

Introduced 09.06.2022
Public Hearing 09.19.2022
Council Action 10.03.2022
Executive Action 10.13.2022
Effective Date 12.13.2022

County Council of Howard County, Maryland

2022 Legislative Session

Legislative Day No. 13

Bill No. 51 -2022

Introduced by:
David Yungmann

AN ACT amending the Howard County Code to require all Howard County officials involved in the Maryland Public Information Act request process seek a formal review by the Howard County Office of Law before declaring any documents, emails, or materials as privileged; and generally relating Maryland Public Information Act requests.

Introduced and read first time Sept 6, 2022. Ordered posted and hearing scheduled.

By order Michelle R. Harrod
Michelle R. Harrod, 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 Sept 19, 2022.

By order Michelle R. Harrod
Michelle R. Harrod, Administrator

This Bill was read the third time on Oct 3, 2022 and Passed , Passed with amendments , Failed .

By order Michelle R. Harrod
Michelle R. Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 4 day of Oct, 2022 at 10 a.m. (6.m.)

By order Michelle R. Harrod
Michelle R. Harrod, Administrator

Approved/Vetoed by the County Executive October 13 2022

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
2 County Code is amended as follows:

3 By adding a new:

4 Title 22. "General Provisions"

5 Subtitle 11. "Maryland Public Information Act – Withholding of Records."
6

7 **HOWARD COUNTY CODE**

8
9 **Title 22 – General Provisions**
10
11

12 **SEC. 22.1100. MARYLAND PUBLIC INFORMATION ACT – WITHHOLDING OF RECORDS.**

13 ~~BEFORE WITHHOLDING A PUBLIC RECORD, OR PART OF A PUBLIC RECORD, UNDER THE MARYLAND~~
14 ~~PUBLIC INFORMATION ACT, SECTIONS 4-101 ET SEQ. OF THE GENERAL PROVISIONS ARTICLE OF~~
15 ~~THE ANNOTATED CODE OF MARYLAND, A~~ AFTER A CUSTODIAN DETERMINES THAT A PUBLIC
16 RECORD, OR PART OF A PUBLIC RECORD, SHOULD BE WITHHELD UNDER THE MARYLAND PUBLIC
17 INFORMATION ACT, SECTIONS 4-101 ET SEQ. OF THE GENERAL PROVISIONS ARTICLE OF THE
18 ANNOTATED CODE OF MARYLAND, BUT BEFORE ACTUALLY WITHHOLDING THE PUBLIC RECORD, OR
19 PART OF THE PUBLIC RECORD, THE CUSTODIAN SHALL CONSULT WITH THE OFFICE OF LAW ABOUT
20 THE PUBLIC RECORD FOR ADVICE ON WHETHER THERE IS A LEGAL BASIS TO WITHHOLD THE PUBLIC
21 RECORD, IN PART OR IN ITS ENTIRETY. THIS PROVISION SHALL NOT APPLY TO THE POLICE
22 DEPARTMENT.

23
24 COUNTY AGENCY COMPLIANCE WITH THIS PROVISION SHALL OCCUR IN THE FOLLOWING MANNER:

- 25 • THE COUNTY COUNCIL, THE OFFICE OF THE COUNTY EXECUTIVE, THE COUNTY
26 ADMINISTRATION, THE DEPARTMENT OF INSPECTIONS, LICENSES, AND PERMITS, AND THE
27 DEPARTMENT OF RECREATION AND PARKS SHALL COMPLY BEGINNING 61 DAYS AFTER THE
28 ENACTMENT OF THIS LEGISLATION;
29 • THE DEPARTMENT OF PLANNING AND ZONING, THE DEPARTMENT OF HOUSING AND

1 COMMUNITY DEVELOPMENT, THE DEPARTMENT OF PUBLIC WORKS, AND THE DEPARTMENT OF
2 COMMUNITY RESOURCES AND SERVICES SHALL COMPLY BEGINNING ~~90~~ 120 DAYS AFTER THE
3 ENACTMENT OF THIS LEGISLATION; AND
4 • ALL OTHER REMAINING COUNTY AGENCIES SHALL COMPLY BEGINNING ~~120~~ 180 DAYS AFTER
5 THE ENACTMENT OF THIS LEGISLATION.

6
7 *Section 2. And Be It Further Enacted by the County Council of Howard County,*
8 *Maryland, that this Act shall become effective 61 days after its enactment.*

Amendment 1 to Council Bill No. 51 - 2022

BY: David Yungmann

Legislative Day 14

Date: October 3, 2022

Amendment No. 1

(This amendment clarifies the process.)

1 On page 1, strike "BEFORE" in line 13 through "A" in line 15 and substitute the following:
2 "AFTER A CUSTODIAN DETERMINES THAT A PUBLIC RECORD, OR PART OF A PUBLIC RECORD,
3 SHOULD BE WITHHELD UNDER THE MARYLAND PUBLIC INFORMATION ACT, SECTIONS 4-
4 101 ET SEQ. OF THE GENERAL PROVISIONS ARTICLE OF THE ANNOTATED CODE OF
5 MARYLAND, BUT BEFORE ACTUALLY WITHHOLDING THE PUBLIC RECORD, OR PART OF THE
6 PUBLIC RECORD, THE".
7
8
9

I certify this is a true copy of
Am 1 to CB 51-2022
passed on October 3, 2022
Michelle Harris
Council Administrator

Amendment 2 to Council Bill No. 51 - 2022

BY: David Yungmann

Legislative Day 14

Date: October 3, 2022

Amendment No. 2

(This amendment excludes the Police Department from this provision.)

1 On page 1, in line 17, after the period, insert "THIS PROVISION SHALL NOT APPLY TO THE POLICE
2 DEPARTMENT.".

3

4

5

I certify this is a true copy of
Am 2 to CB 51-2022
passed on October 3, 2022
Mrs. [Signature]
Council Administrator

Amendment 3 to Council Bill No. 51 - 2022

BY: David Yungmann

Legislative Day 14

Date: October 3, 2022

Amendment No. 3

(This amendment establishes a phase-in schedule for this provision for certain agencies.)

1 On page 1, immediately following line 18, insert the following

2 “COUNTY AGENCY COMPLIANCE WITH THIS PROVISION SHALL OCCUR IN THE FOLLOWING
3 MANNER:

- 4 • THE COUNTY COUNCIL, THE OFFICE OF THE COUNTY EXECUTIVE, THE COUNTY
5 ADMINISTRATION, THE DEPARTMENT OF INSPECTIONS, LICENSES, AND PERMITS,
6 AND THE DEPARTMENT OF RECREATION AND PARKS SHALL COMPLY BEGINNING 61
7 DAYS AFTER THE ENACTMENT OF THIS LEGISLATION;
- 8 • THE DEPARTMENT OF PLANNING AND ZONING, THE DEPARTMENT OF HOUSING
9 AND COMMUNITY DEVELOPMENT, THE DEPARTMENT OF PUBLIC WORKS, AND THE
10 DEPARTMENT OF COMMUNITY RESOURCES AND SERVICES SHALL COMPLY
11 BEGINNING 90-120 DAYS AFTER THE ENACTMENT OF THIS LEGISLATION; AND
- 12 • ALL OTHER REMAINING COUNTY AGENCIES SHALL COMPLY BEGINNING 120 180
13 DAYS AFTER THE ENACTMENT OF THIS LEGISLATION.”.

I certify this is a true copy of
Am 3 to CBSI-2022

passed on October 3, 2022

Mitchell Howard
Council Administrator

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Amendment 1 to Amendment No. 3 to Council Bill No. 51-2022

BY: David Yungmann

**Legislative Day 14
Date: October 3, 2022**

Amendment No. 1

(This amendment alters the phase-in schedule for this provision for certain agencies.)

- 1 On page 1, in line 11, strike "90" and substitute "120".
- 2
- 3 On page 1, in line 12, strike "120" and substitute "180".

I certify this is a true copy of
Am 1 to Am 3 to CB 51-2022
passed on October 3, 2022
Michelle Garrod
Council Administrator

Introduced 09-06-2022
Public Hearing 09-19-2022
Council Action _____
Executive Action _____
Effective Date _____

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2022 Legislative Session

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David Yungmann

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By order Michelle Harrod
Michelle R. Harrod, 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 Sept 19, 2022.

By order Michelle Harrod
Michelle R. Harrod, Administrator

This Bill was read the third time on _____, 2022 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Michelle R. Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ____ day of _____, 2022 at ____ a.m./p.m.

By order _____
Michelle R. Harrod, Administrator

Approved/Vetoed by the County Executive _____, 2022

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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BY: David Yungmann

Legislative Day 14

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7 DAYS AFTER THE ENACTMENT OF THIS LEGISLATION;
- 8 • THE DEPARTMENT OF PLANNING AND ZONING, THE DEPARTMENT OF HOUSING
9 AND COMMUNITY DEVELOPMENT, THE DEPARTMENT OF PUBLIC WORKS, AND THE
10 DEPARTMENT OF COMMUNITY RESOURCES AND SERVICES SHALL COMPLY
11 BEGINNING 90 DAYS AFTER THE ENACTMENT OF THIS LEGISLATION; AND
- 12 • ALL OTHER REMAINING COUNTY AGENCIES SHALL COMPLY BEGINNING 120 DAYS
13 AFTER THE ENACTMENT OF THIS LEGISLATION.”

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on October 13, 2022.

Michelle Harrod
Michelle Harrod, 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 _____, 2022.

Michelle Harrod, 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 _____, 2022.

Michelle Harrod, 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 _____, 2022.

Michelle Harrod, 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 _____, 2022.

Michelle Harrod, 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 _____, 2022.

Michelle Harrod, Administrator to the County Council