

THE EFFECTIVE DATE OF THIS RESOLUTION IS July 19, 2016

RESOLUTION NO. 16-17

RE: Charter Amendment - Revising Subsections 506(b) and (d)
Adoption of the Budget - Deadline and Budget Changes

The Frederick County Charter, Section 701, provides that the Charter may be amended by the procedures provided in Article XI-A of the Maryland Constitution.

Article XI-A, §5 of the Maryland Constitution provides, in relevant part, that amendments to any charter adopted by any County may be proposed by a Resolution of the County Council.

Article XI-A, §5 of the Maryland Constitution provides that a Charter Amendment shall be published by the President of the County Council once a week for five successive weeks prior to the election in at least one newspaper published in the County.

Article XI-A, §5 of the Maryland Constitution provides that an amendment so proposed shall be submitted to the voters of the County at the next general or congressional election occurring after the passage of the Resolution.

Article XI-A, §5 of the Maryland Constitution provides that if at the election the majority of the votes cast for and against the amendment shall be in favor thereof, the amendment shall be adopted and become a part of the Charter of the County from and after the thirtieth day after the election.

The Frederick County Charter, Subsection 506(b), currently requires that a budget change that constitutes a change of substance must satisfy the public hearing, notice and publication requirements for a new Bill contained in §305 of the Charter. This requires two weeks newspaper notice. Generally, this means at least a three week delay in the process.

The Frederick County Charter, Article 5, Budget and Finance, Subsection 506(d), currently provides that the County Council must complete action on the Budget no later than May 25 or the proposed Budget the County Executive submitted becomes law.

Specifically, Subsections 506(b) and 506(d) state:

506. Action on the Budget by the Council

(b) Except as provided in subsection (c) of this section, any change in the proposed Budget to decrease or delete an item in the Budget made pursuant to subsection (a) of this section shall constitute a change of substance requiring compliance with the public hearing, notice and publication requirements of a newly enacted Bill pursuant to Section 305 of this Charter:

(d) The adoption of the Budget shall be by the affirmative vote of not less than four members of the Council in a law enacted not later than May 25, which shall be known as the "Annual Budget and Appropriations Ordinance of Frederick County." If the Council fails to adopt the Budget by May 25 pursuant to this subsection, the proposed Budget as submitted by the Executive shall become law.

Newspaper notice is becoming an anachronism and notice through posting on the County website may be more effective to notify the public. Notice of two days posted on the County website provides sufficient notice of budget changes particularly considering that newspaper notice would have been provided already for the budget hearing. A public hearing would continue to be provided for the budget change.

The Charter provides that the Council only has from April 15 until May 25 to act on the Budget. §506(d). This publication requirement for a change of substance makes a budget change very cumbersome and unwieldy for the Council, particularly considering the limited time the Council has to act on the Budget.

In accordance with Section 701 of the Frederick County Charter and Article XI-A, §5 of the Maryland Constitution, this Resolution proposes that the County Council have until May 31 to enact the Annual Budget and Appropriation Ordinance rather than the current May 25.

The County Council, therefore, adopts this Resolution proposing to amend Subsections 506(b) and 506(d) of the County Charter to read:

506. Action on the Budget by the Council

(b) Except as provided in subsection (c) of this section, any change in the proposed Budget to decrease or delete an item in the Budget made pursuant to subsection (a) of this section shall constitute a change of substance requiring [compliance with the public hearing, notice and publication requirements of a newly enacted Bill pursuant to Section 305 of this Charter:] that a public hearing be held following the posting of a fair summary of the change plus the date, time and place of the public hearing. This notice must be posted on the County website at least two days in advance of the public hearing.

(d) The adoption of the Budget shall be by the affirmative vote of not less than four members of the Council in a law enacted not later than [May 25] May 31, which shall be known as the “Annual Budget and Appropriations Ordinance of Frederick County.” If the Council fails to adopt the Budget by [May 25] May 31 pursuant to this subsection, the proposed Budget as submitted by the Executive shall become law.

The County Council held a duly advertised public hearing on this proposed Resolution on July 5, 2016. The public had an opportunity to comment on the proposed Resolution.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the County Council of Frederick County that the following proposed amendments to the Frederick County Charter, Article 5, Budget and Finance, Subsections 506(b) and 506(d), Action on the Budget by the Council, shall be submitted to the voters of the County at the next general or congressional election in accordance with Section 701 of the Frederick County Charter and Article XI-A, §5 of the Maryland Constitution:

506. **Action on the Budget by the Council**

(b) Except as provided in subsection (c) of this section, any change in the proposed Budget to decrease or delete an item in the Budget made pursuant to subsection (a) of this section shall constitute a change of substance requiring [compliance with the public hearing, notice and publication requirements of a newly enacted Bill pursuant to Section 305 of this Charter:] that a public hearing be held following the posting of a fair summary of the change plus the date, time and place of the public hearing. This notice must be posted on the County website at least two days in advance of the public hearing.

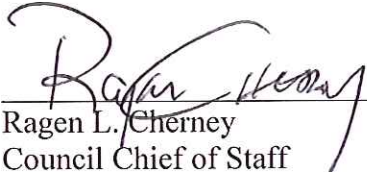
(d) The adoption of the Budget shall be by the affirmative vote of not less than four members of the Council in a law enacted not later than [May 25] May 31, which shall be known as the "Annual Budget and Appropriations Ordinance of Frederick County." If the Council fails to adopt the Budget by [May 25] May 31 pursuant to this subsection, the proposed Budget as submitted by the Executive shall become law.

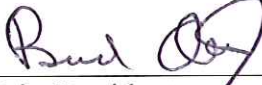

AND BE IT HEREBY FURTHER RESOLVED by the County Council of Frederick County, that pursuant to Section 701 of the Frederick County Charter and Article XI-A, §5 of the Maryland Constitution, the amendments shall be published by the President of the County Council once a week for five successive weeks prior to the election in at least one newspaper published in Frederick County.

The undersigned hereby certifies that this Resolution was approved and adopted on the 19th day of July, 2016.

ATTEST:

COUNTY COUNCIL OF
FREDERICK COUNTY, MARYLAND


Ragen L. Cherney
Council Chief of Staff

By: 
Bud Otis, President 

Underlining indicates matter to be added to the Charter.
[Single boldface brackets] indicate matter to be deleted from the Charter.