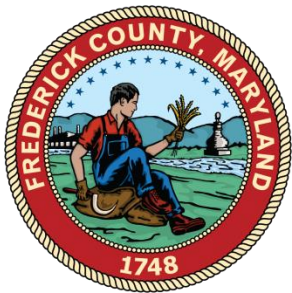




Council Process

An Overview



County Council Information Briefing
December 6, 2022

Local Government – Powers

- Local governments are created by the state
Have only those powers granted by the State



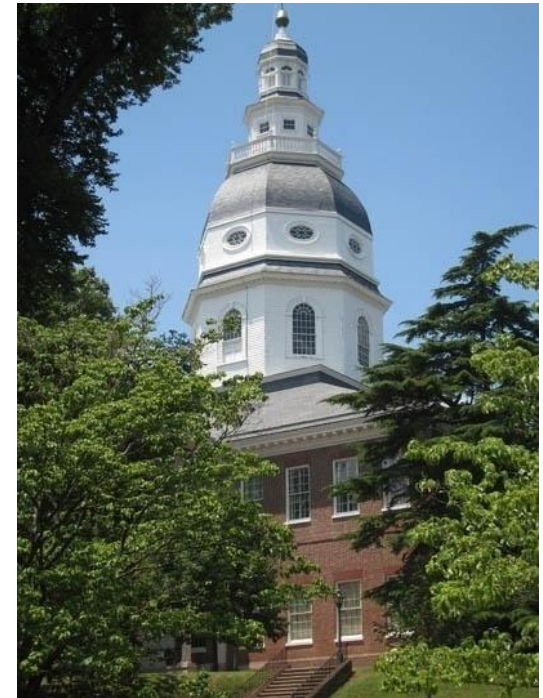
Frederick County Charter

- A charter is simply a document that spells out the authority and structure of a local government
- Can be considered a constitution for local government



What is included in the charter?

1. Authority and functions of elected officials.
2. Elected and Appointed positions.
3. Term limits for elected officials.
4. District and at-large election of Council.
5. Referendum procedures.
6. Compensation amounts for elected officials.
7. Budget process.
8. Process for passing local laws.



Frederick County Council Responsibilities

County Charter – the charter provides the County Council with several express responsibilities including:

1. All **legislative** powers of the County under Maryland law are vested in the County Council (except referendum) (§ 202 and § 301)
2. The County Council acts on the budget proposed by the Executive (§ 506)
3. Council elects a President and Vice President at its first scheduled meeting and biennially thereafter (§ 210)

Frederick County Council Responsibilities

4. The Council has responsibilities for appropriations including
 - a. certain transfers of appropriations (§ 509)
 - b. supplemental appropriations (§ 510)
 - c. emergency appropriations (§ 511)
5. Council confirms Executive appointments (§§ 410, 411, 412, 501)
6. Council engages an independent auditor (§ 704)

Frederick County Council

Responsibilities

7. Council may investigate the affairs of the County and issue certain subpoenas on vote of six members (§ 211)
8. The Council establishes a Salary Review Commission every four years (§ 207) (consider early during 3rd year of term – begins December 2020)
9. New Council appoints a Redistricting Committee after decennial census (next one in 2020) (§ 214)
10. New Council will appoint a Charter Review Commission after the 2018 election (§703)

Non-Interference Provision

§212(a)

1. Prohibition on Council

The Council and its individual members are prohibited from:

- appointing, dismissing or giving direction to any Executive branch employee
- exception where provided in State law or this Charter

Council Legislative Process

1. The Council may sit in both legislative and non-legislative (workshop) sessions (§§ 302, 303)

2. Legislative Session

- Enact legislation
- Introduce Legislation

3. Non-legislative Session

- any activity within the Council's powers except enacting or introducing legislation

Legislative Days

1. 1st and 3rd Tuesday of each month
2. Any additional days the Council determines necessary
 - Not to exceed 45 legislative days in a calendar year
3. No legislation may be enacted in November of an election year

Agenda Preparation

1. President is to prepare an agenda each meeting (with help of Council Staff)
2. Members may request items be added to agenda
3. Agendas are published online
4. Can be amended
5. Documents for agenda should be provided a week before the meeting

Enacting Legislation

1. Must be by a written bill
 - Bills will embrace one subject, described in the title, and must reflect exact wording of law
 - Bills shall be drafted in coordination with the County Attorney

Life Cycle of a Bill

1. Workshops will be held on all legislation
2. Bill is introduced at a legislative session – First Reading
 - Affirmative vote of 5 members can reject bill at this stage
 - Copy of Bill must be publicized (County website) within 72 hours
 - Fiscal note
3. Public hearing on bill – Second Reading
 - Public hearings at 7 pm
 - Advertised 1 x week for 2 weeks

Life Cycle of a Bill

4. Third Reading – opportunity for Council to enact a bill or amend a bill

- Enactment requires affirmative vote of at least 4 members
- Amendments – if substantive, requires new notice and public hearing
 - Amendments must be reduced in writing before it is adopted
 - Amendments should be reviewed by legal

5. Bills are void if not enacted within 90 days

Life Cycle of a Bill

6. Any bill which does not achieve a majority vote and fails to be adopted by the council, or is vetoed by the county executive and not overridden, may not be re-introduced until one (1) calendar year from the date of the council's last vote on the bill.
7. Enacted bills must be delivered to County Executive within 10 business days after passage
8. Executive can 1) Approve, 2) No action, 3) Veto

Life Cycle of a Bill

9. If the Executive vetoes the bill, it shall be returned to the Council together with reasons for the veto stated in writing

10. No later than the next legislative session immediately following the veto, the Council may override the veto with the affirmative vote of five (5) members

11. Legislation goes into effect 60 days after enactment

Resolutions

1. Require a first reading and a final reading
2. Can be rejected by 2/3 vote upon introductions
3. Public hearing may be held
4. Takes effect on adoption
5. Exceptions – water and sewer, solid waste management, may be introduced and adopted on the same night

Ordinances

1. Annual Budget and Appropriations
2. Rezoning or comprehensive Zonings
3. Open Close Alter (roads)

Quasi-Judicial Matters

1. Applies specifically, involves discretion; specific set of facts applied to set of criteria.
 - Examples include Rezoning (piecemeal, floating zone-PUD, MXD), Water & Sewerage Plan Amendments and Historic District Designations
2. Record – individuals who testify must be sworn in
3. Opportunity for cross-examination
4. Council decides