

# Proposed Adoption of Code Home Rule

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# How did we get there?

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- Commissioners created the Form of Government Committee to review possibility of changing form of government.
- 15-member committee, chaired by Linda Creason.
- Committee met 8 times between September 1999 and June 2000.
- Committee examined and researched government forms in Maryland and recommended the county commissioners place the adoption of code home rule before the voters on the November 7 ballot.

# What forms were examined?

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- Pure commissioner (current form)
- Charter home rule
- Code home rule

# Characteristics of Pure Commissioner Form

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- 10 of 23 Maryland counties still have this form.
- Oldest form of government in Maryland, but most limited.
- Commissioners have no right to act on local matters without an express grant of authority from the State legislature.
- Legislature may enact a public local law for any Commissioner County.

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# Pure Commissioner Form

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- Many purely local matters must still go to the legislature for approval, such as:
  - < Bond authority
  - < Impact fees
  - < Structure of government
  - < Nuisance abatement
- Single branch of government, with commissioners serving both executive and legislative functions.

# Characteristics of Charter Form

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- 8 of 23 counties in Maryland have charter.
- Perhaps the strongest form in terms of local autonomy.
- Requires a lengthy document (charter) -- a constitution of sorts -- be written and adopted by voters on the executive and legislative functions and structure of government.

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# Characteristics of Charter Form

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- Has two branches of government:
  - < Executive
  - < Legislative
- Must be an elected council with an elected county executive or appointed county manager.
- Charter counties may pass laws under a broad grant of express powers.
- Substantial authority to legislate under “general welfare” clause.

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# Characteristics of Charter Form

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- Legislature may **not** enact a local law for one county only or legislate on a matter of purely local concern.
- Tends to be more costly in staffing the governing body's offices due to two branches of government.
- No successful adoption of a charter in Maryland in last 27 years.

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# Characteristics of Charter Form

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- No ability to enact new taxes without legislative approval.
- Needs legislative approval to enact impact fees, but considerable authority to enact license and other fees.

# Characteristics of Code Home Rule

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- 5 of 23 counties have adopted.
- Much easier to adopt -- does not require a written charter or constitution.
- A less drastic change than charter:
  - < The board of commissioners is retained.
  - < There is no elected council and executive.
  - < There is one branch of government.
  - < It is less costly than charter.
  - < There is no significant cost increase over pure commissioner form.
- Granted most charter express powers.
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# Characteristics of Code Home Rule

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- No “general welfare” clause, but Attorney General said powers to be broadly construed under Code.
- State legislature may **not** enact a local law for a county on a purely local matter.
- State legislature may legislate for a geographical region of code counties.

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# Characteristics of Code Home Rule

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- No ability to enact new license and franchise fees without legislative approval.
- No ability to enact new taxes without legislative approval.
- May enact impact fees without legislative approval.
- More rigorous requirements for enacting legislation than pure commissioner form.

# Conclusions of Committee

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- Adopt code home rule.
- Keep local issues local.
- Not a drastic change, and we do not need a drastic change.
- Code home rule not as costly as charter, and no significant increase over current form.
- 30-45% of bills now requiring adoption in Annapolis could probably be enacted locally.
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# Conclusions of Committee

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- Better ability of citizens to participate in legislative process and track bills locally.
- Code home rule compares well to charter in terms of most significant issues and authorities.
- Easier to adopt.
- Not as divisive or as costly as charter to adopt or operate.