

Amendment 2 to Council Bill No. 11-2023

**BY: Christiana Rigby
Opel Jones**

**Legislative Day: 4
Date: April 3, 2023**

Amendment No. 2

(This amendment establishes an audit committee for Charter Section 212 audits.)

1 On page 1, immediately following line 12, insert the following:

2 “Title 22. “General Provisions”
3 Subtitle 2. “Howard County Public Ethics Law”
4 Subsection 22.206 “Financial Disclosure Statements”
5 Letter c.
6 Number 24. “Audit Committee”.
7

8 On page 1, strike line 19 – 28, and substitute:

9 (A) SECTION 212 AUDITS. THIS SECTION APPLIES TO THE FOLLOWING AUDITS
10 PRESCRIBED IN SECTION 212 OF THE COUNTY CHARTER:
11 • OTHER FINANCIAL AUDITS;
12 • MANAGEMENT AUDITS; AND
13 • OTHER AUDITS, INCLUDING FUNCTIONS AND DUTIES, PURSUANT TO ANY
14 RESOLUTION ADOPTED UNDER THE SECOND TO LAST SENTENCE OF SECTION 212,
15 EXCEPT FUNCTIONS RELATED TO FISCAL ANALYSES FOR LEGISLATION, THE
16 ANNUAL BUDGET, AND THE ANNUAL FINANCIAL AUDIT.
17 1) ANNUAL AUDIT PLAN. THE COUNTY AUDITOR SHALL COMPLETE AN ANNUAL
18 AUDIT PLAN AND SUBMIT THE PLAN TO THE COUNTY COUNCIL AND THE AUDIT
19 COMMITTEE BY JUNE 30 EACH YEAR FOR THE ENSUING FISCAL YEAR. THE
20 ANNUAL AUDIT PLAN SHOULD INCLUDE THE PROPOSED AUDITS, IDENTIFY
21 POTENTIAL AUDIT OBJECTIVES OR THE GENERAL NATURE OF THE AUDITS, AND
22 MAY IDENTIFY POTENTIAL AUDITS FOR FOLLOWING FISCAL YEARS. THE ANNUAL
23 AUDIT PLAN MAY BE AMENDED BY THE AUDITOR AFTER REVIEW WITH THE
24 COUNTY COUNCIL OR AUDIT COMMITTEE, BUT THE AUDITOR SHALL HAVE
25 FINAL AUTHORITY TO SELECT THE AUDITS PLANNED. THE AUDITOR MAY
26 MODIFY THE ANNUAL AUDIT PLAN AS NECESSARY DURING THE FISCAL YEAR

1 AND WILL NOTIFY THE COUNTY COUNCIL AND THE AUDIT COMMITTEE OF SUCH
2 MODIFICATIONS.

3 2) AUDIT COMMITTEE. AN AUDIT COMMITTEE SHALL BE ESTABLISHED IN AN
4 ADVISORY CAPACITY TO PROVIDE RECOMMENDATIONS AND GUIDANCE TO THE
5 COUNTY COUNCIL AND THE COUNTY AUDITOR ON THE AUDITOR'S ANNUAL
6 AUDIT PLAN.

7 3) AUDIT COMMITTEE, MEMBERS. THE AUDIT COMMITTEE SHALL CONSIST OF THE
8 FOLLOWING SEVEN VOTING MEMBERS:

9 i. TWO HOWARD COUNTY COUNCIL MEMBERS, ELECTED ANNUALLY EACH
10 DECEMBER BY THE COUNCIL;

11 ii. ONE REPRESENTATIVE APPOINTED BY COUNCIL RESOLUTION FROM
12 EACH COUNCIL DISTRICT WITH MINIMUM PROFESSIONAL STANDARDS
13 THAT SHALL INCLUDE AT LEAST FIVE YEARS OF EXPERIENCE AS A
14 PERFORMANCE AUDITOR, A CERTIFIED PUBLIC ACCOUNTANT,
15 CERTIFIED INTERNAL AUDITOR, CERTIFIED MANAGEMENT
16 ACCOUNTANT, OR TEN YEARS OF OTHER RELEVANT PROFESSIONAL
17 EXPERIENCE.

18 a. TERMS, COUNCIL DISTRICT APPOINTEES. OF THE FIVE COUNCIL
19 DISTRICT APPOINTEES, ONE APPOINTEE SHALL BE APPOINTED FOR
20 A TERM EXPIRING ON JANUARY 31, 2024; ONE APPOINTEE SHALL
21 BE APPOINTED FOR A TERM EXPIRING ON JANUARY 31, 2025;
22 AND THREE APPOINTEES SHALL BE APPOINTED FOR A TERM
23 EXPIRING ON JANUARY 31, 2026. THEREAFTER, DISTRICT
24 APPOINTEES SHALL BE APPOINTED FOR THREE-YEAR TERMS.

25 b. REAPPOINTMENT, COUNCIL DISTRICT APPOINTEES. THE FIVE
26 DISTRICT APPOINTEES SHALL BE LIMITED TO TWO CONSECUTIVE
27 TERMS, WITH ONE YEAR INTERVENING BEFORE THEY BECOME
28 ELIGIBLE FOR REAPPOINTMENT.

29 iii. AUDIT COMMITTEE, DUTIES. THE AUDIT COMMITTEE SHALL MEET AS
30 NEEDED TO PERFORM ITS DUTIES BUT SHALL NOT MEET LESS THAN ONCE
31 QUARTERLY AND SHALL BE RESPONSIBLE FOR:

- a. REVIEWING THE AUDITOR’S AUDIT PLAN ANNUALLY;
- b. PROVIDING SUGGESTIONS AND COMMENTS FOR THE ANNUAL AUDIT PLAN;
- c. ENSURING THAT AUDIT REPORTS ARE TRANSMITTED TO THE COUNTY COUNCIL AND TO THE PUBLIC;
- d. REPORTING TO THE COUNTY COUNCIL ON ANY IRREGULARITIES OR IMPROPER PROCEDURES REGARDING THE AUDITOR’S PROCESS THAT IS USED TO CONDUCT AUDITS, AT SUCH TIMES AS DEEMED APPROPRIATE;
- e. EVALUATING THE FINDINGS AND RECOMMENDATIONS OF THE PEER REVIEW AS REQUIRED BY GOVERNMENT AUDITING STANDARDS ISSUED BY THE COMPTROLLER GENERAL OF THE UNITED STATES.

iv. AUDIT COMMITTEE, FINANCIAL DISCLOSURE AND INDEPENDENCE STATEMENT. ALL MEMBERS OF THE AUDIT COMMITTEE SHALL COMPLETE A FINANCIAL DISCLOSURE STATEMENT IN ACCORDANCE WITH SECTION 22.206 OF THE CODE AND AN INDEPENDENCE STATEMENT FOR AUDITS, AS EXPLAINED IN CHAPTER 3 OF THE GOVERNMENT AUDITING STANDARDS, AND CHAPTER 2 OF THE OIG MANUAL.”.

On page 1, in line 29, strike “2)” and substitute “(B) SECTION 213 AUDITS. THIS SECTION APPLIES TO”.

On page 2, in line 2, strike “OR THE START OF ANY AUDIT COVERED BY SUBSECTION (A)”.

Renumber the remainder of the Section 213 Audits section accordingly.

1 On page 2, in line 23, insert the following:

2 **“TITLE 22. GENERAL PROVISIONS**

3

4 **SUBTITLE 2. HOWARD COUNTY PUBLIC ETHICS LAW**

5 **SEC. 22.206. Financial Disclosure Statements.**

6 (C) This section applies to the following boards and commissions:

7 This section applies to members of the following boards and
8 commissions:

9 (1) Board of Appeals;

10 (2) Planning Board;

11 (3) Recreation and Parks Board;

12 (4) Public Works Board;

13 (5) Ethics Commission;

14 (6) Housing and Community Development Board;

15 (7) Agricultural Preservation Board;

16 (8) Equal Business Opportunity Commission;

17 (9) Historic Preservation Commission;

18 (10) Board of Library Trustees;

19 (11) Howard County Housing Commission;

20 (12) Economic Development Authority Board;

21 (13) Howard County Pension Oversight Commission;

22 (14) Local Behavioral Health Advisory Board;

23 (15) Howard County Alcoholic Beverage Hearing Board;

24 (16) Howard County Revenue Authority Board;

25 (17) Design Advisory Panel;

26 (18) Animal Matters Hearing Board;

27 (19) Advisory Board on Consumer Protection;

28 (20) Board of Electrical Examiners;

29 (21) Board of Health;

30 (22) Human Rights Commission; [[and]]

1
2
3
4
5
6

(23) Police Accountability Board[.]; AND
(24) AUDIT COMMITTEE.”.