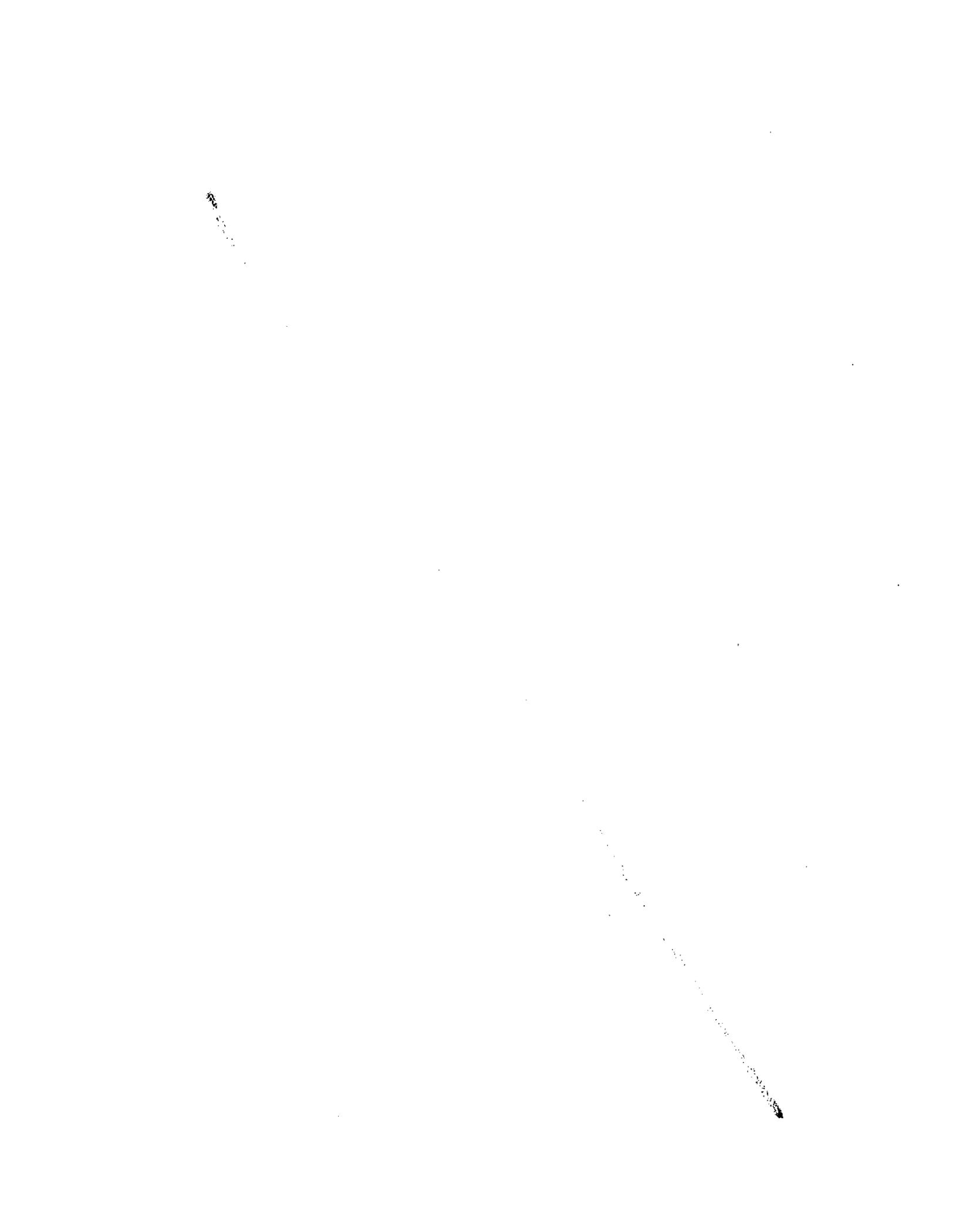
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30

BY PARAGRAPH (1) OF THIS SUBSECTION, THE AUDITOR MUST NOTIFY THE COUNCIL CHAIRPERSON IN

31

WRITING OF THE DELAY, THE REASON FOR THE DELAY, AND THE REVISED DELIVERY DATE. IF THE COUNCIL



1 CHAIRPERSON FINDS THAT THE REVISED DELIVERY DATE IS UNREASONABLE, THE CHAIRPERSON MAY SET
2 A DIFFERENT DELIVERY DEADLINE.

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14 FAILURE TO FOLLOW THE REQUIREMENTS OF THIS SECTION.

15
16 *Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act shall*
17 *become effective 61 days after its enactment.*

18

*

1

Amendment 1 to Council Bill No. 8-2020

BY: Opel Jones, Christiana Rigby
and David Yungmann

Legislative Day No. 3

Date: March 2, 2020

Amendment No. 1

(This Amendment clarifies the kinds of legislation that will have a fiscal analysis.)

1 On page 1:

- 2 • before line 13, insert:

3 “(A) SCOPE OF SECTION.

4 THIS SECTION APPLIES TO EACH BILL, SUPPLEMENTAL APPROPRIATION ORDINANCE,
5 TRANSFER OF APPROPRIATION ORDINANCE, AN ACT WITH A FISCAL IMPACT ON COUNTY
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- 7 • in line 13, strike “(A)” and substitute “(B)”.
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9 OTHER LEGISLATION”.
- 10 • In line 19, strike “(B)” and substitute “(C)”.
- 11 • In line 26, strike “(C)” and substitute “(D)”.

12

13 On page 2:

- 14 • in line 3, strike “(D)” and substitute “(E)”.
- 15 • in line 7, strike “(E)” and substitute “(F)”.
- 16 • in line 12, strike “(F)” and substitute “(G)”.

Amendment 2 to Council Bill No. 8-2020

BY: Opel Jones, Christiana Rigby
and David Yungmann

Legislative Day No. 3

Date: March 2, 2020

Amendment No. 2

(This Amendment clarifies when the analyses are due.)

- 1 On the title page, in the purpose paragraph, strike “a deadline” and substitute “deadlines”.
- 2
- 3 On page 1:
- 4 • beginning in line 27, strike “NOT LATER THAN 2 BUSINESS DAYS” and substitute “ON OR
- 5 BEFORE 5 P.M. ON THE THURSDAY”.
- 6 • in line 28, before the period, insert “, OR THE DAY THE COUNCIL CHAIRPERSON SETS TO
- 7 ACCOMMODATE A HOLIDAY OR OTHER CHANGE IN THE NORMAL SCHEDULE.”.

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

**Amendments 1 and 2
Council Bill No. 8-2020**

Amendment Proposed by: Opel Jones

Introduced: February 3, 2020

Auditor: Michelle R. Harrod

Fiscal Impact:

There would be no fiscal impact related to the amendments proposed by Councilmember Jones.

Purpose:

The changes introduced by these amendments include clarification of the time for submission of fiscal analyses, and inclusion of other acts or resolutions with a fiscal impact to the County.

Other Comments:

None.

CB8 – 2020

Auditor Comments for February 24, 2020 Work Session

I made three recommendations in my fiscal Impact Note for CB8. Below are the recommendations with my follow-up comments:

1. *Amend CB8-2020 to include other financial legislation such as Transfer of Appropriation, Supplemental Appropriation Ordinance, and Resolutions with a fiscal impact.*

This recommendation was made to ensure that the public were provided the impact of all legislation that could possibly have an impact to the County.

2. *Amend the bill to add clarity to the timing provision.*

This recommendation was made to ensure the due dates are made clear.

3. *Amend the bill to require the Budget Office provide a fiscal note for all Executive sponsored legislation.*

This recommendation was made for the following reasons:

- The Code will require the Auditor to provide the fiscal analysis by COB Thursday. For extensive legislation such as a PILOT agreement (i.e. CR96-2019 or CR97-2019), this is a difficult deadline to meet primarily because the analysis relies heavily on information from the Administration. Often, we do not get timely responses to our questions which prohibits our ability to provide timely analysis. Having a Budget Office Fiscal Note for all Executive proposed legislation will help enable the Auditor to consistently meet this deadline.
- Surrounding Counties have similar practices in place. In fact the Montgomery County Budget Office is required in their Code to provide a Fiscal Note for all proposed legislation, and are given 21-days to review Council legislation. The Auditor's office has approximately 10-business days to review all proposed legislation. Compared to our surrounding Counties, we are at a disadvantage because of the information is not provided at pre-file.
- It would be a reasonable and a fiscally responsible expectation that the Budget Officer provides an analysis for all proposed legislation to the Executive prior to pre-file. Therefore this recommendation would require the Budget Officer provide analysis they should already have as a written note accompanying the legislation at time of pre-file. This shouldn't provide any undue hardship. NOTE: Our Budget Office has the same staffing level as Anne Arundel County and they provide fiscal notes to all Executive proposed legislation.

I hope the Council will take all my recommendations into consideration.

Office of the County Auditor
Auditor's Analysis

Council Bill No. 8-2020

Introduced: February 3, 2020

Auditor: Craig Glendenning

Fiscal Impact:

There will be no fiscal impact associated with Council Bill 8-2020. The office can fulfill the requirements set forth in this bill with current staffing.

Purpose:

The purpose of this bill is to legislate the current practice of the Office of the County Auditor regarding the provision of fiscal notes of introduced bills to Council. The bill adds a deadline for submission of these fiscal notes to Council and requires public access to the notes prior to the public hearing for the legislation.

Background:

Prior to 2013, the Office of the County Auditor did not provide the Council with fiscal analysis of legislation. The current County Auditor initiated the practice of creating a detailed fiscal impact analysis for all bills and resolutions (excluding resolutions for appointments) and other financial legislation such as Transfers of Appropriation and Supplemental Appropriation Ordinances. He recognizes the importance of providing Council members with this vital decision-making information.

Comparison with Surrounding Counties:

	Montgomery	Anne Arundel	Baltimore	Howard
Is a Fiscal Note provided to Council prior to the vote?	Yes	Yes	Yes	Yes
Are Fiscal Notes prepared for all legislation except appointment Resolutions and Budget?	No (1)	Yes	Yes	Yes
Does the County Auditor provide a Fiscal Note?	No	Yes	Yes	Yes
Does the Budget Office provide a Fiscal Note?	Yes (1)	Yes (2)	Yes (2)	No
Is the Fiscal Note made public?	Yes	Yes	Yes	No
Is the Fiscal Note requirement specified in the Code?	Yes	No	No	No

(1) Only the Budget Office provides a Fiscal Impact Statement. It is for all Executive and Council Bills.

(2) The Budget Office provides a Fiscal Impact Note when all Executive Legislation is filed.

Recommendations:

To provide the Council with additional information in which to make informed decisions, increase the transparency to the public, and help the Office of the County Auditor (the Office) meet the requirements being proposed, we recommend the following:

1. Amend CB8-2020 to include other financial legislation such as Transfer of Appropriation, Supplemental Appropriation Ordinance, and Resolutions with a fiscal impact. Excluding these would limit the Council's and public's ability to evaluate the financial affect of legislation that often has a significant fiscal impact on operating and capital revenue and expenditures.
2. Amend the bill to add clarity to the timing provision. According to the County Solicitor, the timing provision is ambiguous as it is subject to different meanings. Dependent upon which days are included or excluded in counting two business days, the date due to the Council could reasonably be interpreted as end of business Wednesday, Thursday, or Friday prior to a Monday public hearing.
3. Amend the bill to require the Budget Office provide a fiscal note for all Executive sponsored legislation. This is the practice at Montgomery, Anne Arundel, and Baltimore Counties. The Budget Office is in the best position to make an initial assessment on expenditures, revenues, and effects on government operations considering their ability to have direct contact with other Executive Agencies. This will enable the Office to evaluate and comment on the Budget Office's analysis.
4. As policy, we recommend that the Council notify the Office about pending legislation when it is in the drafting phase. Although this is already the practice of some Council Districts, the current Council policy requires the Legislative Analysts to provide the Office with draft legislation when it is being sent to the Office of Law for legal sufficiency. Information is often required from the Administration in order to complete the Office's fiscal notes. Sending the Office legislation during the drafting phase will mean that the Administration is given adequate time to respond to requests. (Staff should be given as much time as possible for research.) Lack of sufficient time could result in unanswered questions noted in the Office's analysis, or analysis needing regular revisions as recent information request are answered by the Administration.

Sayers, Margery

From: joel hurewitz <joelhurewitz@gmail.com>
Sent: Monday, March 2, 2020 11:13 AM
To: CouncilMail
Cc: Glendenning, Craig
Subject: CB8-2020 Fiscal Analysis
Attachments: Joel Hurewitz November 7 Response.pdf

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

Dear Council,

I strongly support CB8-2020 to provide a public fiscal analysis of Council legislation, including the amendment to include supplemental appropriation ordinances (SAO), transfer of appropriation ordinances (TAO), and resolutions other than appointments. With this legislation, hopefully the public will not be presented with any more "secret" bills such as CB56-2019. More information was provided in the explanation for the redactions in the Public Information Act response than was provided in the bill itself or the Administrative Testimony. (See attached letter).

However, I share the concerns about timing, including those expressed in the public hearing by Stu Kohn, that generally one business day before the public hearing is insufficient time for the posting of the fiscal analysis. In addition, it should be made clear that the Thursday 5 pm time is the deadline, not the time when all the fiscal notes are posted. This is all too often the case with the posting of amendments. I would recommend that the provision state that fiscal notes should be posted when they are complete beginning with the pre-filing of the legislation, **but no later than 5pm Thursday before the public hearing.**

In addition, the bill fails to clearly address the case of the compressed time requirements and scheduling for emergency legislation pursuant to Section 209 (d) of the Charter.

Lastly, I must note the disappointing apparent lack of communication between the Council sponsors and their staff with the Auditor. This bill was drafted with the input from and to meet the procedural and staffing requirements of the Office of the County Auditor. Only Council bills were included because of the mistaken belief that including resolutions (and SAOs and TAOs) would increase the workload of the office. Yet, rather than address this error and the inaccurate timing provision in an informal manner during the drafting process with a meeting, phone call or email, the Auditor found it necessary to address these points in his formal Fiscal Analysis and also publicly at the public hearing. One must wonder what other topics are being miscommunicated when the very legislation regarding the Office of the County Auditor cannot be appropriately drafted before pre-filing.

Sincerely,

Joel Hurewitz



HOWARD COUNTY DEPARTMENT OF COUNTY ADMINISTRATION
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2022

Mark Miller, Administrator, Office of Public Information
msmiller@howardcountymd.gov

FAX 410-313-3390

November 21, 2019

Joel Hurewitz
joelhurewitz@gmail.com

Dear Mr. Hurewitz:

The following is in response to your email to Howard County Government's Office of Public Information, requesting information in accordance with the Maryland Public Information Act, 4-101 *et seq.* of the General Provisions Article of the Annotated Code of Maryland (the "PIA"), which this office received on November 7, 2019.

Specifically, you have asked for "... copies of the executed Original, First Amendment and Second Amendment Leases specified in Exhibit A to CB56-2019."

The County has two records (10 pages in total length) responsive to your request, which you will find attached. Certain information has been redacted pursuant to PIA § 4-351(c), which exempts from disclosure records that contain "intelligence information or security procedures of . . . a police department." The leases provided are for properties used by the Howard County Police Department by undercover police officers involved in covert operations, and information that has been redacted consists of the physical address of the property and the identity of the landlord/property owner. Disclosure of the redacted information could be used to determine the physical location of the property, which could jeopardize the Police Department's covert operations and potentially jeopardize the safety of police officers who work out of those properties.

While Howard County has the right to charge a copying fee of \$0.25 per page for a black and white paper copy, as mentioned on page 10 of Howard County Council Resolution No. 76-2019, electronic copies of the record requested exists and is therefore free of charge. In addition, Howard County has the right under the Public Information Act to charge you for search time in excess of two hours; however, no more than two hours was expended on your request.

Pursuant to MPIA § 4-362, you are entitled to seek judicial review of this decision by filing a complaint in the Circuit Court for Howard County or the Circuit Court in Maryland in the County where you reside or maintain a principal place of business. You may also refer any concerns about this decision to the Public Access Ombudsman pursuant to MPIA § 4-1B-01 *et seq.*

Sincerely,

Alexandra Bresani
Office of Public Information

Sayers, Margery

From: joel hurewitz <joelhurewitz@gmail.com>
Sent: Tuesday, February 25, 2020 4:54 AM
To: Sayers, Margery
Subject: CB8-2020 Testimony

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

Dear Margery,

I wish to bring to your attention the following errors with regard to the posting of the public testimony for CB8-2020:

It includes the Affidavit of Authorization from Angelica Bailey, however her actual testimony is posted separately with the written testimony.

The testimony of Kirk Thompson is included regarding his appointment for CR21-2020; however there is no testimony posted under CR21.

Thanks,

Joel Hurewitz

Sayers, Margery

From: Jung, Deb
Sent: Monday, February 24, 2020 4:38 PM
To: Sayers, Margery
Subject: FW: MBIA Letter of Support for CB8-2020
Attachments: MBIA Support Letter for CB8 – Fiscal Analysis.pdf

Deb Jung
Council Chair, District 4
Howard County Council
3430 Court House Dr., Ellicott City, MD 21043
410-313-2001

Sign-up for my District Update [here](#).

From: Angelica Bailey <abailey@marylandbuilders.org>
Sent: Tuesday, February 18, 2020 5:19 PM
To: Jung, Deb <djung@howardcountymd.gov>; 'Opel Jones' <opel@opeljones.com>; 'Christiana Rigby' <christiana@christianarigby.com>; Yungmann, David <dyungmann@howardcountymd.gov>; Walsh, Elizabeth <ewalsh@howardcountymd.gov>; Sidh, Sameer <SSidh@howardcountymd.gov>; Ball, Calvin <cball@howardcountymd.gov>
Cc: Williams, China <ccwilliams@howardcountymd.gov>; Harris, Michael <mrharris@howardcountymd.gov>; Facchine, Felix <ffacchine@howardcountymd.gov>; Kittleman, Mary <mkittleman@howardcountymd.gov>; Dvorak, Nicole <ndvorak@howardcountymd.gov>; Lori Graf <LGraf@marylandbuilders.org>
Subject: MBIA Letter of Support for CB8-2020

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

Good Evening,

Please find MBIA's letter in support of CB8-2020 attached.

Thanks in advance for your consideration.

Best,
Angelica Bailey

Angelica Bailey, Esq.
Vice President of Government Affairs
abailey@marylandbuilders.org
Maryland Building Industry Association
11825 W. Market Place
Fulton, MD 20759
Cell: 202-815-4445
Dir: 301-776-6205
Ph: 301-776-MBIA



11825 West Market Place | Fulton, MD 20759 | 301-776-6242

February 18, 2020

Re: SUPPORT OF CB8-2020 – Fiscal Analysis

Dear Chairwoman Jung and Members of the Howard County Council:

The Howard County Chapter of the Maryland Building Industry Association (MBIA) writes in support of Council Bill 8-2020, which would require the Office of the County Auditor to provide a publicly-available fiscal note for introduced bills before the Council.

This is a valuable bill that furthers the County's commitment to transparency and informs the public dialogue on often complex issues.

The public – individual constituents and the development community alike – has a right to know how their taxes and fees are used, and how they may be affected as a result of any given piece of legislation. Many bills and resolutions this Council considers have a significant fiscal impact on County revenue and expenditures. Making this analysis publicly available prior to a bill hearing gives the public the opportunity to learn about the bill's financial implications and form an opinion.

Indeed, policymaking is enhanced when stakeholders have the same facts and are empowered to form educated conclusions. This bill would level the playing field and elevate public discourse.

For these reasons, the MBIA strongly supports this legislation and asks you please vote in favor of Council Bill 8-2020.

Thank you for your attention to this issue and your continued support of the local home building industry. If you have any questions about these comments and would like to discuss MBIA's position further, please do not hesitate to contact me at abailey@marylandbuilders.org or (202) 815-4445.

Best regards,

A handwritten signature in black ink, appearing to read "Angelica Bailey".

Angelica Bailey, Esq., Vice President of Government Affairs

Cc: Councilman Opel Jones
Councilmember Christiana Mercer Rigby
Councilman David Yungmann

County Executive Calvin Ball
Sameer Sidh, Chief of Staff to the County Executive
Councilmember Elizabeth Walsh

Sayers, Margery

From: Rigby, Christiana
Sent: Monday, February 24, 2020 10:46 AM
To: Sayers, Margery
Subject: FW: Requesting Amendment to CB8 to include environmental analysis
Attachments: Testimony of Dr. Mark Southerland on CB8 Fiscal Note Requesting Amendment 22Feb2020.docx; Ned Tillman Vita 2019.docx

From: Ned Tillman <ned@sustainable.us>
Sent: Sunday, February 23, 2020 7:27 PM
To: Jung, Deb <djung@howardcountymd.gov>; Walsh, Elizabeth <ewalsh@howardcountymd.gov>; Rigby, Christiana <crigby@howardcountymd.gov>; Jones, Opel <ojones@howardcountymd.gov>; Yungmann, David <dyungmann@howardcountymd.gov>; Jones, Diane <dijones@howardcountymd.gov>
Subject: Requesting Amendment to CB8 to include environmental analysis

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

Dear HC Council Members - I have reviewed Dr. Southerland's proposed environmental amendment to CB8 (see attached) and agree with him that it makes no sense to implement a Financial Analysis for all Bills without an Environmental Impact Analysis. That is a lesson we have learned over the past 2 decades. Traditional Financial Analyses routinely ignore the short, mid-term, and long term costs of the negative environmental impacts of many projects. We should no longer rely on just financial analyses. For economic growth and quality of life in Howard County to be sustainable, we must take into account all three legs of good sustainable strategic plans: financial, environmental, and social impacts. The current Bill does not do that. I strongly recommend the attached environmental amendment and encourage you to also look at the social/health impacts.

Respectfully,

Ned Tillman

Past Chair of the HC Sustainability Board (8 years)
Past Chair of the HC Conservancy (8 years)
Past Chair of the Howard County Sustainable Business Alliance
Past Chair of the HC 2030 General Plan Task Force

443-472-3681
ned@sustainable.us
www.SavingThePlaces.com

[Facebook](#)
[Instagram](#)
[Twitter](#)
[LinkedIn](#)

Author of:
The Chesapeake Watershed,
Saving The Places We Love, and
A Brand New Novel - The Big Melt – Coming of age in a time of changing climates

All available at [Amazon.com](https://www.amazon.com)

CB8-2020 Auditor - Fiscal Analyses for Bills

TESTIMONY OF DR. MARK SOUTHERLAND

I have a Ph.D. and Smithsonian Fellowship in natural science and have consulted for federal, state, and local agencies issues for 30 years, with a focus on environmental impact assessment (EIA). I have completed 100+ EISs and EAs and have authored NEPA guidance for CEQ, EPA, and FERC. I have also served on the boards of the Howard County Environmental Sustainability Board, Howard County Conservancy, Patapsco Heritage Greenway, Maryland Academy of Sciences' Science Council, Maryland Water Monitoring Council, and Safe Skies Maryland.

I am requesting that CB8 be amended to include an equal Environmental Impact Analysis to accompany the Fiscal Analysis in the current bill.

NEPA (or the National Environmental Policy Act) is the cornerstone U.S. environmental law, requiring EIA, and has arguably done more than any other law to reduce environmental degradation since its adoption in 1969. It has a simple but effective premise, that the planning of federal actions (including decisions that enable non-federal action) should include environmental concerns on par with the technical and economic concerns that alone had traditionally influenced decisions. Immeasurable harm to the environment has been avoided by simply knowing that it would result from indiscriminate implementation of projects.

1. Our Environment and our Climate are in Crisis. Our natural world continues to degrade under the assault of a thousand cuts. Losses of wetlands, forests, and wildlife continue even though we have made great progress in enabling and administering environmental laws. The United Nations states that Climate Change and the Loss of Biodiversity are the two greatest threats to our planet. Both can only be reduced, and ultimately reversed, by addressing the cumulative impact of the many decisions being made without the consideration of climate and the environment.
2. Howard County Legislation Needs to Consider the Environment. CB8 would require Fiscal Analysis be prepared for bills under consideration. It makes good sense to consider the immediate costs of actions that may be taken; it is absolutely essential to consider that longer term costs to the environment and quality of life of these actions. Without consideration of the environmental consequences of our actions, even more environmental laws will not ensure the proper stewardship of our county for all Howard Countians and future generations.

Ultimately, Environmental Analysis is simply good decision-making and good government. Amending CB8 to include environmental analysis to accompany fiscal analysis is an important step toward considering the environmental consequences of the laws we make and addressing the environmental and climate crisis.

Ned Tillman

Author, Earth Scientist, Environmental Educator, Sustainability Advisor

Objective: To inspire and lead change within people, organizations, and governments to create a more sustainable future for our children.

Experience:

- *Author of numerous papers, policies, regulations, and strategic plans on environmental issues. Alternative energy paper published in SCIENCE. Op Ed pieces in the Baltimore Sun. Keynote addresses at numerous annual mtgs.*
- *Maryland Academy of Science – Member of the Scientific Council*
- *Author of **The Chesapeake Watershed: A sense of place and a call to action.** 2009, Winner of two national awards:*
 - **2010 Winner of the Excellence in Journalism Award** chosen by the Renewable Natural Resource Foundation.
 - **2010 Winner of the Best Book on Environmental and Natural Resources** selected by The American Society for Public Administration.
- *Author of **Saving the Places We Love: Paths toward environmental stewardship.** 2016 **Book of the Year** - Howard County Poetry and Literary Society, Library, and Community College.*
- *Author of **The Big Melt** – A novel about climate change. 2018 Finalist for 2 book awards.*
- *Guest presenter at numerous K-12 and college classes*
- *Guide for walks throughout the mid-Atlantic region.*
- *Howard County Preservationist of the Year 2016*
- *Chair of the Sustainability Task Force for Howard Community College*
- *Sustainability Policy Council for the Howard County Public School System*
- *Past Chair of the Howard County Conservancy*
- *Principal of Sustainable Growth, LLC which advises schools, corporations and government agencies on how to become more sustainable by adopting better operational practices.*
- *Chair (9 years) of the Howard County Board on Sustainability which has the responsibility to educate and advise the County Councils and the County Executives on sustainability issues*
- *Chair of Local Business Partnership that helps each firm become more sustainable.*
- *Facilitator of Urban Land Institute Technical Advisory Panel for Patapsco River Valley.*
- *Chair of Howard County 2030 General Plan Task Force*
- *Board member: Horizon Foundation, MPEA*
- *National board member of the Izaak Walton Conservation League of America*
- *Certified and Leading Implementer of Sustainability Benchmarking process developed for the International Society of Sustainability Professionals.*
- *President/CEO of Environmental and Energy Firms for 27 years providing services to many governments and corporations throughout the US and abroad.*

Professional and Educational History

2006 – Present: Sustainable Growth, LLC
1999 – 2006: President of Columbia Technologies, LLC
1982 – 1999: CEO of Target Environmental, Inc.
1981 – 1982: Senior Staff of Gruy Federal, Inc.
1978 – 1981: Senior Staff of The Johns Hopkins University/Applied Physics Lab
1973 – 1978: Project Manager for Dames and Moore Consultants
1973 – Master's degree from Syracuse University in New York
1971 -- Bachelor's degree from Franklin and Marshall College in Pennsylvania

Contact Ned at 443-472-3681, ned@sustainable.us, or at www.SavingThePlaces.com

Sayers, Margery

From: Mark Southerland <mark.t.southerland@gmail.com>
Sent: Sunday, February 23, 2020 6:07 PM
To: CouncilMail
Subject: Fwd: Testimony Requesting Amendment to CB8 to include environmental analysis
Attachments: Testimony of Dr. Mark Southerland on CB8 Fiscal Note Requesting Amendment
22Feb2020.docx

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

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

From: Mark Southerland <mark.t.southerland@gmail.com>
Date: Sun, Feb 23, 2020 at 6:04 PM
Subject: Testimony Requesting Amendment to CB8 to include environmental analysis
To: Jung, Deb <DJung@howardcountymd.gov>, Walsh, Elizabeth <EWalsh@howardcountymd.gov>, Rigby, Christiana <CRigby@howardcountymd.gov>, Jones, Opel <OJones@howardcountymd.gov>, <DYungmann@howardcountymd.gov>, <dijones@howardcountymd.gov>

Howard County Council,

I am requesting that CB8 be amended to include an equal Environmental Impact Analysis to accompany the Fiscal Analysis in the current bill.

Details are attached. I hope you will consider this in your work session.

Mark Southerland, Ph.D.
443-538-9228 mobile

CB8-2020 Auditor - Fiscal Analyses for Bills

TESTIMONY OF DR. MARK SOUTHERLAND

I have a Ph.D. and Smithsonian Fellowship in natural science and have consulted for federal, state, and local agencies issues for 30 years, with a focus on environmental impact assessment (EIA). I have completed 100+ EISs and EAs and have authored NEPA guidance for CEQ, EPA, and FERC. I have also served on the boards of the Howard County Environmental Sustainability Board, Howard County Conservancy, Patapsco Heritage Greenway, Maryland Academy of Sciences' Science Council, Maryland Water Monitoring Council, and Safe Skies Maryland.

I am requesting that CB8 be amended to include an equal Environmental Impact Analysis to accompany the Fiscal Analysis in the current bill.

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1. Our Environment and our Climate are in Crisis. Our natural world continues to degrade under the assault of a thousand cuts. Losses of wetlands, forests, and wildlife continue even though we have made great progress in enabling and administering environmental laws. The United Nations states that Climate Change and the Loss of Biodiversity are the two greatest threats to our planet. Both can only be reduced, and ultimately reversed, by addressing the cumulative impact of the many decisions being made without the consideration of climate and the environment.
2. Howard County Legislation Needs to Consider the Environment. CB8 would require Fiscal Analysis be prepared for bills under consideration. It makes good sense to consider the immediate costs of actions that may be taken; it is absolutely essential to consider that longer term costs to the environment and quality of life of these actions. Without consideration of the environmental consequences of our actions, even more environmental laws will not ensure the proper stewardship of our county for all Howard Countians and future generations.

Ultimately, Environmental Analysis is simply good decision-making and good government. Amending CB8 to include environmental analysis to accompany fiscal analysis is an important step toward considering the environmental consequences of the laws we make and addressing the environmental and climate crisis.

Sayers, Margery

From: LISA MARKOVITZ <lmarkovitz@comcast.net>
Sent: Friday, February 21, 2020 10:34 AM
To: CouncilMail
Subject: CB8 support

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

Dear Council Members,

At the time of our Board vote on testimony for this month, we had not yet gone over all the HCCA suggested changes for CB8 so we did not testify. We have had time to review and discuss those changes, and now can say we support CB8 with HCCA's suggested changes, and thank Council Member Jones for moving to include fiscal analyses with legislation.

I hope that the fiscal analyses that are done, will be based on real data and not assumptions and theories like the Urban Analytics hit piece on APFO though.

Thank you,
Lisa Markovitz
for The People's Voice

Sayers, Margery

From: Harris, Michael
Sent: Tuesday, February 18, 2020 5:41 PM
To: Sayers, Margery
Subject: FW: MBIA Letter of Support for CB8-2020
Attachments: MBIA Support Letter for CB8 – Fiscal Analysis.pdf

From: Angelica Bailey <abailey@marylandbuilders.org>
Sent: Tuesday, February 18, 2020 5:19 PM
To: Jung, Deb <djung@howardcountymd.gov>; 'Opel Jones' <opel@opeljones.com>; 'Christiana Rigby' <christiana@christianarigby.com>; Yungmann, David <dyungmann@howardcountymd.gov>; Walsh, Elizabeth <ewalsh@howardcountymd.gov>; Sidh, Sameer <ssidh@howardcountymd.gov>; Ball, Calvin <cball@howardcountymd.gov>
Cc: Williams, China <ccwilliams@howardcountymd.gov>; Harris, Michael <mrharris@howardcountymd.gov>; Facchine, Felix <ffacchine@howardcountymd.gov>; Kittleman, Mary <mkittleman@howardcountymd.gov>; Dvorak, Nicole <ndvorak@howardcountymd.gov>; Lori Graf <LGraf@marylandbuilders.org>
Subject: MBIA Letter of Support for CB8-2020

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

Good Evening,

Please find MBIA's letter in support of CB8-2020 attached.

Thanks in advance for your consideration.

Best,
Angelica Bailey

Angelica Bailey, Esq.
Vice President of Government Affairs
abailey@marylandbuilders.org
Maryland Building Industry Association
11825 W. Market Place
Fulton, MD 20759
Cell: 202-815-4445
Dir: 301-776-6205
Ph: 301-776-MBIA

 MARYLAND
BUILDING
INDUSTRY
ASSOCIATION
Advocate | Educate | Network | Build



11825 West Market Place | Fulton, MD 20759 | 301-776-6242

February 18, 2020

Re: SUPPORT OF CB8-2020 – Fiscal Analysis

Dear Chairwoman Jung and Members of the Howard County Council:

The Howard County Chapter of the Maryland Building Industry Association (MBIA) writes in support of Council Bill 8-2020, which would require the Office of the County Auditor to provide a publicly-available fiscal note for introduced bills before the Council.

This is a valuable bill that furthers the County's commitment to transparency and informs the public dialogue on often complex issues.

The public – individual constituents and the development community alike – has a right to know how their taxes and fees are used, and how they may be affected as a result of any given piece of legislation. Many bills and resolutions this Council considers have a significant fiscal impact on County revenue and expenditures. Making this analysis publicly available prior to a bill hearing gives the public the opportunity to learn about the bill's financial implications and form an opinion.

Indeed, policymaking is enhanced when stakeholders have the same facts and are empowered to form educated conclusions. This bill would level the playing field and elevate public discourse.

For these reasons, the MBIA strongly supports this legislation and asks you please vote in favor of Council Bill 8-2020.

Thank you for your attention to this issue and your continued support of the local home building industry. If you have any questions about these comments and would like to discuss MBIA's position further, please do not hesitate to contact me at abailey@marylandbuilders.org or (202) 815-4445.

Best regards,

A handwritten signature in black ink, appearing to read "Angelica Bailey".

Angelica Bailey, Esq., Vice President of Government Affairs

Cc: Councilman Opel Jones
Councilmember Christiana Mercer Rigby
Councilman David Yungmann

County Executive Calvin Ball
Sameer Sidh, Chief of Staff to the County Executive
Councilmember Elizabeth Walsh

Sayers, Margery

From: Jung, Deb
Sent: Saturday, February 15, 2020 11:48 AM
To: Sayers, Margery
Subject: FW: APFO moratorium extension

Deb Jung
Council Chair, District 4
Howard County Council
3430 Court House Dr., Ellicott City, MD 21043
410-313-2001

Sign-up for my District Update [here](#).

From: Paul Sill <paul@sillengineering.com>
Sent: Tuesday, February 4, 2020 2:39 PM
To: Jung, Deb <djung@howardcountymd.gov>
Subject: RE: APFO moratorium extension

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

Council Member Jung,

I understand that this legislation was tabled last night. I am very happy to hear that and hope that it is removed from consideration all together.

I also heard that Council Member Jones introduced a bill (CB8-2020) that would require fiscal notes to be provided for each piece of legislation before you. I was surprised to learn that this wasn't already being done, as it could have helped some of these past bills that have damaged my business and others like me. I encourage you to vote for this legislation.

Thank you for your time,
Paul

From: Paul Sill
Sent: Monday, February 03, 2020 12:11 PM
To: DJung@howardcountymd.gov
Subject: APFO moratorium extension

Dear Council Member Jung,

I am a small business owner, with my office in Lisbon, Howard County. I own and operate a civil engineering firm and do the majority of my work in Howard County, and employ eight full-time employees and two part-time employees. The recent actions taken by the Council concerning school allocations, forest conservation, and permit fees have had a negative impact on my business already, with one client pulling out of a thirteen lot subdivision and another deciding to build in Baltimore County; these two clients alone represent a sizable income stream that is now lost to me. The extension of the APFO deadline will damage my business more. I'm sure you have heard many reasons not to extend the APFO deadline, but this will directly impact myself and my employees natively. I ask that you do not extend the APFO deadlines and leave them as they currently are.

Thank you,

Paul M. Sill, PE, LEED AP
SILL ENGINEERING GROUP, LLC
PLEASE NOTE OUR NEW ADDRESS
16005 Frederick Road
Lisbon, MD 21797
Office: 443-325-5076 ext. 102
Fax: 410-696-2022
Cell: 443-878-4314
Website: www.sillengineering.com

 Please consider the environment before printing this email.

February 18, 2020

Dear Chairwoman Jung and Members of the Howard County Council:

My name is Mark Thompson. I'm the Senior Vice President of Development for The Stronach Group. My address is Laurel Park, 198 Race Track Road, Laurel, Maryland 20725. I'm here to testify in support of CB 8-2020.

Simply said, CB 8-2020 is good government. The requirement that a fiscal analysis be performed on any bill and that it be shared with the public prior to the public hearing is a positive policy in a number of ways. It will provide the County Council with a much needed tool to balance the priorities of various constituents with financial and fiscal realities of policy-making for the County. This is exactly what you were elected to do and this bill provides you with a tool to execute your difficult job more effectively.

The bill will also provide the public with critical information to understand the business of the County. The County's policies and programs have the most direct effect on people's lives. Unfortunately, most people know very little about the functions of our County government. This bill will require the County Auditor to provide a summary of each legislative proposal, how it will impact the County fiscally and how it will be implemented. This will go a long way in improving the public's understanding of pending bills and therefore encourage more enlightened citizen participation.

I'm very concerned about the lack of understanding by the general public of the impact of various legislative efforts on the County's financial situation. This was recently made very clear by the County's own analysis of the previous Council's changes to the Adequate Public Facility Ordinance. This analysis by consultants hired by the County showed that residential development pays for itself and that the net fiscal reduction in County revenues from residential development was projected at \$63 million for the first six years and a projected \$152 million over 20 years. Unfortunately, this information wasn't available before the bill was passed. As you grapple with the upcoming budget, I'll bet you wished your predecessors had this type of information.

CB8-2020 will provide better information for this Council and the public. I therefore encourage your passage of the bill. Thank you for your consideration.

Cc:

Councilman Opel Jones
Councilmember Christiana Mercer Rigby
Councilman David Yungmann
Councilmember Elizabeth Walsh
County Executive Calvin Ball
Sameer Sidh, Chief of Staff to the County Executive

Bruce A. Harvey
Testimony 02/18/2020
Howard County Council
CB8-2020

My name is Bruce Harvey and I live in Fulton, MD, and I am also majority owner of Williamsburg Homes based in Columbia, MD. I am testifying in favor of CB8-2020.

I want to commend the Co-sponsors of this bill for introducing this legislation. As both a business owner and Howard County resident, I feel it is very important that I be able to see the fiscal impact of pieces of legislation prior to testimony. This information could very well change my point of view and of course I may want to comment on the fiscal impact analysis as well. These new procedures will provide additional transparency on your legislative decision making. It's hard to see a downside here. The Auditor's comments and recommendations seem on target, especially that Executive sponsored legislation should also require a fiscal analysis from the Budget Office. I certainly don't recommend anything to derail this legislation, but I do think this should be considered.

Please vote yes on CB8-2020. I look forward to being privy to this new information.

Thank you for hearing my testimony.



**HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

I, Leonardo McClarty, have been duly authorized by
(name of individual)

Howard County Chamber to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB 8-20 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Leonardo McClarty

Signature: *Leonardo McClarty*

Date: February 18, 2020

Organization: Howard County Chamber

Organization Address: 6240 Old Dobbin Lane, Suite 110, Columbia, MD 21045

Number of Members: 700

Name of Chair/President: David Anderson, Chair

This form can be submitted electronically via email to councilmail@howardcountymd.gov no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.



HOWARD COUNTY
CHAMBER



GOVCONNECTS



YPN

6240 Old Dobbin Lane ■ Suite 110 ■ Columbia, MD 21045

February 18, 2020

Ms. Deb Jung
Chairperson, Howard County Council
3430 Court House Drive
Ellicott City, MD 21043

RE: CB 8-20 – Fiscal Impact Analysis

Dear Councilmember Jung,

The Howard County Chamber (Chamber) is an organization dedicated to the advancement of a vibrant and thriving business community with a positive economic climate. In achieving these goals, we look for public policy that balances residential concerns with environmental and economic realities. Often, it appears as though policies that are introduced fail to strike that much needed balance. Therefore, the Chamber is proud to support CB 8-20, an act requiring a fiscal analysis for each article of legislation and the impact it will have on the county.

The Howard County Government's budget continues to be severely pressured as our obligations are increasing faster than our revenues. As a result, Council decisions should weigh fiscal impact on the activities and entities that lead to growing the tax digest as well as the welfare of our residents and environment. Legislation like this will allow you to thoroughly examine the ramifications of the policy decisions that are before you.

This legislation also lends itself to more transparency in the policy making process. Marylanders are accustomed to fiscal impact notes since each bill passed in the Maryland General Assembly contains a fiscal note that estimates the costs, savings, revenue gain, or revenue loss. Thus, we are implementing actions that is consistent with state policy and fiscal analysis.

Budget and transparency aside, the proposed legislation is a positive step to ensuring continued economic growth and competitiveness. With this legislation, employers believe their concerns are heard as policy decisions are contemplated. One of the major influencers of the budget and tax digest is residential and commercial development and neighborhood revitalization.

These activities also have a multiplier effect in that they create jobs and generate tax revenue. Over the past two years, the County's reputation as being business friendly has taken a hit. Recent land use policies such as a more stringent Adequately Public Facilities Ordinance and costly developer surcharge have many in the development community questioning Howard County as a place to expand.

For the reasons outlined above, the Chamber is in support of this legislation and would request a "Yes" vote. Should there be any questions concerning the Chamber's position, I can be reached at 410-730-4111.

Respectfully,



Leonardo McClarty, CCE
President/CEO, Howard County Chamber

CC: Howard County Council
Howard County Executive
Howard County Chamber Board of Directors
Howard County Chamber Legislative Affairs Committee



**HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

I, Stu Kohn, have been duly authorized by
(name of individual)

Howard County Citizens Association to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB-8-2020 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Stu Kohn

Signature: Stu Kohn

Date: 18 Feb 20

Organization: HCCA

Organization Address: ELLICOTT CITY

Number of Members: 500

Name of Chair/President: Stu Kohn

This form can be submitted electronically via email to councilmail@howardcountymd.gov no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.



HCCA

Howard County Citizens Association

Since 1961...

The Voice Of The People of Howard County

Date: 18 February 2020

Subject: HCCA is in Favor of CB8-2020

Good Evening. My name is Stu Kohn representing the Howard County Citizens Association, HCCA as President. We are in Favor of CB8 but only if our questions are answered and our suggested amendments are adopted. We want to congratulate Councilman Jones for introducing this Bill and thank both Council members Rigby and Yungmann for their co-sponsorship. We believe that whenever one can obtain any quantitative analysis which can be relied on and completely verified it would undoubtedly be beneficial for all concerned parties. We do have some important questions regarding this Bill and suggestions for improvements for your consideration for proposed amendments. They are as follows:

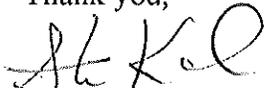
1. Who will perform the Fiscal Analysis?
2. Will a Fiscal Impact be conducted on any applicable Resolution?
3. Refer to page 1 – Lines 27 and 28 – it states, “A Fiscal Analysis must be submitted to the County Council not later than 2 business days before the public hearing for legislation.” Why only 2 days? This is in no way sufficient time for the public to analyze the data. The time period should be when the Bill is introduced and included as an attachment to the Technical Staff Report when applicable giving the public a two week period to review and have ample time to testify on the findings.
4. Refer to Page 2 – Line 8 – which states, “At least 1 business day before the public hearing for the legislation, the County Council shall make each fiscal analysis freely available to the public.” This is in no way ample time and needs to be available at the same time the Bill is introduced to the public.
5. Refer to Page 2 – Lines 13 and 14 – It states, “Council action on legislation that is otherwise valid is not invalid because of any failure to follow the requirements of this section.” We would like for you to please explain the meaning of this wording.

Can someone please tell us why we are seeing under “Related Documents” regarding CB7, 8 and 9 “Fiscal Impact” statements and CB1 we see “Fiscal Impact Study Frequently Asked Questions?” Why at this time is this being documented when CB8 has not been passed? Please refer to the “Fiscal Impact” regarding CB8 under Background where it states, “Prior to 2013, the Office of the County Auditor did not provide the Council with fiscal analysis of legislation. The current County Auditor initiated the practice of creating a detailed fiscal impact analysis for all bills and resolutions excluding resolutions for appointments.” Where was the public able to see the results? Now refer to the section “Comparison with Surrounding Counties” and go to the fifth row stating, “Is the Fiscal Note made public?” The result is that Montgomery, Anne Arundel and Baltimore states “Yes” but “Howard County says, “No.” So based on this chart is the Background statement really correct? Was the public ever privy to the Fiscal Impact information? On a positive note please refer to page 2 of the four Recommendations from the Auditor’s analysis which make a lot of sense. When referring to the Fiscal Impact Study FAQ under CB1 it defines the difference between a Fiscal impact Study and an

Economic Impact study. We suggest an Economic Study also be included in a Bill or Resolution whenever applicable.

In closing this proposal is a major step in the right direction. If done right we should all have a better understanding of the Fiscal Impact and hopefully the Economic Impact resulting in determining the good and bad of any such applicable proposed Bill or Resolution.

Thank you,

A handwritten signature in black ink, appearing to read 'Stu Kohn', written in a cursive style.

Stu Kohn
HCCA President

Office of the County Auditor
Auditor's Analysis

Council Bill No. 8-2020

Introduced: February 3, 2020

Auditor: Craig Glendenning

Fiscal Impact:

There will be no fiscal impact associated with Council Bill 8-2020. The office can fulfill the requirements set forth in this bill with current staffing.

Purpose:

The purpose of this bill is to legislate the current practice of the Office of the County Auditor regarding the provision of fiscal notes of introduced bills to Council. The bill adds a deadline for submission of these fiscal notes to Council and requires public access to the notes prior to the public hearing for the legislation.

Background:

Prior to 2013, the Office of the County Auditor did not provide the Council with fiscal analysis of legislation. The current County Auditor initiated the practice of creating a detailed fiscal impact analysis for all bills and resolutions (excluding resolutions for appointments) and other financial legislation such as Transfers of Appropriation and Supplemental Appropriation Ordinances. He recognizes the importance of providing Council members with this vital decision-making information.

Comparison with Surrounding Counties:

	Montgomery	Anne Arundel	Baltimore	Howard
Is a Fiscal Note provided to Council prior to the vote?	Yes	Yes	Yes	Yes
Are Fiscal Notes prepared for all legislation except appointment Resolutions and Budget?	No (1)	Yes	Yes	Yes
Does the County Auditor provide a Fiscal Note?	No	Yes	Yes	Yes
Does the Budget Office provide a Fiscal Note?	Yes (1)	Yes (2)	Yes (2)	No
Is the Fiscal Note made public?	Yes	Yes	Yes	No
Is the Fiscal Note requirement specified in the Code?	Yes	No	No	No

(1) Only the Budget Office provides a Fiscal Impact Statement. It is for all Executive and Council Bills.

(2) The Budget Office provides a Fiscal Impact Note when all Executive Legislation is filed.

Recommendations:

To provide the Council with additional information in which to make informed decisions, increase the transparency to the public, and help the Office of the County Auditor (the Office) meet the requirements being proposed, we recommend the following:

1. Amend CB8-2020 to include other financial legislation such as Transfer of Appropriation, Supplemental Appropriation Ordinance, and Resolutions with a fiscal impact. Excluding these would limit the Council's and public's ability to evaluate the financial affect of legislation that often has a significant fiscal impact on operating and capital revenue and expenditures.
2. Amend the bill to add clarity to the timing provision. According to the County Solicitor, the timing provision is ambiguous as it is subject to different meanings. Dependent upon which days are included or excluded in counting two business days, the date due to the Council could reasonably be interpreted as end of business Wednesday, Thursday, or Friday prior to a Monday public hearing.
3. Amend the bill to require the Budget Office provide a fiscal note for all Executive sponsored legislation. This is the practice at Montgomery, Anne Arundel, and Baltimore Counties. The Budget Office is in the best position to make an initial assessment on expenditures, revenues, and effects on government operations considering their ability to have direct contact with other Executive Agencies. This will enable the Office to evaluate and comment on the Budget Office's analysis.
4. As policy, we recommend that the Council notify the Office about pending legislation when it is in the drafting phase. Although this is already the practice of some Council Districts, the current Council policy requires the Legislative Analysts to provide the Office with draft legislation when it is being sent to the Office of Law for legal sufficiency. Information is often required from the Administration in order to complete the Office's fiscal notes. Sending the Office legislation during the drafting phase will mean that the Administration is given adequate time to respond to requests. (Staff should be given as much time as possible for research.) Lack of sufficient time could result in unanswered questions noted in the Office's analysis, or analysis needing regular revisions as recent information request are answered by the Administration.

Fiscal Impact Study Frequently Asked Questions – September 5, 2019

What is a fiscal impact study?

A fiscal impact study estimates the revenues generated from new development and the operating and capital costs required to serve new development. The net fiscal impacts are the revenues minus the costs. If revenues are greater than costs, then net fiscal surpluses result (also referred to as net revenues), and if costs are greater than revenues, then net fiscal deficits result. All major and minor revenues and costs are evaluated. This includes all capital costs such as the cost to build new schools, parks, libraries, fire stations and other capital facilities. The fiscal report details all the revenue and all the operating and capital costs that have been evaluated and the methodologies used to evaluate each.

A fiscal impact study is different than an economic impact study. Whereas a fiscal impact study measures the impact to the County's budget, an economic impact study measures the impact of new development on the broader economy such as the number of new jobs created, and the amount of direct, indirect and induced monetary stimulus to the local and regional economies.

Why was this fiscal impact study done?

The FY2019 Spending Affordability Advisory Committee recommended that Howard County issue a request for proposals to hire an economic consultant to conduct a fiscal impact analysis to study the effects of recent amendments to the Adequate Public Facilities Ordinance (APFO). Urban Analytics, a fiscal and economic consulting firm located in Alexandria, Virginia, was selected to conduct the fiscal study. The purpose of the study was to help the County develop accurate revenue and expenditure projections accounting for the APFO amendments, providing important information for long-term planning purposes.

The fiscal study focused on APFO amendments adopted in early 2018. The amendments imposed more restrictive school capacity test standards designated to take effect after the beginning of 2019. School capacity utilization rates, a standard used to determine whether a school district is closed to new development, were lowered from 115% to 105% for elementary school districts and regions and from 115% to 110% for middle school districts. A new high school district test was added, closing high school districts to new development at 115% capacity utilization. The new school capacity chart implementing these changes was adopted by the County Council on July 1, 2019.

The recent changes to the school capacity test result in closing a significant portion of the County to new development, triggering significantly less residential growth and less commercial growth than projected in *PlanHoward 2030*, which was adopted in 2013.

The map below shows the portions of the County closed to new development based on the school capacity chart adopted by the County Council on July 1, 2019. The colored portions of the map represent the elementary, middle and high school districts closed to new development. The table below the map (Table 5) shows future residential development for the adopted General Plan projections compared to the impact from the amendments to APFO.

To: Howard County Council
From: Kirk J. Thompson
Re: Testimony. Howard County Personnel Board Proposed Appointment
Date: February 18, 2020

Good evening members of the County Council and guests. My name is Kirk Thompson and I am honored to be considered by County Executive Ball and the County Council, for appointment to the Personnel Board.

I do not take your consideration for this appointment lightly. My wife and I have been residents of Howard County for over 30 years. We have also had the wonderful experience of raising our children in the county and each of them have graduated from the Howard County Public School System. I have also had the opportunity to work and volunteer in the county most of my adult life and continue to do both even today. Therefore, given my appreciation for the community, it is truly an honor and pleasure to have the opportunity to serve the county in this capacity.

I feel, my comprehensive professional experience in human capital management will allow me to make a positive contribution to the Personnel Board. My past and current professional experience includes over 30 years of comprehensive human resources experience with the Howard County Public School System. These experiences include, but are not limited to, employee and labor relations, contract management, collective bargaining, classification and compensation, recruiting and hiring, diversity initiatives, employee services, training and development and human capital management.

During my career I have learned the value of positive professional relationships, the need for effective communication, and most of all, the importance of listening. I have also had the opportunity to learn under some exceptional mentors like Michael Hickey, Sydney Cousin, and Mamie Perkins. Each has taught me the importance of fairness and the value of cultivating relationships within one's professional arena.

In addition, throughout my career I have had the opportunity to work with multiple superintendents and educational leaders, elected officials, leaders and representatives of bargaining units, community groups, and employees across the spectrum. These experiences, along with my past and present professional experience, have fostered the foundation to assist me with making a beneficial contribution to the Personnel Board and the county.

I thank you for the opportunity to speak tonight, and for your consideration for this appointment. If appointed, I look forward to serving the community which has served my family and me so well, for many years. Thank you.



**HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

I, Angelica Bailey, have been duly authorized by
(name of individual)

Maryland Building Industry Association to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB 8-2020 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Angelica Bailey

Signature: 

Date: February 18, 2020

Organization: Maryland Building Industry Association

Organization Address: Fulton, MD 20759

Fulton, MD 20759

Number of Members: 1,000+

Name of Chair/President: Lori Graf, CEO

This form can be submitted electronically via email to councilmail@howardcountymd.gov no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.

Office of the County Auditor
Auditor's Analysis

Council Bill No. 8-2020

Introduced: February 3, 2020

Auditor: Craig Glendenning

Fiscal Impact:

There will be no fiscal impact associated with Council Bill 8-2020. The office can fulfill the requirements set forth in this bill with current staffing.

Purpose:

The purpose of this bill is to legislate the current practice of the Office of the County Auditor regarding the provision of fiscal notes of introduced bills to Council. The bill adds a deadline for submission of these fiscal notes to Council and requires public access to the notes prior to the public hearing for the legislation.

Background:

Prior to 2013, the Office of the County Auditor did not provide the Council with fiscal analysis of legislation. The current County Auditor initiated the practice of creating a detailed fiscal impact analysis for all bills and resolutions (excluding resolutions for appointments) and other financial legislation such as Transfers of Appropriation and Supplemental Appropriation Ordinances. He recognizes the importance of providing Council members with this vital decision-making information.

Comparison with Surrounding Counties:

	Montgomery	Anne Arundel	Baltimore	Howard
Is a Fiscal Note provided to Council prior to the vote?	Yes	Yes	Yes	Yes
Are Fiscal Notes prepared for all legislation except appointment Resolutions and Budget?	No (1)	Yes	Yes	Yes
Does the County Auditor provide a Fiscal Note?	No	Yes	Yes	Yes
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Recommendations:

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