

HARFORD COUNTY BILL NO. 22-025 (As Amended)

Brief Title (Revisions to Article I Chapter 4 Legislative Branch)

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

**CERTIFIED TRUE AND CORRECT**

Mykia A. Dixon  
Council Administrator

Date 1/17/23

**ENROLLED**

Patrick Vincent  
Council President

Date 1/17/23

**BY THE COUNCIL**

Read the third time.

Passed: LSD 23-003

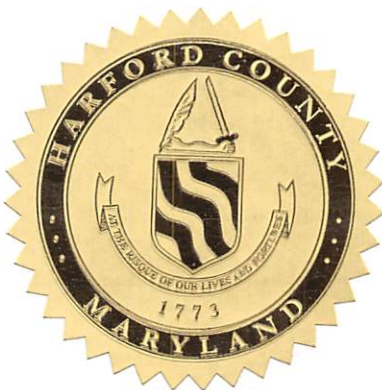
Failed of Passage: \_\_\_\_\_

By Order

Mykia A. Dixon  
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 18<sup>th</sup> day of January, 2023 at 3:00 p.m.

Mykia A. Dixon  
Council Administrator



**BY THE EXECUTIVE**

X  
COUNTY EXECUTIVE

APPROVED: Date X

**BY THE COUNCIL**

This Bill No. 22-025 (As Amended) having received neither the approval nor disapproval of the Executive within twenty-one (21) days of its presentation, becomes law on February 8, 2023.

EFFECTIVE: April 10, 2023

**BILL NO. 22-025**  
**As Amended**

COUNTY COUNCIL  
OF  
HARFORD COUNTY, MARYLAND  
BILL NO. 22-025 (As Amended)

Introduced by Council President Vincenti and Council Members Guthrie, Penman, Giangiordano,  
Reilly, Boyle-Tsottles and Bennett

Legislative Day No. 22-028 Date December 13, 2022


AN ACT to repeal, and reenact, with amendments, Article I, Legislative Branch, of Chapter 4, Administration of Government, of the Harford County Code, as amended; to provide for a comprehensive revision to reflect changes made by Charter Amendments in Bill No. 76-30; Bill No. 80-40; Bill No. 82-42; Bill No. 82-51; Bill No. 84-44; Bill No. 87-51; Bill No. 88-32; Bill No. 88-33; Bill No. 88-34; Bill No. 96-37; Bill No. 12-29; Bill No. 12-31; Bill No. 12-32; Bill No. 14-17; Bill No. 14-18; Bill No. 22-005; Bill No. 22-007; and Charter Amendment by Petition in 2000; all approved by the voters of Harford County; to delete all gender-referenced language and to substitute in lieu thereof appropriate gender-neutral language; to correct obsolete references and punctuation errors; and generally relating to Legislative Branch.

By the Council, December 13, 2022

Introduced, read first time, ordered posted and public hearing scheduled:


on: January 10, 2023

at: 6:30 PM

By Order: , Council Administrator

**PUBLIC HEARING**

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on January 10, 2023, and concluded on January 10, 2023.

, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language

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lined through indicates matter stricken out of Bill  
by amendment.

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Section 1. Be It Enacted By The County Council of Harford County, Maryland that Article I, Legislative Branch, of Chapter 4, Administration of Government, of the Harford County Code, as amended, be, and it is hereby, repealed, and reenacted, with amendments, all to read as follows:

**CHAPTER 4 ADMINISTRATION OF GOVERNMENT**

**ARTICLE I, LEGISLATIVE BRANCH**

**§ 4-1 Composition; membership of Council.**

The Legislative Branch of the [county] COUNTY government shall consist of the County Council, hereinafter referred to as the "Council," and the officers and employees thereof. The Council shall be composed of seven [(7)] members.

**§ 4-2 General legislative powers of Council.**

All legislative powers which may be exercised by [the {county}] HARFORD COUNTY under the Constitution and laws of [the state] MARYLAND, including all lawmaking powers heretofore exercised by the General Assembly but transferred to the People of the [county] COUNTY by virtue of the adoption of the Charter, shall be vested in the Council.

**§ 4-3 Council to act as body.**

In all of its functions and deliberations, the Council shall act as a body. [and shall have no power to create standing committees or to delegate any of its functions or duties to a smaller number of its members than the whole.]

**§ 4-4 Election of Council members.**

[A. All Councilmen shall be nominated and elected by the qualified voters of the entire county at the same time as state officers and in the manner provided by law. Six (6) Councilmen, at the time of their election, shall each reside in a different one of six (6) Councilmanic districts of the county. The seventh member of the Council shall be the President of the Council and may reside anywhere in the county.

B. In all Councilmanic elections, after such action is permitted by the Constitution of the state, each of the six (6) members of the Council required to reside in Councilmanic districts shall be

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1 nominated and elected by the qualified voters of the Councilmanic district in which he resides.]  
2 SIX COUNCIL MEMBERS, AT THE TIME OF THEIR ELECTION, SHALL EACH RESIDE IN  
3 A DIFFERENT ONE OF SIX COUNCIL DISTRICTS OF THE COUNTY. THE SEVENTH  
4 MEMBER OF THE COUNCIL SHALL BE THE PRESIDENT OF THE COUNCIL AND MAY  
5 RESIDE ANYWHERE IN THE COUNTY. EACH MEMBER OF THE COUNCIL REQUIRED  
6 TO RESIDE IN A COUNCIL DISTRICT SHALL BE NOMINATED AND ELECTED BY THE  
7 QUALIFIED VOTERS OF THE COUNCIL DISTRICT IN WHICH THE MEMBER RESIDES;  
8 THE PRESIDENT SHALL BE NOMINATED AND ELECTED BY THE QUALIFIED VOTERS  
9 OF THE ENTIRE COUNTY. ALL COUNCIL MEMBERS SHALL BE NOMINATED AND  
10 ELECTED AT THE SAME TIME AS STATE OFFICERS AND IN THE MANNER PROVIDED  
11 BY LAW.

12 **§ 4-5 Council districts.**

13 A. Harford County is hereby divided into 6 Council districts for the purposes of Article II of the  
14 Charter.

15 B. The Council districts are composed of the election precincts as contained established by the  
16 Board of Supervisors of Elections, as the precincts exist on November 2, 2021, as follows:

17 District A

18 1-01 Edgewood

19 1-02\* Joppa-Magnolia – the portion south of I-95

20 1-03 Edgewood

21 1-04 Joppatowne

22 1-05 Edgewood

23 1-06 Edgewood

24 1-07\* Winters Run – the portion south of I-95

25 1-10 Abingdon

26 1-19 Willoughby

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- 1 1-23 Joppatowne
- 2 1-24 Magnolia
- 3 1-41 Magnolia
- 4 1-45 Joppatowne
- 5 District B
- 6 1-02\* Joppa-Magnolia – the portion north of I-95
- 7 1-07\* Winters Run – the portion north of I-95
- 8 1-08 Emmorton
- 9 1-09 Singer
- 10 1-11\* Box Hill – the portion of 1-11 north of the following roads: Boxridge Drive, Huxley Circle,
- 11 Laurentum Parkway (two sections), Boxthorn Road, and Falkland Drive.
- 12 1-12\* Abingdon – the portion of 1-12 west of Laurel Bush Road.
- 13 1-13\* Abingdon – the portion west of the Haha Branch Stream drainage from Box Hill South Parkway
- 14 to I-95.
- 15 1-15 Constant Friendship
- 16 1-21\* Magness – the portion of 1-21 west of Preston Lane and north of Valiant Drive.
- 17 1-26\* Abingdon – the portion of 1-26 north of Md 924.
- 18 3-03 Fallston
- 19 3-06 Fallston/Gunpowder
- 20 3-07 Wilna
- 21 3-13\* Bel Air – the portion of 3-13 west of the Bel Air Bypass or south of North Tollgate Road.
- 22 4-02 Upper Crossroads
- 23 4-05\* Upper Crossroads – the portion of 4-05 south of the following: beginning at the intersection of
- 24 Fallston Road and Charles Street, Charles Street, West Branch Stream, the western boundary of Census
- 25 Block 3005, the southern boundary of Census Block 3000, ending at the point where Census Block
- 26 3000 intersects with Baldwin Mill Road.

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- 1 District C
- 2 1-14 Bel Air South
- 3 3-05\* Forest Hill – the portion of 3-05 south of East-West Highway.
- 4 3-08 Rock Spring
- 5 3-09 Forest Lake
- 6 3-10 Town of Bel Air
- 7 3-11 Town of Bel Air
- 8 3-12 Town of Bel Air
- 9 3-13\* Bel Air – the portion of 3-13 east of the Bel Air Bypass and north of North Tollgate Road.
- 10 3-14 Bel Air
- 11 3-15 Bel Air
- 12 3-16 Bel Air
- 13 3-17 Bel Air
- 14 3-19\* Bel Air- the portion of 3-19 southeast of Hickory Bypass.
- 15 3-24\* Frogtown – the portion of 3-24 southeast of Bynum Road. portions of 3-24 that are southeast of
- 16 Bynum Road, south/southeast of Robin Circle and south of Granary Road.
- 17 3-25 Bel Air
- 18 3-27 Bel Air
- 19 District D
- 20 2-02\* Hopewell – the portions of District 2-02 that are north of Churchville Road, west of Aldino
- 21 Stepney Road, and north of Gilbert Road with the exclusion of Census Blocks 2020 and 2025.
- 22 2-20 Aberdeen
- 23 2-21 Hopewell
- 24 3-04 Harkins
- 25 3-05 Forest Hill – the portion of 3-05 north of East-West Highway.
- 26 3-19\* Bel Air- the portion of 3-19 northwest of Hickory Bypass.

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- 1 3-24\* Frogtown – the portion of 3-24 northwest of Bynum Road. portions of 3-24 that are northwest of  
2 Bynum Road, north/northeast of Robin Circle and north of Granary Road.
- 3 3-26 Bel Air
- 4 4-01 Jarrettsville
- 5 4-03 Norrisville
- 6 4-04 Jarrettsville
- 7 4-05\* Upper Crossroads – the portion of 4-05 north of the following: beginning at the intersection of  
8 Fallston Road and Charles Street, Charles Street, West Branch Stream, the western boundary of Census  
9 Block 3005, the southern boundary of Census Block 3000, ending at the point where Census Block  
10 3000 intersects with Baldwin Mill Road.
- 11 4-06 Jarrettsville
- 12 4-07 Jarrettsville
- 13 4-08 Norrisville
- 14 5-01 Dublin
- 15 5-02 Stearns
- 16 5-03 Whiteford
- 17 5-04 Darlington
- 18 6-04 Havre de Grace
- 19 6-07\* Oakington – the portion of 6-07 north of Chapel Road.
- 20 District E
- 21 2-01 Aberdeen
- 22 2-02\* Hopewell – the portions of District 2-02 that are south of Churchville Road, east of Aldino  
23 Stepney Road, and south of Gilbert Road with the inclusion of Census Blocks 2020 and 2025.
- 24 2-04 Aberdeen
- 25 2-05 Swan Creek
- 26 2-06 City of Aberdeen



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- 1 2-07 Hopewell
- 2 2-10 City of Aberdeen
- 3 2-11 City of Aberdeen
- 4 2-14\* City of Aberdeen – the portion of 2-14 with exception of Census Block 2025.
- 5 2-15 City of Aberdeen
- 6 2-22 Aberdeen
- 7 3-02 Churchville
- 8 3-18 Bel Air
- 9 3-20 Prospect Mill
- 10 3-21 Fountain Green
- 11 3-22 Thomas Run
- 12 3-23 Greenbrier
- 13 6-03\* Havre de Grace – all portions of 6-03 west of Swan Creek.
- 14 6-05 City of Aberdeen
- 15 6-07\* Oakington – the portion of 6-07 south of Chapel Road excluding Census Block 1000.
- 16 District F
- 17 1-11\* Box Hill – the portion of 1-11 south of the following roads: Boxridge Drive, Huxley Circle,
- 18 Laurentum Parkway (two sections), Boxthorn Road, and Falkland Drive.
- 19 1-12\* Abingdon – the portion of 1-12 east of Laurel Bush Road.
- 20 1-13\* Abingdon – the portion east of the Haha Branch Stream drainage from Box Hill South Parkway
- 21 to I-95.
- 22 1-16 Riverside
- 23 1-17 Creswell
- 24 1-18 Bush
- 25 1-20 Belcamp
- 26 1-21\* Magness – the portion of 1-21 east of Preston Lane and south of Valiant Drive.

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1-22 Abingdon  
1-25 Abingdon  
1-26\* Abingdon – the portion of 1-26 south of Md 924.  
1-27 Creswell  
2-03 Perryman  
2-14\* City of Aberdeen – the portion of 2-14 comprised of Census Block 2025.  
2-19 Aberdeen Proving Grounds  
6-01 Havre de Grace  
6-02 Meadowvale  
6-03\* Havre de Grace – all portions of 6-03 east of Swan Creek.  
6-06 City of Havre de Grace  
6-07\* Oakington – the portion of 6-07 comprised of Census Block 1000.

C. The boundary lines of the Council districts are as shown on the following map:

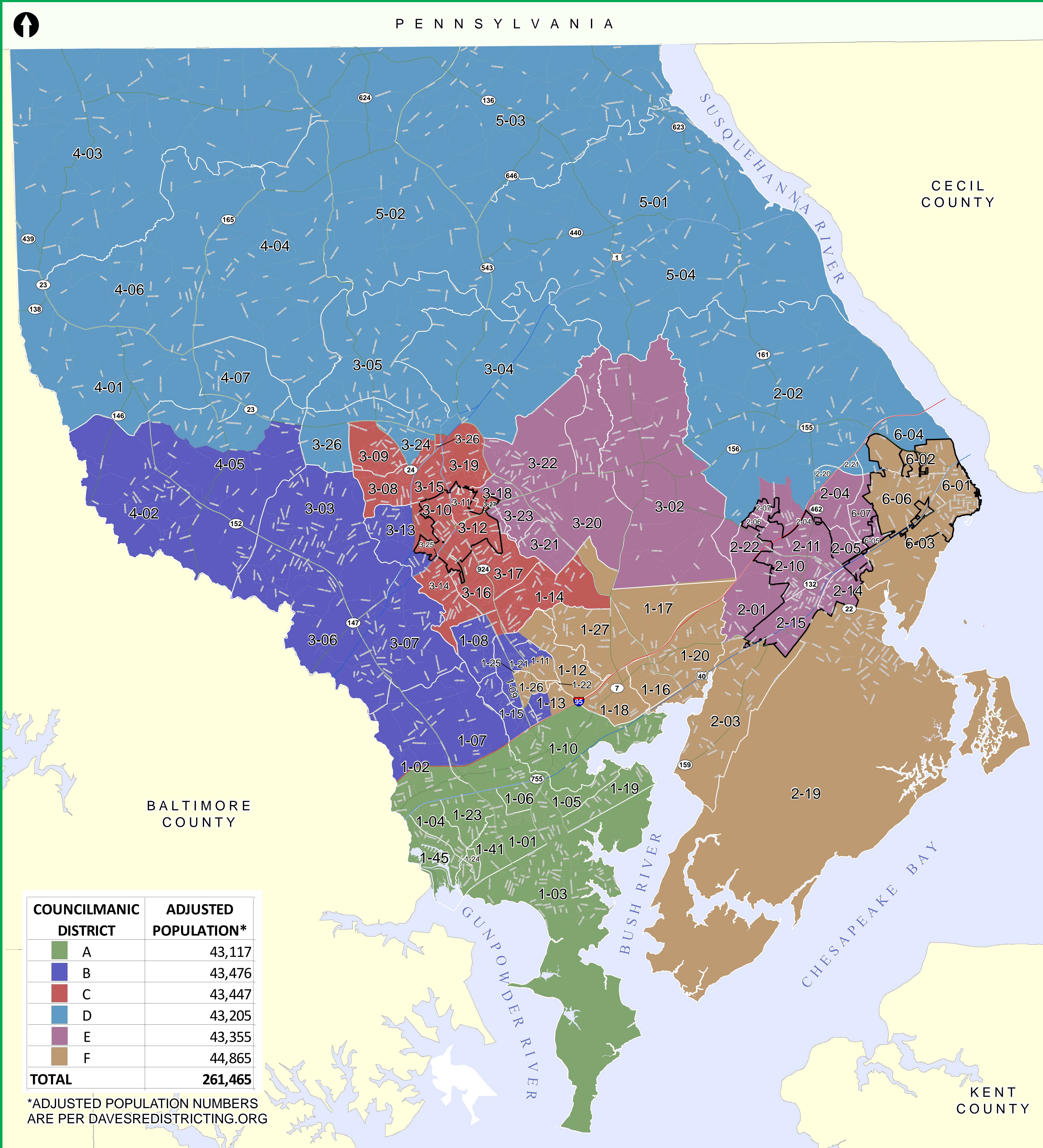
**§ 4-6 Redistricting procedure.**

A. The boundaries of [Councilmanic] COUNCIL districts shall be established in 1974 and reestablished in 1982 and every 10th year thereafter. Whenever district boundaries are to be established or reestablished, the Council shall appoint, not later than February 15 of the year prior to the year in which redistricting is to be effective, a Commission on Redistricting, composed of two [(2)] members from each political party chosen from a list of five [(5)] names submitted by the Central Committee of each political party which polled at least fifteen percent [(15%)] of the total vote cast for all candidates for the Council in the immediately preceding regular election OR WHICH HAD AT LEAST FIFTEEN PERCENT OF THE REGISTERED VOTERS IN THE COUNTY ON THE DATE OF THAT ELECTION. The Council shall appoint one [(1)] additional member of the Commission, WHO SHALL NOT BE A MEMBER OF ANY OF THE POLITICAL PARTIES ENTITLED TO TWO MEMBERS OF THE COMMISSION AND SHALL BE



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## HARFORD COUNTY, MARYLAND



Note: Map reflects amendments 1-5.

Source: Harford County Department of Planning and Zoning, December 2021



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A REGISTERED VOTER IN HARFORD COUNTY. The Commission shall, at its first meeting, select one [(1)] of its members to serve as [Chairman] CHAIR. No person shall be eligible for appointment to the Commission if ~~he~~ THAT PERSON holds any elected office.

B. By October 1 of the year prior to the year in which redistricting is to be effective, the Commission shall prepare, publish and make available a plan of [Councilmanic] COUNCIL districts and shall present that plan, together with a report explaining it, to the Council. The plan shall provide for [Councilmanic] COUNCIL districts that are compact, contiguous and substantially equal in population. No less than fifteen [(15)] calendar days and no more than thirty [(30)] calendar days after receiving the plan of the Commission, the Council shall hold a public hearing on the plan. If within seventy [(70)] calendar days following presentation of the Commission's plan no other law establishing or reestablishing the boundaries of the [Councilmanic] COUNCIL districts has been enacted, THEN the plan, as submitted, shall become law.

**§ 4-7 Terms of Council members.**

A [Councilman] COUNCIL MEMBER shall serve for a term beginning at [12:00] noon on the first Monday in December next following [his] election and ending at [12:00] noon on the first Monday in December in the fourth year thereafter.

**§ 4-8 Qualifications of Council members.**

A [Councilman] COUNCIL MEMBER shall have been a resident and a qualified voter of the [county] COUNTY for at least two [(2)] years immediately preceding [his] election or appointment. At the time of [his] election or appointment, [he] THE CANDIDATE shall be a resident of the [Councilmanic] COUNCIL district from which [he is] elected or appointed. During [his] THE term of office, [he] THE COUNCIL MEMBER shall not hold any other office of profit or employment in the government of the [state] STATE OF MARYLAND, [the county] HARFORD COUNTY, or any municipality within [the county,] HARFORD COUNTY, except a position held by virtue of being a [Councilman.] COUNCIL MEMBER. [He] THE COUNCIL MEMBER shall not, during the whole term for which [he was]

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1 elected or appointed [and for two (2) years' thereafter], be eligible for appointment to any [county]  
2 COUNTY office or position carrying compensation, except to the office of [Councilman] COUNCIL  
3 MEMBER or County Executive in the event of a vacancy.

4 **§ 4-9 Compensation of Council members.**

5 A. The President of the County Council is entitled to receive, while in office, an annual  
6 salary as of July 1, 2019 of \$47,000:

7 B. Each other member of the Council is entitled to receive, while in office, an annual  
8 salary as of July 1, 2019 of \$43,500:

9 **§ 4-10 Vacancies in Council.**

10 A. A vacancy in the Council shall exist upon the death or resignation of a [Councilman]  
11 COUNCIL MEMBER, or upon forfeiture of office by a [Councilman.] COUNCIL  
12 MEMBER. When a vacancy occurs, a majority of the remaining members of the Council  
13 shall, within sixty [(60)] calendar days thereafter, appoint a person to fill the vacancy. If an  
14 appointee is to succeed a member of a political party, [he] THAT INDIVIDUAL shall be  
15 selected from a list of at least three [(3)] names submitted to the Council by the Central  
16 Committee of the party to which the former [Councilman] COUNCIL MEMBER  
17 belonged. If the Council has not acted within sixty [(60)] calendar days, the County  
18 Executive shall appoint a person to fill the vacancy within ten [(10)] calendar days  
19 thereafter. If the [Councilman] COUNCIL MEMBER who held the vacant position was a  
20 member of a political party at the time of [his] election, the person appointed by the  
21 [Council] COUNTY Executive to fill the vacancy shall be selected from the same list that  
22 the Central Committee of that party has previously submitted to the Council. EXCEPT AS  
23 PROVIDED IN SUBSECTION (B) OF THIS SECTION, [An] AN appointee shall serve  
24 for the unexpired term of [his] THE APPOINTEE'S predecessor. Any person appointed to  
25 fill a vacancy shall meet the same qualifications and residence requirements as the previous  
26 [Councilman] COUNCIL MEMBER.

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B. IF A VACANCY FILLED BY AN APPOINTMENT UNDER SUBSECTION (A) OF THIS SECTION OCCURRED MORE THAN 90 CALENDAR DAYS BEFORE THE NEXT CONGRESSIONAL PRIMARY ELECTION FOLLOWING ELECTION OF THE ORIGINAL COUNCIL MEMBER, THE APPOINTED COUNCIL MEMBER SHALL SERVE UNTIL A SUCCESSOR COUNCIL MEMBER, ELECTED AT THE NEXT CONGRESSIONAL ELECTION FOLLOWING THE VACANCY, TAKES OFFICE. THE SUCCESSOR COUNCIL MEMBER SHALL TAKE OFFICE AT NOON ON THE FIRST MONDAY IN DECEMBER NEXT FOLLOWING ELECTION, AND SHALL SERVE THE REMAINDER OF THE ORIGINAL COUNCIL MEMBER'S TERM.

**§ 4-11 REMOVAL FROM OFFICE OR Forfeiture of [office] OFFICE [by]OFA Council [members] MEMBER.**

A. FORFEITURE OF OFFICE BY COUNCIL MEMBER

A [Councilman] COUNCIL MEMBER shall immediately forfeit [his] office [if he ceases] UPON CEASING to be a qualified voter of the [county] COUNTY or [is] WHEN convicted of a felony or a crime involving moral turpitude. [In the case of a Councilman] A COUNCIL MEMBER required to reside in a particular [Councilmanic] COUNCIL District, [he] shall forfeit [his] office [if he ceases] UPON CEASING to be a resident of [the Councilmanic] THAT district, [in which he resided at the time of his election,] provided that no member of the Council shall forfeit [his] office by reason of any change in the boundary [line] LINES of [his Councilmanic] A COUNCIL district made during [his] A SINGLE term.

B. REMOVAL OF A COUNCIL MEMBER FROM OFFICE.

A COUNCIL MEMBER MAY BE REMOVED FROM OFFICE BY AN AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF THE COUNCIL AFTER A PUBLIC HEARING AND UPON A FINDING THAT THE COUNCIL MEMBER HAS FAILED TO PERFORM THE DUTIES OF OFFICE FOR A

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CONTINUOUS PERIOD OF SIX MONTHS OR IS UNABLE BY REASON OF PHYSICAL OR MENTAL DISABILITY TO PERFORM THE DUTIES OF OFFICE. THE DECISION OF THE COUNCIL MAY BE APPEALED BY THE COUNCIL MEMBER WITHIN TEN DAYS TO THE CIRCUIT COURT FOR HARFORD COUNTY BY PETITION. UPON THE FILING OF A PETITION, THE COURT MAY STAY THE REMOVAL PENDING ITS DECISION. THE COURT SHALL MAKE INDEPENDENT DETERMINATIONS OF FACT, AND ITS DECISION MAY BE APPEALED TO THE ~~COURT OF APPEALS~~ SUPREME COURT OF MARYLAND.

**§ 4-12 Council President; Vice President.**

The President of the Council shall be elected by the qualified voters of the [county] COUNTY in accordance with Section 204 of the Charter. At its first meeting in December of each year, the Council shall elect from among its members a Vice President. The President, or in [his] THE PRESIDENT'S absence the Vice President, shall preside at all meetings. On all questions before the Council, the President and Vice President shall have and may exercise the vote to which each is entitled as a Council member.

**§ 4-13 [Secretary of Council.] COUNCIL ADMINISTRATOR.**

There shall be a [Secretary of the] Council ADMINISTRATOR[,] who shall keep minutes of its meetings, maintain its journal, and perform such other duties as the Council may direct. The [Secretary of the] Council ADMINISTRATOR shall serve at the pleasure of the Council and shall receive such compensation as the Council may determine.

**§ 4-14 County Auditor.**

A. The Council shall appoint a County Auditor, who shall serve at the pleasure of the Council and shall receive such compensation as the Council may determine. [He] THE COUNTY AUDITOR shall be a certified public accountant licensed under the law of

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1            [the] THIS state.

2            B.     The County Auditor shall, not later than [three (3)] FOUR months after the close of  
3                   each fiscal year, prepare and submit to the Council and to the County Executive a  
4                   complete financial audit for the preceding fiscal year of all agencies that receive or  
5                   disburse [county] COUNTY funds. The audit shall include a report, together with such  
6                   explanatory comments as the County Auditor may deem appropriate. The report and  
7                   explanatory comments shall be published in at least [1] ONE newspaper [published]  
8                   WIDELY CIRCULATED in the [county] COUNTY IN ACCORDANCE WITH THE  
9                   PROVISIONS OF CHARTER SECTION 812, and copies of the complete audit shall  
10                  be open for inspection by the public. The Council may exempt on an annual basis those  
11                  agencies whose entire records, accounts and affairs are completely audited each year by  
12                  the state or federal government[.] AND MAY, FOR GOOD CAUSE, GRANT AN  
13                  EXTENSION TO SUBMIT THE FINANCIAL AUDIT.

14           C.     All records and files pertaining to the receipt and expenditure of [county] COUNTY  
15                  funds by all officers, agents and employees of the [county] COUNTY and all agencies  
16                  thereof, AND ANY OFFICE, DEPARTMENT, OR AGENCY FUNDED IN WHOLE  
17                  OR IN PART BY COUNTY FUNDS AND ALL OFFICES, DEPARTMENTS,  
18                  INSTITUTIONS, BOARDS, COMMISSIONS AND OTHER AGENCIES THEREOF  
19                  shall at all times be open to the inspection of the County Auditor [. He] WHO shall  
20                  promptly call to the attention of the Council and the County Executive any irregularity  
21                  or improper procedure which [he] may BE [discover] DISCOVERED. THE COUNTY  
22                  AUDITOR'S DUTIES MAY INCLUDE OPERATIONAL AND PERFORMANCE  
23                  AUDITING PROCEDURES OF ANY OFFICE, DEPARTMENT, OR AGENCY  
24                  FUNDED IN WHOLE OR IN PART BY COUNTY FUNDS, AS ASSIGNED AND  
25                  DIRECTED BY A MAJORITY OF THE COUNTY COUNCIL BY RESOLUTION.

26           D.     The Council shall have the power to implement the provisions of this section and to



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1 assign additional functions, duties and personnel to the County Auditor. All actions of  
2 the Council pursuant to this section shall be exempt from the executive veto.

3 **§ 4-15 Special audits.**

4 Either the Council or the County Executive may at any time order the examination or audit of the  
5 accounts of any agency that receives or disburses [county] COUNTY funds. Upon the death,  
6 resignation, or removal of any [county] COUNTY officer, the County Auditor shall cause an audit and  
7 investigation to be made of any accounts maintained by the officer and by [his] THE agency. The  
8 County Auditor shall report the results of [his] THIS audit to the County Executive and the Council, and  
9 copies shall be made available to the public no later than three [(3)] months after the ordering of the  
10 audit. If, as a result of any such audit, an officer shall be found to be indebted to the [county] COUNTY,  
11 the County Executive shall proceed forthwith to collect the indebtedness. All actions of the Council  
12 pursuant to this section shall be exempt from the [executive] EXECUTIVE veto.

13 **§ 4-16 Investigations by Council.**

14 The Council may make, or cause to be made, investigations into the affairs of the [county] COUNTY  
15 and the conduct of any [county] COUNTY agency. For this purpose, the Council may subpoena  
16 witnesses, administer oaths, take testimony and require the production of evidence.

17 **§ 4-17 Investigation procedure.**

18 The following rules shall govern investigations by the County Council and appointed investigators:

19 A. Service of subpoenas.

20 (1) The investigating body or person shall endeavor to give at least seven [(7)] days'  
21 notice to a prospective witness. However, failure to give seven [(7)] days' notice shall  
22 not invalidate the subpoena as long as its issuance is otherwise reasonable.

23 (2) Any person who is served with a subpoena also shall be served with a copy of the  
24 resolution or law establishing the investigation; a copy of the guidelines or rules under  
25 which the investigation will function; if not otherwise provided, a statement informing  
26 [him] THE INDIVIDUAL of the subject matter of the investigation or inquiry; and, if a

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1           personal appearance is required, a notice that [he] THE INDIVIDUAL may be  
2           accompanied by counsel of CHOICE [his own choosing].

3           (3) Any person failing to respond to a subpoena issued by the County Council or  
4           investigators may be subjected to the penalties of § 1-24.

5    B.           Conduct of hearings.

6                   (1) The formal hearings of the investigation shall be open to the public.  
7                   However, this provision shall not preclude the gathering of information,  
8                   material or other evidence by a [Councilman] COUNCIL MEMBER or the  
9                   Council's staff in preparation for or in extension of the open hearings.

10                  (2) Where the Council is sitting as an investigative body, the President, if  
11                  present and able to act, shall preside at all hearings of the investigation and shall  
12                  conduct the examination of witnesses or supervise examination by other  
13                  members of the investigation and members of the Council's staff who have been  
14                  authorized to examine witnesses. In the President's absence or disability, the  
15                  Vice President shall serve as the presiding officer of the investigation. In the  
16                  absence of the President and Vice President, the Council shall select a presiding  
17                  officer to act in the absence or disability of both the President and Vice  
18                  President. Where the Council is not sitting as the investigative body, the person  
19                  appointed to conduct the investigation shall conduct the examination of the  
20                  witnesses.

21                  [(3) No hearing, or part thereof, may be televised, filmed or broadcasted.]

22    C.           Witnesses' right to counsel: submission of proposed questions.

23                   (1) Every witness at the hearing may be accompanied by counsel of [his own choosing]  
24                   CHOICE who may [advise] PROVIDE the witness ADVICE REGARDING [as to his]  
25                   THE VARIOUS rights TO WHICH THE WITNESS IS ENTITLED. Limitations may  
26                   be prescribed by the Council or investigators to prevent obstruction of or interference

1 with the orderly conduct of the hearing.

2 (2) Any witness at a hearing[, or his counsel,] may submit PERSONALLY OR  
3 THROUGH COUNSEL to the investigative body or officer proposed questions to be  
4 asked of the witness or any other witness relevant to the matters upon which there have  
5 been questions or submission of evidence, and the Council or investigators shall ask  
6 [such of] the questions [as] they DECIDE [may deem] ARE RELEVANT AND  
7 appropriate to the subject matter of the hearing.

8 D. Testimony and other evidence.

9 (1) Records will be kept of all proceedings in which testimony or other evidence is  
10 received or adduced, which shall include:

11 (a) Rulings of the investigative body or officer.

12 (b) Questions of the investigative body or officer or staff.

13 (c) The testimony or response of witnesses.

14 (d) Sworn written statements which the Council or investigators authorize a  
15 witness to submit and such other matters as the Council or investigators may  
16 direct.

17 (2) All testimony given at a hearing shall be under oath or affirmation unless the  
18 requirement is dispensed with in a particular instance by the investigators.

19 (3) Any member of an investigative body may administer an oath or affirmation to a  
20 witness.

21 (4) The Council or investigators at a hearing may direct a witness to answer any  
22 relevant question or furnish any relevant book, paper or document. Disobedience shall  
23 constitute contempt, and the person shall be subject to the penalties stated in § 1-24.

24 (5) A witness or counsel, with the consent of the Council or investigators, may file with  
25 the Council or investigators for the record sworn written statements relevant to the  
26 purpose, subject matter and scope of the investigation or inquiry.

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(6) A witness, upon [his] advance [request] NOTICE [and at his own expense,] shall be furnished UPON PAYMENT OF COSTS [with] a certified transcript of [his] THE WITNESS'S PERSONAL testimony PROVIDED TO the Council or investigators.

(7) Testimony and other evidence given or adduced at a hearing closed to the public shall not be made public unless REQUIRED BY A LAW OF THE COUNTY OR STATE OF MARYLAND OR IS authorized by a majority vote of all of the members of the Council, which authorization shall also specify the form and manner in which testimony or other evidence may be released. Nothing herein shall be construed to prevent a witness or other person supplying evidence from disclosing such [of his own] testimony or other evidence concerning which only [he] THAT INDIVIDUAL could claim a privilege against disclosure.

E. Acquisition of evidence or information by other means. Nothing contained in this section shall be construed to limit or prohibit the acquisition of evidence or information by an investigation by any other lawful means.

F. Sequestering of witnesses. During the course of an investigation, witnesses who have been subpoenaed to testify may be sequestered by the Council or appointed investigators.

**§ 4-18 Noninterference with Executive Branch.**

Neither the Council nor any of its members shall attempt to influence the head of any agency of the [county] COUNTY government concerning the appointment of any person to, or [his] removal from, any office or employment nor in any way take part in the appointment of, or removal of, any officer or employee of the [county] COUNTY except as specifically provided in the Charter. Formal communications from the Council to the Executive Branch shall be addressed to the County Executive, and, UNLESS FOR THE PURPOSE OF INQUIRY OR INFORMATION, neither the Council nor any member thereof shall [give orders either publicly or privately to any subordinate of the County Executive.] DEAL DIRECTLY WITH ANY OFFICER, AGENT, OR EMPLOYEE IN THE EXECUTIVE BRANCH.

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**§ 4-19 Sessions of Council.**

- A. The first three [(3)] Tuesdays of each month and each Tuesday of the month of May, and such additional days as the Council may determine, EXCEPT NOVEMBER OF AN ELECTION YEAR AND COUNTY HOLIDAYS, are designated as legislative session days for the enactment of legislation. In no event shall the Council sit for more than forty-five [(45)] legislative session days in any year.
- B. For the purpose of performing duties, other than enacting legislation, which are properly exercisable by the Council under the provisions of the Charter, the Council may sit in non-legislative sessions at such time as it may determine.
- C. No session of the Council shall be scheduled earlier than 6:00 p.m. on any day unless authorized by an affirmative vote of at least five [(5)] members of the Council.
- D. Four [(4)] members of the Council shall constitute a quorum for the transaction of business.
- E. The Council shall provide for the keeping of a journal which shall be open to public inspection at all reasonable times.
- F. All voting, except on procedural motions, shall be by roll call, and the ayes and nays shall be recorded in the journal.
- G. No business shall be transacted, nor any appointments made nor nominations confirmed, except in public session.
- H. The Council shall adopt and publish rules of procedure not inconsistent with the provisions of the Charter.

**§ 4-20 Enactment of legislation.**

- A. The Council shall enact no law except by bill. All bills shall be styled: "Be it enacted by the County Council of Harford County, Maryland." The subject of every law shall be described in its title, and the title shall be used when giving public notice of hearings on proposed legislation. Every law, except the budget law and supplementary appropriation laws, shall embrace but one [(1)] subject. No law or section of law shall be revived or amended by reference to its title only.

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- B. A bill may be introduced by any member of the Council on any legislative session day of the Council. Every copy of each bill shall bear the name of the member of the Council introducing it and the date it was introduced. On the introduction of any bill, a copy thereof and notice of the time and place of the hearing on the bill shall be posted by the Council within twenty-four [(24)] hours on an official bulletin board to be set up by the Council in a public place. Additional copies of the bill shall be available to the public upon request. Bills introduced to meet emergencies affecting public health, safety or welfare shall be plainly designated as emergency bills and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the claimed emergency in clear and specific terms.
- C. Within twenty-four [(24)] hours following the introduction of a bill, the Council shall schedule a public hearing on the bill, which hearing shall not be less than five [(5)] days nor more than fourteen [(14)] days after publication of the hearing notice. Public notice of hearings on bills shall be published in at least [1] ONE newspaper[, published] WIDELY CIRCULATED in the [county] COUNTY IN ACCORDANCE WITH THE PROVISIONS OF SECTION 812 OF THE CHARTER. The public hearing on a bill may, but need not, be held on a legislative session day and may be adjourned from time to time.
- D. After the public hearing, a bill may be enacted on a legislative session day with or without amendment, except that if a bill is amended before enactment, the bill shall not be enacted until it is reprinted or reproduced as amended. No bill, other than an emergency bill, shall be enacted except by the affirmative vote of at least four [(4)] members of the Council. No emergency bill shall be enacted except by an affirmative vote of at least five [(5)] members of the Council.
- E. The Council may reject any bill on its introduction without a public hearing by an affirmative vote of at least five [(5)] members of the Council. Any bill not enacted within forty-five [(45)] days after its introduction shall be considered to have failed.

**§ 4-21 Effective date of laws.**

Any law [except an emergency law] shall take effect sixty [(60)] calendar days following the date it

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becomes law, unless by its terms it is to take effect at a later date, or unless it is petitioned to referendum as provided in Section 220 of the Charter. An emergency law OR A LAW APPROPRIATING FUNDS FOR CURRENT EXPENSES OF THE COUNTY shall take effect on the date it becomes law.

**§ 4-22 Referendum.**

A. Any law which becomes law pursuant to the Charter may be petitioned to referendum except:

(1) A law imposing a tax.

(2) A law appropriating funds for current expenses of the [county] COUNTY government.

(3) A law establishing or reestablishing [Councilmanic] COUNCIL districts pursuant to Section 205 of the Charter.

(4) A decision of the Council in a zoning case pursuant to Section 703 of the Charter.

B. A law shall be submitted to a referendum of the voters upon petition, in the form prescribed by law, of five percent [(5%)] of the qualified voters of the [county] COUNTY computed as of the date of the previous general election. The petition shall be filed with the [Board of Supervisors of Elections of the county] HARFORD COUNTY BOARD OF ELECTIONS within sixty [(60)] calendar days from the date the bill becomes law.

C. If a petition is filed, the law to be referred shall not take effect until thirty [(30)] calendar days after its approval by a majority of the qualified voters of the [county] COUNTY voting thereon at the next ensuing regular election held for members of the House of Representatives of the United States. An emergency law shall remain in force from the date it becomes law, notwithstanding the filing of such petition, but shall stand repealed thirty [(30)] calendar days after having been rejected by a majority of the qualified voters of the [county] COUNTY voting thereon.

**§ 4-23 Publication of laws.**

The Council shall cause all laws and all amendments to the Charter to be published [in accordance with

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the provisions of state law] in at least [1] ONE newspaper [published] WIDELY CIRCULATED in the [county] COUNTY IN ACCORDANCE WITH THE PROVISIONS OF CHARTER SECTION 812. The first publication of a law shall take place within [(10)] TEN days of the date that the legislative act became law. Copies of the laws and the Charter amendments shall be available to the public upon request.

**§ 4-24 Compilation of laws.**

The Council shall periodically compile and codify all laws of the [county] COUNTY. Each codification shall be submitted to the Council and, if adopted by law, shall be known as the "Harford County Code." The Council shall annually prepare and publish a cumulative supplement to the Harford County Code.

**§ 4-25 Confirmation of appointments.**

A. Appointment by the County Executive of the Director of Administration, [of] the head of an agency AND THE DEPUTY DIRECTORS OF AN AGENCY, in the Executive Branch of the [county] COUNTY government or of a member of a board or commission shall be subject to confirmation by the Council. If the Council fails to act to confirm or reject any appointment within thirty [(30)] days of its submission to the [county] COUNCIL by the County Executive, the appointment shall stand approved.

B. In the case of appointment by the County Executive to the position of Director of Administration,[ or] head of an agency OR THE DEPUTY DIRECTORS OF AN AGENCY in the Executive Branch of the [county] COUNTY government, a vote of at least five [(5)] members of the Council shall be required to reject such appointment.

C. In the case of appointment by the County Executive to membership on a board or commission, a vote of at least four [(4)] members of the Council shall be required to reject such appointment.

**§ 4-26 People's Counsel.**

A. With the approval of a majority of the Council, a People's Counsel, and such assistants as may be necessary, shall be employed by the Council Attorney to represent the interests of the public in all matters and proceedings preliminary to, arising out of or affecting the zoning classification



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1 or reclassification of land in the [county] COUNTY. Persons employed as People's Counsel  
2 shall serve as People's Counsel until such time as they resign or have been removed pursuant to  
3 the provisions stated herein. Except as provided for below, the People's Counsel shall, at all  
4 times, be free to make an independent determination as to the matters and proceedings in which  
5 [he shall] TO participate and the conduct of the affairs of [his] THE position in [performing his]  
6 THE PERFORMANCE OF THE duties and functions OF THE POSITION.

7 B. The People's Counsel shall have been a member in good standing of the Maryland Bar for a  
8 period of at least five [(5)] years prior to [his] appointment. [He] PEOPLE'S COUNSEL may  
9 not practice law before any [county] COUNTY agency except to perform [his] THE duties and  
10 functions as People's Counsel.

11 C. The People's Counsel may be removed for cause by the Council on the recommendation of the  
12 County Executive, Council President or by a majority vote of the entire membership of the  
13 People's Counsel Citizens' Advisory Board, but only upon the affirmative vote of not less than  
14 five [(5)] members of the Council.

15 D. [In performing his functions, the] People's Counsel shall have the following powers and duties:

16 (1) [He] PEOPLE'S COUNSEL shall have the authority to appear before any  
17 governmental agency on behalf of the citizens of the [county] COUNTY in all matters  
18 and proceedings related to planning, zoning and other land use and development matters  
19 and proceedings, and shall ALSO have standing as an aggrieved party.

20 (2) [He] PEOPLE'S COUNSEL shall have the authority to appear as a party in interest  
21 before any state or federal court on behalf of the citizens of the [county] COUNTY in  
22 all matters and proceedings related to planning, zoning and other land use and  
23 development matters and proceedings, and [he] shall have standing as an aggrieved  
24 party.

25 (3) [He] PEOPLE'S COUNSEL shall have standing to appear as an aggrieved party  
26 before the Zoning Hearing Examiners, Board of Appeals and County Council on behalf

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1 of the citizens of the [county] COUNTY in any matter or proceeding now pending or  
2 hereafter instituted, before and under the jurisdiction of those officers or bodies, in  
3 which [he] PEOPLE’S COUNSEL may deem the public interest to be affected.

4 (4) [He] PEOPLE’S COUNSEL shall have the authority to conduct such investigations  
5 as [he may deem] MAY BE appropriate to enable AND ASSIST [him to intelligently  
6 perform his]IN THE PERFORMANCE OF [other] THE duties and functions OF THE  
7 OFFICE OF PEOPLE’S COUNSEL.

8 (5) [He] PEOPLE’S COUNSEL shall have full access to the records of all [county]  
9 COUNTY agencies, be entitled to call upon the assistance of all [county] COUNTY  
10 agencies and shall be accorded the assistance and benefits of all [county] COUNTY  
11 agencies who receive or disburse [county] COUNTY funds and their facilities and  
12 employees in carrying out ALL [his] THE powers, duties and functions OF THE  
13 OFFICE OF PEOPLE’S COUNSEL.

14 (6) The People's Counsel may hire from time to time, as necessary for specific  
15 proceedings, persons to testify as expert witnesses, to the extent that employees of  
16 [county] COUNTY agencies who receive or disburse [county] COUNTY funds cannot  
17 be utilized and may expend such sums for compensation for these persons as are  
18 provided by appropriation ordinances.

19 (7) Under no circumstances can the People's Counsel be considered by private parties as  
20 representing or protecting the interests of private parties insofar as those interests are  
21 different from the general public's interests. However, this does not preclude the  
22 People's Counsel from advancing arguments of private parties or having private parties  
23 listed as parties to a case or proceeding if it furthers the interests of the public in  
24 general. A determination of a court or administrative agency to the contrary shall not be  
25 a ground for denying standing of, or relief requested by, the People's Counsel.

26 **§ 4-27 People's Counsel Citizens' Advisory Board.**

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A. Establishment; organization; terms; removal; vacancies; representation.

(1) There is hereby established a People's Counsel Citizens' Advisory Board consisting of seven [(7)] members to be appointed by the County Council.

(2) A [Chairman] CHAIR shall be designated by the members of the Board.

(3) The members of the Board shall serve terms coterminous with that of the Council that appoints them.

(4) A member of the Board may be removed only for cause by a majority vote of the Council.

(5) A vacancy on the Board shall be filled for the unexpired term in the manner of the original appointment.

(6) Members of the Board shall be broadly representative of all segments of the [county's] COUNTY'S population.

B. The Board may hold such meetings as necessary to perform its functions and shall meet as requested by the People's Counsel. The Board shall adopt such rules and regulations as necessary in the manner provided by Section 807 of the Charter.

C. The Board may provide guidance to and make recommendations to the People's Counsel regarding any matter referred to it by the People's Counsel, County Council or as requested by any citizen or group of citizens of the [county] COUNTY. The Board need only record and file with the [Secretary of the] Council ADMINISTRATOR those recommendations they make to the People's Counsel.

D. When requested, the Board may, by a majority vote of the entire membership, direct the People's Counsel to enter [his] AN appearance in a particular matter, case or proceeding to protect the interest of the public in general.

Section 2. And Be It Further Enacted that this Act shall take effect 60 calendar days from the date it becomes law.

EFFECTIVE:

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*The Council Administrator does hereby certify that 7 copies of this Bill are immediately available for distribution to the public and the press.*

A handwritten signature in cursive script that reads "Mylie A. Dixon".

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Council Administrator