

HOUSE BILL 1281

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CF 2lr2938

By: **Chair, Baltimore County Delegation (By Request – Baltimore County Administration)**

Introduced and read first time: February 14, 2012

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County – Cooperative or Joint Administration of Programs**

3 FOR the purpose of authorizing the County Council of Baltimore County and the
4 County Executive of Baltimore County to enter into certain agreements for the
5 cooperative or joint administration of certain programs; and generally relating
6 to the authorization of cooperative or joint administration of programs by the
7 County Council of Baltimore County and the County Executive of Baltimore
8 County.

9 BY repealing and reenacting, with amendments,
10 Article – Education
11 Section 4–123
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2011 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Education**

17 4–123.

18 (a) (1) **(I)** A county board may enter into an agreement for the
19 cooperative or joint administration of programs with one or more:

20 **[(i)] 1.** County boards;

21 **[(ii)] 2.** Other educational institutions or agencies; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 [(iii)] 3. Boards of county commissioners or county councils.

2 (II) THE BOARD OF EDUCATION OF BALTIMORE COUNTY
3 MAY ENTER INTO AN AGREEMENT FOR THE COOPERATIVE OR JOINT
4 ADMINISTRATION OF PROGRAMS WITH THE COUNTY EXECUTIVE OF
5 BALTIMORE COUNTY.

6 (2) Agreements made under this section may include the cooperative
7 or joint administration of programs that relate to:

8 (i) Personnel;

9 (ii) Purchasing;

10 (iii) Accounting;

11 (iv) Data processing;

12 (v) Printing;

13 (vi) Insurance;

14 (vii) Building maintenance; and

15 (viii) Transportation.

16 (b) If an agreement made under this section establishes a separate
17 administrative entity to conduct or administer the joint or cooperative undertaking
18 with power to employ persons, receive and spend money, or receive and spend federal
19 or State grants and appropriations, the agreement shall specify the following:

20 (1) The duration of the agreement;

21 (2) The organization, composition, and nature of any separate
22 administrative entity established;

23 (3) A statement of the powers of the entity and the manner of
24 representation and participation of each cooperating board or agency in the program
25 and that, if a joint board is established, each public agency party to the agreement
26 shall be represented on it;

27 (4) The purpose of the administrative entity;

28 (5) The manner of financing the joint or cooperative undertaking and
29 of establishing and maintaining its budget, including the manner for receiving,
30 holding, and disbursing federal and other grants and appropriations, and the
31 responsibilities of each cooperating unit of government involved for the payment of the

1 share of the employer in any pension, retirement, or insurance plan administered by
2 any of the participants;

3 (6) The manner of acquiring, holding, and disposing of property used
4 in the joint or cooperative undertaking;

5 (7) The method to be used in accomplishing the partial or complete
6 termination of the agreement and for disposing of property on partial or complete
7 termination; and

8 (8) Any other necessary and proper matters.

9 (c) (1) Before any agreement made under subsection (b) of this section
10 becomes effective, it shall:

11 (i) Be approved by the county governing body; and

12 (ii) Be submitted to the Attorney General.

13 (2) If the Attorney General finds that the agreement is not in proper
14 form or not compatible with the laws of this State, the Attorney General shall give
15 written details to the governing body of each public agency concerned as to how the
16 proposed agreement fails to meet the requirements of law.

17 (d) A cooperative entity established under subsection (b) of this section may
18 administer only the programs and exercise only the powers and duties specifically
19 delegated to it by the public bodies party to the agreement.

20 (e) An agreement made under this section does not relieve any county board
21 or other participant of any obligation or responsibility imposed on it by law, except
22 that actual and timely performance by a joint board or other administrative entity
23 established by an agreement under this section may be offered by the board in
24 satisfaction of the obligation or responsibility.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 July 1, 2012.