

County Council Of Howard County, Maryland

2012 Legislative Session

Legislative Day No. 9

Resolution No. 117 - 2012

Introduced by: Council Member Greg Fox

A RESOLUTION proposing to amend Section 202 "County Council" of the Howard County Charter by adding conviction of or pleading nolo contendere to a felony as cause for forfeiture of office by a County Council member; to amend Section 302 "The County Executive" of the Howard County Charter by adding conviction of or pleading nolo contendere to a felony as cause for forfeiture of office by the County Executive; to amend Section 405 "The Office of Law" of the Howard County Charter by adding conviction of or pleading nolo contendere to a felony as a cause for forfeiture of office by the County Solicitor; and submitting this amendment to the voters of Howard County for their adoption or rejection in accordance with Article X of the Howard County Charter and Article XIA of the Maryland Constitution.

Introduced and read first time July 2, 2012.

By order Stephen M. LeGendre
Stephen M. LeGendre, Administrator

Read for a second time and a public hearing held on July 16, 2012.

By order Stephen M. LeGendre
Stephen M. LeGendre, Administrator

This Resolution was read for the third time and was Adopted , Adopted with amendments , Failed , Withdrawn by the County Council on July 26, 2012.

By order Stephen M. LeGendre
Stephen M. LeGendre, Administrator

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **BE IT RESOLVED** by the County Council of Howard County, Maryland, that
2 Section 202 “The County Council” subsection (b) “Qualifications”, of Article II, “The
3 Legislative Branch”, of the Howard County Charter, be, and is hereby amended to read
4 as follows:

5

6 **Section 202. The County Council.**

7 (b) *Qualifications.*

8 1. In General. Each candidate for the council shall have resided in the County for a
9 period of not less than two years immediately prior to nomination; shall be a
10 registered voter; and shall be a resident of the Council District which the candidate
11 seeks to represent at the time of filing for candidacy and during the full term of
12 office; and shall not be less than twenty-five years of age at the time of election.

13 2. Other Offices or Employment. No person shall qualify or serve as a member of
14 the council: while holding any other office of profit or trust of or under the State or
15 County government; while employed by the County; or while employed by any
16 agency, board, commission, unit or other entity which receives funds through the
17 County budget. No member of the Council shall, during the whole term for which
18 he or she was elected, be eligible for appointment to any County office or position
19 or be eligible for employment by the County.

20 3. Forfeiture of Office. If a member of the Council ceases to be a qualified and
21 registered voter of the County, moves his or her residence from the councilmanic
22 district he or she was elected to represent, accepts any other office of profit or trust
23 of or under the state or county government, becomes employed by the County or
24 any other entity which receives funds through the County budget, or is convicted of
25 OR PLEADS NOLO CONTENDERE TO any FELONY OR crime involving moral turpitude,
26 he or she shall immediately forfeit his or her office.

27

28 **AND BE IT FURTHER RESOLVED** by the County Council of Howard
29 County, Maryland, that Section 302 “The County Executive” subsection (b)

1 *“Qualifications”, of Article III, “The Legislative Branch”, of the Howard County*
2 *Charter, be, and is hereby amended to read as follows:*

3 **Section 303. The County Executive.**

4 (b) *Qualifications.*

5 1. In General. The Executive shall be a resident of the County for a period of not
6 less than five years immediately prior to election and a registered voter at the time
7 of filing for candidacy and shall be not less than thirty years of age at the time of his
8 or her election.

9 2. Other Offices. No person shall qualify or serve as Executive while holding any
10 other office of profit or trust of or under State, County or Federal government; while
11 employed by the County; or while employed by any agency, board, commission,
12 unit or other entity which receives funds through the County budget. No Executive
13 shall, during the whole term for which he or she was elected, be eligible for
14 appointment to any County office or position or be eligible for employment by the
15 County.

16 3. Forfeiture of office. If an Executive ceases to be a registered voter of the County
17 or is convicted of OR PLEADS NOLO CONTENDERE TO any FELONY OR crime involving
18 moral turpitude, he or she shall immediately forfeit his or her office.

19

20 **AND BE IT FURTHER RESOLVED** *by the County Council of Howard*
21 *County, Maryland, that Section 405 “The Office of Law” subsection (f) “Term of Office”,*
22 *of Article IV, “Offices, Departments and Boards”, of the Howard County Charter, be,*
23 *and is hereby amended to read as follows:*

24 **Section 405. The Office of Law.**

25 (f) *Term of office for the County Solicitor.* The County Solicitor shall serve at the
26 pleasure of the Executive and the Council for a term concurrent with the term of the
27 Executive. The County Solicitor may be removed from office during his or her term by
28 either:

1 (i) The Executive with the consent of a majority of the Council; or

2 (ii) A two-thirds vote of the entire Council.

3 If the County Solicitor ceases to meet the qualifications set forth in Section 405(a) of this
4 Charter, or is convicted of OR PLEADS NOLO CONTENDERE TO any FELONY OR crime
5 involving moral turpitude, he or she shall immediately forfeit his or her office.

6

7

8 **AND BE IT FURTHER RESOLVED** by the County Council of Howard
9 County, Maryland, that at the next general election to be held in Maryland, the proposed
10 amendment to the Howard County Charter shall be submitted to the voters of Howard
11 County for their adoption or rejection in accordance with the provisions of the Article X
12 of the Howard County Charter and Article XIA of the Maryland Constitution, and if
13 adopted by the majority of the voters, shall stand adopted from and after the 30th day
14 following the general election;

15

16 **AND BE IT FURTHER RESOLVED** by the County Council of Howard
17 County, Maryland, that this Resolution, having been approved by two-thirds of the
18 members of the Howard County Council, stands adopted this _____ day of
19 _____, 2012 in accordance with Article X of the Howard County Charter.