

MARYLAND

COUNTY GOVERNMENT OVERVIEW

Counties

24

Government Form

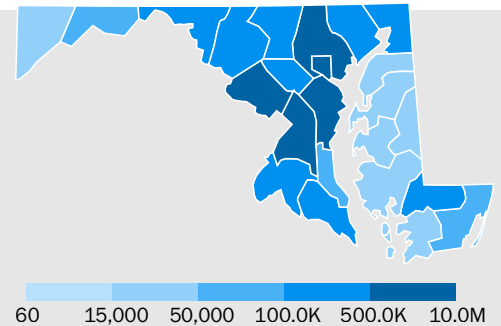
Mixed¹

Governing Body Size

Council: 5-15
Commissions: 3-7

Population (2020)

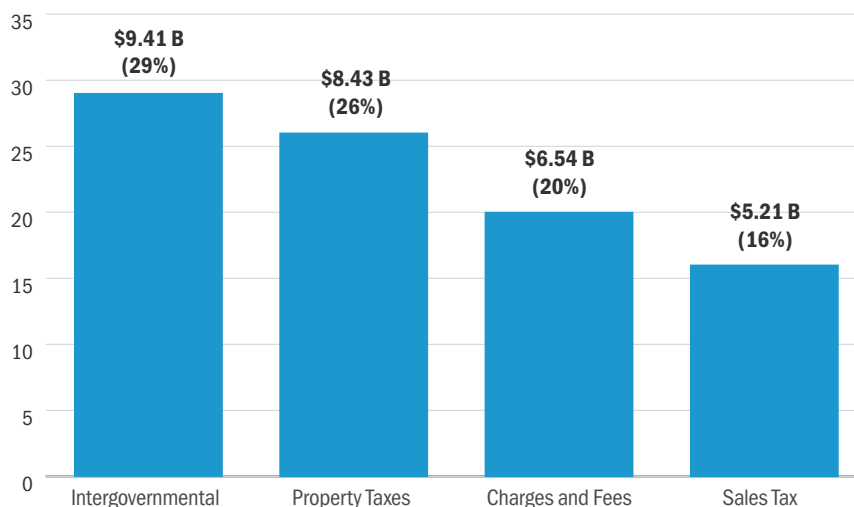
6.2 million²



County Authority

Optional Home Rule: Counties in Maryland may operate under a traditional commissioner form of government, a code rule form or they may be under a home rule charter. Commission counties may become code rule counties by approval of the governing body. Home rule county governments are empowered with broad legislative authority and autonomy. Commissioners in home rule counties can enact, amend or repeal local laws on a range of matters, while commissioners in traditional commissioner counties have more limited authority. Code counties are not under a charter government, but they have some home rule power and the commissioners may determine their county structures through enactments of local laws.

TOP REVENUE SOURCES FOR MARYLAND COUNTIES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Employment, 2017

¹“Government Form” refers to the distribution of executive decision making authority in a county. “Traditional” county states mandate that counties exercise executive decision making power solely through the board of elected officials (commissioners, supervisors, etc.). “Reformed” county states mandate that counties employ an elected or appointed county executive, manager or similar position to take on at least some of the county’s executive decision making authority. “Mixed” county states means that some counties in that state are “traditional” and some are “reformed.”

²NACo Analysis of U.S. Census Bureau - 2020 Decennial Census

Summary of County Services

Services counties **MUST** provide:

- Operate an enhanced 9-1-1 system and provide police, firefighting and emergency ambulance services.
- Establish a local organization for emergency management in accordance with the state emergency management plan and program.

Services counties **CAN** provide:

- Establish a board of health and a health officer.
- Operate a local department of social services.
- Exercise zoning authority and regulate and restrict the use and construction of buildings and spaces including population density and distribution.

STRUCTURE/AUTHORITY

SUMMARY

Counties with a traditional commissioner form and counties with a code home rule form are governed by a board of county commissioners. Counties that adopt home rule charters are governed by an elected county council. There are six counties under the traditional commissioner form and six counties with code home rule. There are 12 counties that have adopted a home rule charter which grants them fairly broad legislative power. Nine of the twelve charter counties also have an elected county executive. In two of the other charter counties, the county council retains both executive and legislative authority. County councils have broad legislative power to enact laws in their county. The last charter county equivalent is Baltimore City (with a Mayor/Council form of government), considered as both a county and municipality under state law. The executive power of a county depends on its form of government, but all county commissioners are required to hold a public hearing before they may adopt an act, ordinance or resolution.

Row Officers	Elected/ Appointed	Required/ Optional
Clerk of the Circuit Court	Elected	Mandatory
County Attorney/Solicitor	Appointed	Mandatory
Engineer	Appointed	Mandatory
Health Officer	Appointed**	Mandatory
Judges of Orphans' Court	Elected	Mandatory
Register of Wills	Elected	Mandatory
Sheriff	Elected	Mandatory
State's Attorney (prosecutor)	Elected	Mandatory
Tax Collector *	Appointed	Mandatory

*The tax collector may hold a different title depending on the county.

**Health officers are jointly appointed by the county governing body and the state department of health



COUNTY STRUCTURE

Legislative Branch: A board of commissioners or a county council acts as the legislative decision-making body. The number of members is set by local laws.

Executive Branch: In commissioner counties and code counties, the commissioners exercise the executive authority. Nine of the twelve charter counties have an elected county executive. In all other counties, the board or council exercises executive authority.

Judicial Branch: Each of Maryland's 23 counties has a circuit court. Maryland circuit courts are grouped into eight judicial circuits. These courts are responsible for more serious criminal cases and major civil cases, including juvenile and other family law cases such as divorce, custody and child support.

Optional Forms of Government:

- Commissioner
- Code home rule
- Charter



COUNTY AUTHORITY

Executive Power: The executive power of a county depends on whether a county is governed under a traditional commission, code home rule or charter. Generally, actions are performed by the passage of an ordinance, resolution or bylaw. The governing body may appoint all officers, agents and employees required for a county purpose and not otherwise provided for by law.

Ability to Form Partnerships: The governing body of a county may provide materials, services or other assistance to another political subdivision for a public purpose and for mutual benefit. Additionally, most counties may contract with another governmental entity for the joint or cooperative performance of any governmental function.

Call a State of Emergency: A county governing body may declare an emergency. This authority varies in executive/council counties by the specifics of the local charter.

Special Districts: There are approximately 164 special districts within the state of Maryland. A county governing body may establish, modify or abolish special taxing districts including commercial districts, districts for infrastructure improvements and street lighting districts. Special taxing districts are usually governed by the county's governing body or by an authority established by the county's governing body.

SERVICES

OVERVIEW OF COUNTY SERVICES

Maryland counties are responsible for most basic services including police, local corrections, health and parks and recreation. Counties are also responsible for funding public schools, libraries, local community colleges and the circuit courts. Many of the services that are included in the state legislature are authorized to counties based on their form of government. In addition, many counties are directly given unique authorities to deliver certain services. For example, Washington County commissioners are authorized to construct and maintain a railroad line for the purpose of economic development. Most of the services that are detailed below are provided to all Maryland counties.



HEALTH AND HUMAN SERVICES

County Health Department: The governing body of a county may establish a board of health, including a health officer. If a county does not establish a board of health, the county's governing body is ex officio the board of health for the county.

Hospitals: A county may establish a hospital or join with another county or municipality to establish a joint hospital facility. The county's governing body may contribute up to one-third of the cost of any hospital or related facility through general fund revenues, bonds or other evidence of indebtedness. County-supported hospitals are rare in Maryland.

Senior Care Facilities: A county may apply to the secretary of aging for a grant for the cost of planning, designing, constructing, acquiring, renovating or improving a senior citizen activities center.

Mental Health Facilities: A local addictions authority or a local behavioral health authority must serve as an agency of county government in counties with over 80,000 people, functioning as a unit of county government, a local health department, a quasi-public authority or a private, nonprofit corporation.

Child Welfare: Child welfare services are administered by state, not the counties; however, Montgomery County administers state-established child welfare programs.

Welfare: Every county must have a local department of social services that is overseen by a local board, though managed and funded through the state budget. One county (Montgomery) has assumed these functions within the county government. Code and charter counties may also establish, maintain and control homeless shelters in their county.



INFRASTRUCTURE

Roads: A county governing body has jurisdiction over county roads in unincorporated areas. The governing body may appoint road supervisors and civil engineers to oversee the grading, construction and repair of county roads.

Towing: The commissioners of code counties may adopt rules and regulations for the licensing, maintenance and operation of towing companies in their respective county in order to, among other things, safeguard public health and welfare.

Utilities: Utilities are regulated by the state's public service commission. Counties have the authority to provide certain services including water and sewage through the establishment of a department of public facilities and services.

- **Water:** Counties are authorized to construct, maintain and manage publicly owned water supply facilities.
- **Solid waste:** Counties are authorized to construct, maintain and manage publicly owned sewage facilities and solid waste collection and disposal services.
- **Electric:** Counties are not authorized to provide electric utility services. Electric utilities are regulated by the state.
- **Gas:** Counties are not authorized to provide gas utility services. Gas utilities are regulated by the state.

SERVICES, CONTINUED



PUBLIC AMENITIES

Parks and Recreation: The governing body of a county or municipality may establish and maintain any property owned or leased by the county for use as a park or a recreational facility. The governing body of certain counties may issue permits for the establishment, operation or maintenance of a public dance hall, a boxing or wrestling arena, an amusement park or a tourist camp with cabins for rent. Counties may also create a parks and recreation unit and associated board or commission to administer programs for use by county residents.

Trailer Camps: The governing body of a county may, by resolution, regulate the construction or establishment of trailer camps.

Libraries: The governing body of each county may establish, and appropriate an amount to support, a county public library system. Public library systems are governed by a board of trustees.

Junkyards: The governing body of a county may adopt rules and regulations for the licensing, maintenance and operation of junkyards in the county in order to provide a safe, clean and aesthetically pleasing neighborhood environment for the community.



ZONING AND DEVELOPMENT

Zoning Power: A county's legislative body has zoning authority and may regulate and restrict the use and construction of buildings and spaces including population density and distribution. The state requires a range of "elements" to be part of each county's ten-year comprehensive plan, and a degree of compliance with certain statutory "visions."

Housing Authority: Upon recommendation by the chief elected official, counties may have a public body corporate and politic known as the "housing authority" which shall manage and operate housing projects to ensure low-income households have access to decent, safe and sanitary housing units. Such an entity may or may not serve incorporated municipal areas, by local agreement.

Watershed Projects: Counties may carry out, construct, operate and maintain any works of improvement in watershed areas that qualify for federal assistance to accomplish conservation, development, flood prevention and other purposes.

Environmental Enforcement: In many regards, the state department of the environment has delegated enforcement authority to county governments, making them a central entity in much of the statewide array of permitting and oversight of environmentally sensitive activities.

SERVICES, CONTINUED



PUBLIC SAFETY

Law Enforcement: The governing body of counties that are not home rule are authorized to provide for the appointment of a county police, set the compensation of the county police and appoint a special commission to be in charge of the police force.

Jails: The governing body of one or more counties may establish and maintain a local correctional facility. Either the sheriff or a correctional administrator employed by the governing body is responsible for the safekeeping and care of each inmate or other individual detained in or sentenced to the facility.

Courthouses: Courthouse construction and maintenance is a varied responsibility in Maryland, based on an array of local laws, practices and agreements between the Maryland courts and county governments.

Fire: Counties may maintain fire protection services through a combination of career and volunteer companies, with varying degrees of direct and indirect support. Two counties impose a “fire tax” as a component of their property tax bill, with proceeds directed solely to fire services.

Ambulance and 9-1-1: Every county must have an enhanced 9-1-1 system, and statewide resources have accelerated deployment of “next generation” 9-1-1 across the state. Counties may enter into agreements for the allocation of maintenance, operation and capital costs.

Emergency Management Agency: Counties must establish a local organization for emergency management in accordance with the state emergency management plan and program. The governor appoints a director of emergency management for each county on a recommendation by the county’s governing body.



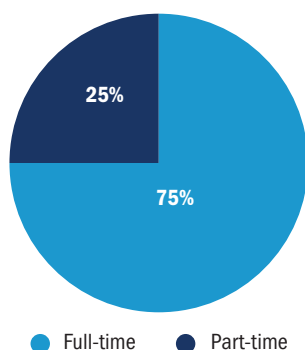
SCHOOLS

Education, Generally: Counties support public school functions through the county budget, with state laws and formulas governing many details of this process.

School Board: There is a county board of education in each county. The county superintendent is the executive officer, secretary and treasurer of the county board. The governor appoints the members of each county board from the residents of that county.

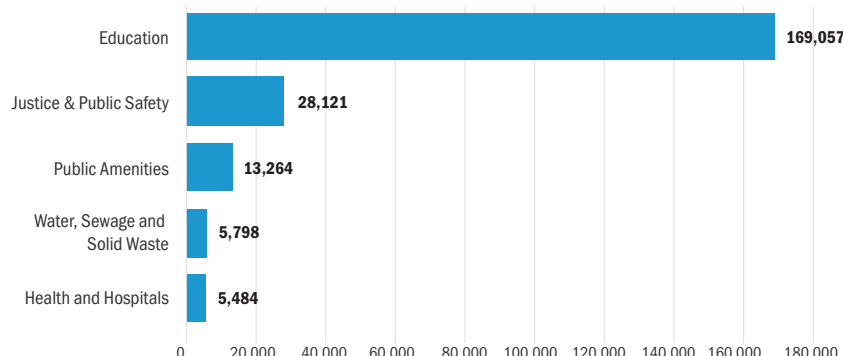
Community Colleges: The governing body of any county may request permission to establish a community college through the Maryland Higher Education Commission. There is a board of community college trustees in each county that has one or more community colleges. Currently, every county is served by at least one community college campus.

MARYLAND COUNTIES EMPLOY 241,432 GOVERNMENT EMPLOYEES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Employment, 2017

MARYLAND COUNTY GOVERNMENT EMPLOYEES BY TOP FUNCTIONAL CATEGORIES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Employment, 2017

OVERVIEW OF COUNTY FINANCE STRUCTURE

County governments receive revenues from two basic sources: own-source revenues, which include locally generated revenues such as property taxes and income taxes; and intergovernmental revenues, which include federal and state funding. Maryland counties have varying degrees of authority in raising revenue through taxation based on their form of government. All counties in the state impose property taxes, income taxes and certain taxes on the sales of goods and services in order to raise revenue to fund county services. A county's governing body is required to annually publish a summary statement of the expenses of the county. Charter and code counties are also authorized to borrow money for any public purpose and issue and sell general obligation bonds to evidence the borrowing; commissioner counties must seek authorization from the general assembly for bonding authority.



FINANCES, TAXES AND LIMITATIONS

Real Property: Local property tax rates are established individually by each county and by Baltimore City. Maryland places no limit on property tax rates or levies. It does, however, limit growth in assessments via the Homestead Credit. The Homestead Credit limits the increase in taxable assessments each year to a fixed percentage. Every county and municipality in Maryland is required to limit taxable assessment increases to 1.0 percent or less each year. A county's governing body may levy a property tax. In commission counties, commissioners must impose taxes on property within the county subject to taxation in order to support the courts, compensate jurors, pay outpensions established by the county commissioners, pay funeral expenses of the poor and pay and discharge all claims on or against the county that have been expressly or impliedly authorized by law.

Personal Property: Subject to numerous exemptions, tangible business personal property located in Maryland is subject to local personal property tax in most counties. The county tax rate applicable to personal property and operating real property cannot be more than 2.5 times the rate for real property.

Income Tax: The county income tax sets Maryland apart from other states. Maryland local governments rank first nationally in their reliance on the personal income tax as

a revenue source. The counties and Baltimore City are required to levy a local income tax on their residents. The tax is assessed as a percentage of the taxpayer's Maryland taxable income. Counties are authorized to set a local income tax rate of at least 1 percent but not more than 3.2 percent. A county may change the county income tax rate by ordinance or resolution, except Howard County may change its rate only by ordinance. A county may not impose a rate above 2.6 percent until after the county has held a public hearing on the proposal.

Sales Tax:

- **Food and Beverage Tax in Resort Areas:** Counties operating under code home rule may impose a tax on the sale of food and beverages in a resort area in the county for the sole purpose of providing revenues to pay the principal and interest on bonds issued relating to the construction, repair, renovation or equipping of a convention center facility in the resort area.
- **Admissions and Amusement Tax:** A county may impose a tax on the gross receipts derived from any admissions and amusement charge in that county. The rate must not exceed 10 percent of gross receipts.
- **Hotel/Motel Tax:** Counties can levy a sales tax on the sale of renting a hotel or motel room, on top of the existing state general sales tax.

TAXATION/FINANCES, CONTINUED



FINANCES, TAXES AND LIMITATIONS, CONTINUED

Mineral Tax: Counties cannot impose a mineral tax.

Gas/Fuel Taxes: Anne Arundel County, St. Mary's County and Prince George's County may impose a tax on energy and/or fuel used in their county. No other counties are currently authorized to impose such a tax.

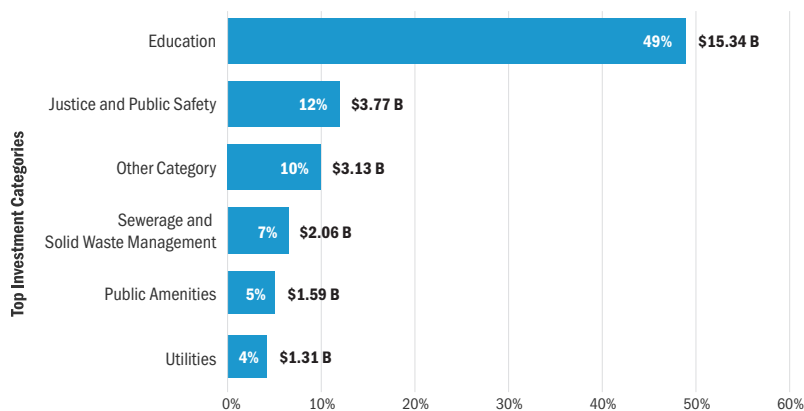
Debt and Debt Limit: A county may borrow money for any public purpose, and they may issue and sell general obligation bonds to evidence the borrowing. For charter counties, the aggregate amount of bonds and other evidence of outstanding debt may not exceed the sum of 6 percent of the county's assessable basis of all real property plus 15 percent of the county's assessable basis of personal property and operating real property. In code counties and commissioner counties there is no statutory

maximum. Additionally, counties operating under code home rule may not issue bonds that mature later than 40 years after the date of issue.

Other Finance Info:

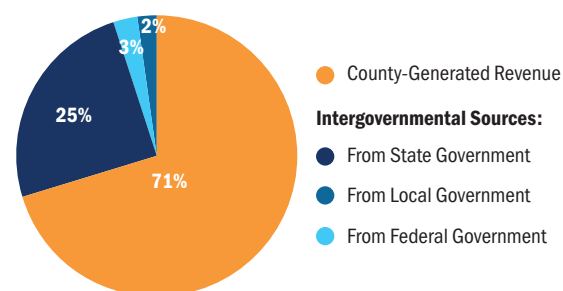
- **Coal Tax:** A county shall impose a tax on every person engaged in the business of surface coal mining in the county at a rate of 30 cents for each ton of surface mined coal.
- **Transfer Tax:** The governing body of a county that has adopted home rule may impose a transfer tax, not exceeding 0.5 percent, on an instrument of writing, articles of consolidation or articles of merger filed or recorded with the clerk of the county's circuit court or with the state department of assessments and taxation.

MARYLAND COUNTIES INVEST \$31.3 BILLION ANNUALLY



Source: NACo Analysis of U.S. Census Bureau - 2017 Census of Individual Governments: Finance

MARYLAND COUNTIES RECEIVE \$9.4 BILLION FROM INTERGOVERNMENTAL SOURCES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Finance, 2017