

Resolution No.: 15-1556
Introduced: July 25, 2006
Adopted: July 25, 2006

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Proposed Amendments to County Charter

Background

(1) Section 5 of Article XI-A of the Maryland Constitution, Section 7-102(c)(3)(i) of the Elections Article of the Maryland Code, and Section 16-14 of the Montgomery County Code provide that amendments to the Charter of Montgomery County may be proposed by a resolution of the County Council. Section 5 of Article XI-A of the Constitution also provides that amendments to the Charter may be proposed by a petition signed by at least 10,000 registered voters of the County and filed with the President of the County Council.

(2) Under Section 7-103(c)(3)(i) of the Elections Article of the Maryland Code, proposed Charter amendments must be certified to the County Board of Elections on or before the third Monday in August in the year of a general or Congressional election at which those Charter amendments will be submitted to the voters. Section 16-16 of the County Code provides that a ballot title or summary, prepared by the County Council, of all proposed Charter amendments must appear in print on the voting machine or ballot.

(3) The Council intends to submit to the County Board of Elections for inclusion on the 2006 general election ballot:

Question A, Compensation of Councilmembers, which would amend §107 of the Charter; and

Question B, Timing of Legislation, which would amend §208 of the Charter.

(4) A petition to amend Section 305 of the Charter has been circulated and may be filed with the County Board of Elections. The Board of Elections has not determined whether the petition would qualify for inclusion on the 2006 general election ballot.

Action

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

The following Charter amendments must be placed on the 2006 general election ballot:

A

Compensation of Councilmembers

The County Council proposes to amend Section 107 of the Charter of Montgomery County as follows:

SECTION 107 Compensation

The Council shall prescribe by law the compensation for its members. Membership on the Council shall be considered a full-time position for the purpose of determining compensation. No change in the compensation of members of the Council shall become effective during the term of office of the Council enacting the change.

The ballot for this question must be designated and read as follows:

Question A

Charter amendment by act of County Council

Compensation of Councilmembers

Amend Section 107 of the County Charter to specify that membership on the Council must be considered a full-time position for the purpose of setting Councilmembers' compensation.

FOR AGAINST



B

Timing of Legislation

The County Council proposes to amend Section 208 of the Charter of Montgomery County as follows:

SECTION 208 Veto

Upon the enactment of any legislation by the Council, [it] the Council President shall [be delivered] within three days deliver it to the County Executive, who within ten days [thereafter] after receiving it shall approve or disapprove it. If the [County] Executive disapproves such legislation [it] the Executive shall [be returned] return it to the Council within [three days after the Executive disapproves it] ten days after receiving it, with the reasons for the Executive's disapproval stated in writing. Not later than 60 days after receiving the Executive's message of disapproval, the Council may, by the affirmative vote of six members, enact legislation over the disapproval of the [County] Executive.

Any legislation which the Executive has [been] neither approved nor disapproved [by the County Executive] shall become law on the [fourteenth] eleventh day after [enactment] the Executive receives it. The Council may by law further specify how any period of time mentioned in this section is measured.

The ballot for this question must be designated and read as follows:

Question B

Charter amendment by act of County Council

Timing of Legislation

Amend Section 208 of the County Charter to clarify when the County Council must send enacted legislation to the County Executive and when the Executive must act on that legislation.

FOR AGAINST



C

Charter amendment by petition

Property Tax Limit – Votes Needed to Override

This section of this resolution is effective only if the petition containing the following Charter amendment qualifies for inclusion on the 2006 ballot. By petition the voters of Montgomery County propose to amend Section 305 of the Charter of Montgomery County 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 therefore 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 the annual average increase of the Consumer Price Index for all urban consumers for the Washington-Baltimore metropolitan area, or any successor index, 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 does not include: (1) the operating budget for any enterprise fund; (2) the operating budget for the Washington Suburban Sanitary Commission; (3) expenditures equal to tuition and tuition-related charges estimated to be received by Montgomery College; and (4) any grant which can only be spent for a specific purpose and which cannot be spent until receipt of the entire amount of revenue is assured from a source other than County government.

The Council 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 nine, ~~not 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.

If the petition containing the preceding Charter amendment qualifies for inclusion on the 2006 ballot, the ballot for this question must be designated and read as follows:

Question C

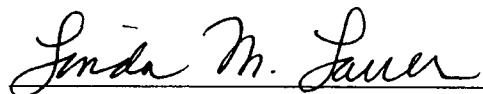
Charter amendment by petition

Property Tax Limit – Votes Needed to Override

Amend Section 305 of the County Charter to increase from 7 to 9 the number of Council members' votes needed to levy a tax on real property that will produce revenue that exceeds the annual property tax revenue limit set in Section 305.

FOR AGAINST

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council