

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2025 Legislative Session

Legislative Day No. 5

Bill No. 28 -2025

Introduced by: The Chair at the request of the County Council

SHORT TITLE: Fiscal Analyses – Council Legislation

AN ACT amending the Howard County Code to require that the Code required fiscal analysis for each piece of legislation is now submitted and processed by the County Council Administrator; and generally relating to legislative fiscal analyses.

Introduced and read first time _____, 2025. Ordered posted and hearing scheduled.

By order _____
Michelle 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 _____, 2025.

By order _____
Michelle Harrod, Administrator

This Bill was read the third time on _____, 2025 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2025 at ___ a.m./p.m.

By order _____
Michelle Harrod, Administrator

Approved by the County Executive _____, 2025

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 amending:*

4 *Title 5. "County Council"*

5 *Subtitle 4. "County Auditor"; and*

6 *By adding a new:*

7 *Title 5. "County Council"*

8 *Subtitle 5 "Fiscal analyses".*

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12 **HOWARD COUNTY CODE**

13 **Title 5. County Council**

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15 **Subtitle 4. – County Auditor**

16 **[[Sec. 5.400. Fiscal analyses.**

- 17 (a) *Scope of Section.* This section applies to each bill, supplemental appropriation ordinance,
18 transfer of appropriation ordinance, an act with a fiscal impact on County finances, and a
19 resolution with a fiscal impact on County finances.
- 20 (b) *Fiscal analysis.* For purposes of this section, a fiscal analysis shall include:
- 21 (1) A summary of a bill or other legislation;
- 22 (2) An evaluation of the fiscal impact that a bill or other legislation would have on County
23 government operations, revenues, and spending; and
- 24 (3) An explanation of how the bill or other legislation will be implemented.
- 25 (c) *In General.*
- 26 (1) (i) Except as provided in paragraph (3) of this subsection, the County Executive shall
27 submit a fiscal analysis concurrently with each bill or other legislation that the County
28 Executive requests to be introduced by the County Council.

1 (ii) Except as provided in paragraph (3) of this subsection, the County Auditor must
2 submit a fiscal analysis to the County Council of each bill or other legislation
3 under consideration by the Council.

4 (2) A separate fiscal analysis is required for each bill or other legislation.

5 (3) This subsection does not apply to:

6 (i) The annual budget and appropriation ordinance of Howard County; or

7 (ii) A Resolution that appoints an individual to a board, commission, task force, or
8 similar body.

9 (d) *Time for Submission by Auditor.*

10 (1) A fiscal analysis completed by the County Auditor must be submitted to the County
11 Council on or before 5:00 p.m. on the Thursday before the public hearing for the
12 legislation, or the day the Council Chairperson sets to accommodate a holiday or other
13 change in the normal schedule.

14 (2) If the County Auditor cannot submit the fiscal analysis within the time required by
15 paragraph (1) of this subsection, the Auditor must notify the Council Chairperson in
16 writing of the delay, the reason for the delay, and the revised delivery date. If the
17 Council Chairperson finds that the revised delivery date is unreasonable, the
18 Chairperson may set a different delivery deadline.

19 (e) *Content of Fiscal Analysis.* Each fiscal analysis must include the sources of information,
20 assumptions, and methodologies used, a description of the variables that could affect fiscal
21 estimates, and, if legislation is likely to have no fiscal impact, the reason for that conclusion.

22 (f) *Publication.*

23 (1) At least one business day before the public hearing for the legislation, the County
24 Council shall make each fiscal analysis freely available to the public.

25 (2) The County Council shall archive fiscal analyses in a way that allows easy access to
26 the public.

1 (g) *Compliance.* Council action on legislation that is otherwise valid is not invalid because of
2 any failure to follow the requirements of this section.]]

3 **Sec. 5. [[401]]400. Audits.**

4 (a) *Scope of Section.* This section applies to special audits, as prescribed in the first sentence of
5 section 213 of the County Charter, involving the alleged misuse of County funds that the
6 Council may order of the accounts of any department, office, or agency receiving funds
7 from the County Government.

8 (b) *Notice.* Prior to the start of a review of any credible alleged misuse of County funds, the
9 County Auditor shall outline the scope of the review or audit for the County Council.
10 Specifically, the County Auditor shall:

11 Work with the Council Administrator to communicate the alleged misuse of County funds
12 with the County Council and inform the Council of the following parameters for the review
13 or audit:

- 14 i. Allegations to be reviewed or audited and any known facts;
- 15 ii. Rationale for the review or audit;
- 16 iii. The administering of oaths;
- 17 iv. Audit standards to govern the review or audit and how the review or audit would
18 meet the standards;
- 19 v. Timeline of the review or audit;
- 20 vi. A list of witnesses that will be interviewed;
- 21 vii. A list of records or other materials being sought by the County Auditor in
22 connection with the review or audit; and
- 23 viii. Any other information the Council may require.

24 (c) *Report.* Upon the completion of any preliminary special audit report, as prescribed in the
25 first sentence of section 213 of the County Charter involving the alleged misuse of County

1 funds, the County Auditor shall work with the Council Administrator to communicate the
2 preliminary draft and findings to the County Council.

- 3 (d) *Confidentiality.* The County Council shall keep confidential any communications between
4 the County Council and the County Auditor pertaining to any special audit or any alleged
5 misuse of County funds, including information relating to any allegation, complaint, or
6 record of the review or audit, except as otherwise provided by State or Federal law.

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8 **SUBTITLE 5. FISCAL ANALYSES**

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10 **SEC. 5.500. FISCAL ANALYSES.**

- 11 (A) *SCOPE OF SECTION.* THIS SECTION APPLIES TO EACH BILL, SUPPLEMENTAL APPROPRIATION
12 ORDINANCE, TRANSFER OF APPROPRIATION ORDINANCE, AN ACT WITH A FISCAL IMPACT ON
13 COUNTY FINANCES, AND A RESOLUTION WITH A FISCAL IMPACT ON COUNTY FINANCES.

- 14 (B) *FISCAL ANALYSIS.* FOR PURPOSES OF THIS SECTION, A FISCAL ANALYSIS SHALL INCLUDE:

- 15 (1) A SUMMARY OF A BILL OR OTHER LEGISLATION;
16 (2) AN EVALUATION OF THE FISCAL IMPACT THAT A BILL OR OTHER LEGISLATION WOULD
17 HAVE ON COUNTY GOVERNMENT OPERATIONS, REVENUES, AND SPENDING; AND
18 (3) AN EXPLANATION OF HOW THE BILL OR OTHER LEGISLATION WILL BE IMPLEMENTED.

- 19 (C) *IN GENERAL.*

20 (1) (I) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE COUNTY
21 EXECUTIVE SHALL SUBMIT A FISCAL ANALYSIS CONCURRENTLY WITH EACH BILL OR
22 OTHER LEGISLATION THAT THE COUNTY EXECUTIVE REQUESTS TO BE INTRODUCED BY
23 THE COUNTY COUNCIL.

24 (II) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE COUNTY
25 COUNCIL ADMINISTRATOR MUST SUBMIT A FISCAL ANALYSIS TO THE COUNTY

1 COUNCIL OF EACH BILL OR OTHER LEGISLATION UNDER CONSIDERATION BY THE
2 COUNCIL.

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

4 (3) THIS SUBSECTION DOES NOT APPLY TO:

5 (I) THE ANNUAL BUDGET AND APPROPRIATION ORDINANCE OF HOWARD COUNTY; OR

6 (II) A RESOLUTION THAT APPOINTS AN INDIVIDUAL TO A BOARD, COMMISSION, TASK
7 FORCE, OR SIMILAR BODY.

8 (D) *TIME FOR SUBMISSION BY COUNCIL ADMINISTRATOR.*

9 (1) A FISCAL ANALYSIS COMPLETED BY THE COUNTY COUNCIL ADMINISTRATOR MUST BE
10 SUBMITTED TO THE COUNTY COUNCIL ON OR BEFORE 5:00 P.M. ON THE THURSDAY
11 BEFORE THE PUBLIC HEARING FOR THE LEGISLATION, OR THE DAY THE COUNCIL
12 CHAIRPERSON SETS TO ACCOMMODATE A HOLIDAY OR OTHER CHANGE IN THE NORMAL
13 SCHEDULE.

14 (2) IF THE COUNTY COUNCIL ADMINISTRATOR CANNOT SUBMIT THE FISCAL ANALYSIS
15 WITHIN THE TIME REQUIRED BY PARAGRAPH (1) OF THIS SUBSECTION, THE COUNTY
16 COUNCIL ADMINISTRATOR MUST NOTIFY THE COUNCIL CHAIRPERSON IN WRITING OF
17 THE DELAY, THE REASON FOR THE DELAY, AND THE REVISED DELIVERY DATE. IF THE
18 COUNCIL CHAIRPERSON FINDS THAT THE REVISED DELIVERY DATE IS UNREASONABLE,
19 THE CHAIRPERSON MAY SET A DIFFERENT DELIVERY DEADLINE.

20 (E) *CONTENT OF FISCAL ANALYSIS.* EACH FISCAL ANALYSIS MUST INCLUDE THE SOURCES OF
21 INFORMATION, ASSUMPTIONS, AND METHODOLOGIES USED, A DESCRIPTION OF THE VARIABLES
22 THAT COULD AFFECT FISCAL ESTIMATES, AND, IF LEGISLATION IS LIKELY TO HAVE NO FISCAL
23 IMPACT, THE REASON FOR THAT CONCLUSION.

24 (F) *PUBLICATION.*

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

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

3 (G) *COMPLIANCE.* COUNCIL ACTION ON LEGISLATION THAT IS OTHERWISE VALID IS NOT INVALID
4 BECAUSE OF ANY FAILURE TO FOLLOW THE REQUIREMENTS OF THIS SECTION.

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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.***

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