

Resolution No. 12-1790
Introduced: August 15, 1994
Adopted: August 15, 1994

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: County Council

Subject: Proposed Amendments to County Charter by petition; ballot titles

Background

(1) Section 5 of Article XI-A of the Constitution of Maryland provides that amendments to the Charter of Montgomery County may be proposed by a petition signed by at least 10,000 registered voters of the County.

(2) Under Section 23-1 of Article 33 of the Annotated Code of Maryland, proposed Charter amendments must be certified to the Board of Supervisors of Elections on or before the third Monday in August in the year in which there will be a general or Congressional election at which those Charter amendments are to be submitted to the voters.

(3) A petition to amend Section 511 of the Charter and add Section 510A to the Charter has been filed with the Board of Supervisors of Elections. The Board of Supervisors of Elections has not determined whether the petition qualifies for inclusion on the 1994 general election ballot.

(4) A petition to amend Section 305 of the Charter has also been filed with the Board of Supervisors of Elections. The Board of Supervisors of Elections has not determined whether the petition qualifies for inclusion on the 1994 general election ballot.

(5) Section 16-16 of the Montgomery County Code provides that a ballot title or summary, prepared by the Council, of all proposed Charter amendments shall appear in print on the voting machine or ballot.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

(1) If the following Charter amendment qualifies for inclusion on the 1994 general election ballot, the following ballot title shall appear on the ballot as Question C.

C

By petition the voters of Montgomery County propose to amend Section 511 of the Charter of Montgomery County, and add Section 510A to the Charter of Montgomery County, to read as follows:

Section 510A

Collective Bargaining - Fire Fighters

The Montgomery County Council shall provide by law for collective bargaining with binding arbitration with an authorized representative of the Montgomery County career fire fighters. Any law so enacted shall prohibit strikes or work stoppages by career fire fighters.

Section 511

Collective Bargaining - County Employees

The Montgomery County Council may provide by law for collective bargaining, with arbitration or other impasse resolution procedures, with authorized representatives of officers and employees of the County government not covered by either Section 510 or Section 510A of this Charter. Any law so enacted shall prohibit strikes or work stoppages for such officers and employees.

The ballot title shall be designated and read as follows:

Question C

Collective Bargaining - Fire Fighters

Amend Section 511 of the County Charter, and add Section 510A to the County Charter, to require the County Council to enact a law providing for collective bargaining with binding arbitration with a representative of the County career fire fighters, and reaffirm the existing requirement in the Charter that collective bargaining laws include a prohibition against strikes or work stoppages by employees covered by collective bargaining.

(2) If the following Charter amendment qualifies for inclusion on the 1994 general election ballot, the following ballot title shall appear on the ballot as Question D, except that it shall appear as Question C if the Charter amendment designated as Question C above does not qualify for inclusion on the ballot.

D

By petition the voters of Montgomery County propose to amend Section 305 of the Charter of Montgomery County to read as follows:

Section 305

Approval of the Budget; Tax Levies

The Council may add to, delete from, increase or decrease any appropriation item in the operating or capital budget. The Council shall approve each budget, as amended, and appropriate the funds therefor not later than June 1 of the year in which it is submitted. An aggregate operating budget which exceeds the aggregate operating budget for the preceding fiscal year by a percentage increase greater than that of the Consumer Price Index for all urban consumers for the Washington metropolitan area for the twelve months preceding December first of each year requires the affirmative vote of six Councilmembers. For the purposes of this section, the aggregate operating budget shall exclude operating budgets for enterprise funds, the Washington Suburban Sanitary Commission, the bi-county portion of the Maryland-National Capital Park and Planning Commission, and the Washington Suburban Transit Commission. The Council, sitting as a spending affordability committee, shall annually adopt spending affordability guidelines for the capital and operating budgets, including guidelines for the aggregate capital and aggregate operating budgets. The Council shall by law establish the process and criteria for adopting spending affordability guidelines. Any aggregate capital budget or aggregate operating budget that exceeds the guidelines then in effect requires the affirmative vote of seven Councilmembers for approval.

[By June 30 each year, the Council shall make tax levies deemed necessary to finance the budgets. Unless approved by an affirmative vote of seven Councilmembers, the Council shall not levy an ad valorem tax on real property to finance the budgets that will produce total revenue that exceeds the total revenue produced by the tax on real property in the preceding fiscal year plus a percentage of the previous year's real property tax revenues that equals any increase in the Consumer Price Index as computed under this section. This limit does not apply to revenue from (1) newly constructed property, (2) newly rezoned property, (3) property that, because of a change in state law, is assessed differently than it was assessed in the previous tax year, (4) property that has undergone a change in use, and (5) any development district tax used to fund capital improvement projects.]

Before June 30 each year, the Council shall make tax levies deemed necessary to finance the budgets. The Council shall not levy an ad valorem tax on real property to finance the budgets that will produce total revenue that exceeds the total revenue produced by the tax on real property in the preceding fiscal year (Previous Year's Ad Valorem Tax) (PYAVT),

plus a percentage of the previous year's real property tax revenues that equals any increase in the Consumer Price Index as computed under this Section (Consumer Price Index Increase) (CPII),

plus any increase in revenue from (1) newly rezoned property, (2) property that, because of a change in state law, is assessed differently than it was assessed in the previous tax year and (3) property that has undergone a change in use (Property Change Increase) (PCI),

plus new revenues (1) from newly constructed property and (2) from any development district tax used to fund capital improvement projects (New Source Revenues) (NSR),

minus the previous year's County income tax revenues in excess of the 52% level of state income tax (Previous Year's Excess Piggyback Tax) (PYEPT).

The formula for the County ad valorem tax levy shall thus be: PYAVT + CPII + PCI + NSR - PYEPT.

The above provisions shall not be overridden except in the case of an emergency and then only upon the unanimous vote of all Councilmembers.

The ballot title shall be designated and read as follows:

Question D

Property Tax - Relation to Income Tax

Amend Section 305 of the County Charter to:

- allow property and income tax rate restrictions to be overridden only in an emergency and by a unanimous vote of all Councilmembers; and
- require the County Council, when setting rates for the real property tax, to reduce the total revenue produced by that tax in any fiscal year by the amount of revenue received during the preceding fiscal year from the county income tax in excess of the revenue that would have been received if the income tax rate were 52% of the state income tax.

This is a correct copy of Council action.

Mary A. Edgar

Mary A. Edgar, CMC
Acting Secretary of the Council