Introduced	
Public Hearing	
Council Action	
Executive Action	
Effective Date	

## County Council of Howard County, Maryland

2021 Legislative Session

Legislative Day No. 1

## Bill No. 4 -2021

Introduced by the Chairperson at the request of the County Executive

AN ACT amending the timing for Fiscal Analysis provided by the County Auditor; providing that certain exceptions apply to Fiscal Analysis provided by the County Executive; and generally relating to the enactment of legislation.

Introduced and read first time	By order	d and hearing scheduled.  Diane Schwartz Jones, Administrator
Having been posted and notice of time & place of hearing & title of second time at a public hearing on	, 2021.	g been published according to Charter, the Bill was read for a
This Bill was read the third time on February 3	By order	
Sealed with the County Seal and presented to the County Executive	ve for approv	Diane Schwartz Jones, Administrate  val thisday of, 2021 at a.m./p.m.
	By order _	Diane Schwartz Jones, Administrator
Approved/Vetoed by the County Executive		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; <u>Underlining</u> indicates material added by amendment.

1	WHEREAS, by passage of Council Bill No. 8-2020 and Council Bill No. 55-2020, the Council
2	adopted a process for Fiscal Analysis for Council-filed and Executive-filed legislation; and
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4	WHEREAS, the County Executive agrees that the hallmark of good government includes ensuring
5	open and transparent communication between the Executive and the Legislative branches; and
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7	WHEREAS, most of the surrounding counties, including Montgomery and Frederick already require
8 9	a fiscal note for legislation and Baltimore City is currently considering a fiscal impact analysis; and
10	WHEREAS, having Fiscal Analysis completed and available to the public in a timely fashion will
<b>11</b>	assist the Council in making better informed decisions, potentially reduce the workload at the work
12	sessions, create a collaborative atmosphere where information is shared, and promote oversight that
13	builds public confidence in government decision making; and
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15	WHEREAS, furthermore, timely Fiscal Analysis provides the Council the best possible opportunity
16	to be better informed before the Council votes on any legislation that has a fiscal impact; and
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18	WHEREAS, for the above reasons, the timing for Fiscal Analysis submitted by the County Auditor
19	should be consistent with Fiscal Analysis for legislation submitted for introduction by the County
20	Executive; and
21	
22	WHEREAS, there may be extenuating circumstances, like the receipt of emergency funding, where a
23	Fiscal Analysis may not be ready in time for the introduction of emergency legislation but would be ready
24	shortly thereafter and the Code should account for this scenario with respect to legislation submitted by
25	the County Executive.
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27	NOW THEREFORE,
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29	Section 1. Be it enacted by the County Council of Howard County, Maryland, that the Howard County
30	Code is hereby amended as follows:
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32	By amending:
33	Title 5 – County Council.
34	Subtitle 4. Miscellaneous.

1	Sec. 5.400. Fiscal analyses.
2	
3	HOWARD COUNTY CODE
4	Title 5 – County Council.
5	Subtitle 4. Miscellaneous.
6	
7	Sec. 5.400 Fiscal analyses.
8	(a) Scope of Section. This section applies to each bill, supplemental appropriation ordinance,
9	transfer of appropriation ordinance, an act with a fiscal impact on County finances, and a resolution
10	with a fiscal impact on County finances.
11	(b) Fiscal analysis. For purposes of this section, a fiscal analysis shall include:
12	(1) A summary of a bill or other legislation;
13	(2) An evaluation of the fiscal impact that a bill or other legislation would have on County
14	government operations, revenues, and spending; and
15	(3) An explanation of how the bill or other legislation will be implemented.
16	(c) In General.
17	(1) (i) Except as provided in paragraph (3) of this subsection, the County Executive shall
18	submit a fiscal analysis concurrently with each bill or other legislation that the County
19	Executive requests to be introduced by the County Council.
20	(ii) Except as provided in paragraph (3) of this subsection, the County Auditor must submit
21	a fiscal analysis to the County Council of each bill or other legislation under
22	consideration by the Council.
23	(2) A separate fiscal analysis is required for each bill or other legislation.
24	(3) This subsection does not apply to:
25	(i) the annual budget and appropriation ordinance of Howard County; or
26	(ii) a Resolution that appoints an individual to a board, commission, task force, or similar
27	body.
28	(d) Time for Submission by Auditor OR COUNTY EXECUTIVE.
29	(1) A fiscal analysis completed by the County Auditor or THE COUNTY EXECUTIVE must be
30	submitted to the County Council PRIOR TO THE INTRODUCTION OF EACH BILL OR OTHER
31	LEGISLATION FOR CONSIDERATION BY THE COUNCIL [[on or before 5:00 p.m. on the

- Thursday before the public hearing for the legislation]], or the day the Council Chairperson sets to accommodate a holiday or other change in the normal schedule.
  - (2) If the County Auditor OR COUNTY EXECUTIVE cannot submit the fiscal analysis within the time required by paragraph (1) of this subsection, the Auditor OR COUNTY EXECUTIVE must notify the Council Chairperson in writing of the delay, the reason for the delay, and the revised delivery date. If the Council Chairperson finds that the revised delivery date is unreasonable, the Chairperson may set a different delivery deadline.
  - (e) Content of Fiscal Analysis. Each fiscal analysis must include the sources of information, assumptions, and methodologies used, a description of the variables that could affect fiscal estimates, and, if legislation is likely to have no fiscal impact, the reason for that conclusion.
- 11 (f) Publication.

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- 12 (1) At least one business day before the public hearing for the legislation, the County Council shall make each fiscal analysis freely available to the public.
  - (2) The County Council shall archive fiscal analyses in a way that allows easy access to the public.
- 16 (g) *Compliance*. Council action on legislation that is otherwise valid is not invalid because of any failure to follow the requirements of this section.
- Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act shall
   become effective 61 days after its enactment.