

Resolution No.: 15-1557

Introduced: July 25, 2006

Adopted: July 25, 2006

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Qualification For Ballot Of Petitioned Amendment To County Charter

Background

(1) Section 5 of Article XI-A of the Maryland Constitution 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 and filed with the President of the County Council. Section 7-102(c)(3)(ii) of the Elections Article of the Maryland Code provides that an amendment to the Charter will qualify to be placed on the general election ballot if the governing body of the County determines that the petition that submitted the amendment has satisfied all requirements of law relating to petitions initiating Charter amendments.

(2) Although the Elections Article of the Maryland Code does not define the term "governing body", the County Council interprets that term, consistent with other state laws and court decisions interpreting them, to mean the County Council and County Executive acting jointly.

(3) 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. A separate resolution, adopted by the County Council concurrently with this resolution, contains those ballot titles.

(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 qualifies for inclusion on the 2006 general election ballot.

Action

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

The County Council finds, as required by Section 7-102(c)(3)(ii) of the Elections Article of the Maryland Code, that the following amendment to the County Charter proposed by petition will have met all requirements of state law and thus qualify for inclusion on the 2006 general election ballot if the County Board of Elections finds that a sufficient number of valid petition signatures have been submitted and the petition otherwise appears to have satisfied all requirements of law:

SECTION 305 Approval of the Budget; Tax Levies

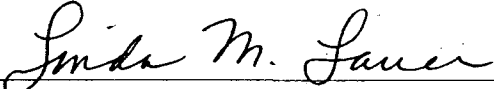
The Council may add to, delete from, increase or decrease any appropriation item in the operating or capital budget. The Council shall approve each budget, as amended, and appropriate the funds therefore not later than June 1 of the year in which it is submitted.

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.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council

Approved:

Returned Unsigned

Douglas M. Duncan, County Executive

CLERK'S NOTE: This resolution did not take effect because it was not signed by the Executive. Also, this petition was not submitted to the Council for ballot qualification.