

# MARYLAND

## COUNTY GOVERNMENT OVERVIEW

### Counties

24

### Government Form

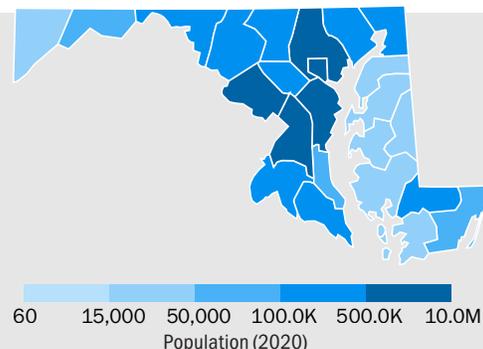
Mixed<sup>1</sup>

### Governing Body Size

Council: 5-15  
Commissions: 3-7

### Population (2020)

6.2 million<sup>2</sup>

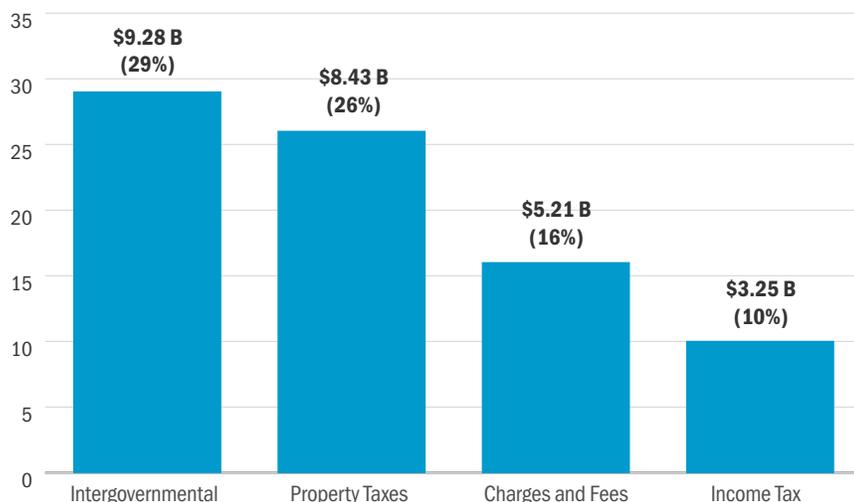


### County Authority

**Mixed/Flexible (Optional Home Rule):** Counties in Maryland may operate under a traditional commissioner form of government, a code home rule form or a home rule charter.

Commission counties may become code home counties if the governing body approves. Home rule charter governments have broad legislative authority and autonomy. Home rule charter counties may 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: Finance, 2017

<sup>1</sup>“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.”

<sup>2</sup>NACo 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 MAY 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.

#### Services counties CANNOT provide:

- Impose a mineral tax.
- Provide gas and electric utility services.

# STRUCTURE/AUTHORITY

## SUMMARY

Counties with a traditional commissioner form or 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. The last charter county equivalent is Baltimore City (with a Mayor/Council form of government), considered both a county and municipality. The executive power of a county depends on its form of government, but all county commissioners must hold a public hearing before they may adopt an act, ordinance or resolution.

Row Officers	Elected/ Appointed	Mandatory/ Optional
Clerk of the Circuit Court	Elected	Mandatory
Judges of Orphans' Court	Elected	Mandatory
Register of Wills	Elected	Mandatory
Sheriff	Elected	Mandatory
State's Attorney (prosecutor)	Elected	Mandatory



## COUNTY STRUCTURE

**Legislative Branch:** A board of commissioners or a county council acts as the legislative decision-making body. Local laws determine the number of members.

**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. The governing body may appoint any needed officers, agents and employees not otherwise provided for by law.

**Ability to Form Partnerships:** Counties may provide materials, services or other assistance to another political subdivision. Additionally, most counties may contract with another governmental entity to jointly perform functions.

**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 in 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 must provide most basic services including police, local corrections, health and parks and recreation. Counties must fund public schools, libraries, local community colleges and the circuit courts. Depending on their government form, counties may provide many services also provided by the state. In addition, many counties are directly given unique authorities to deliver certain services. For example, Washington County commissioners may construct and maintain a railroad line for 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 must serve as the board of health.

**Hospitals:** Counties **may** establish a hospital or join with another county or municipality to establish a hospital. 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:** Counties **may** apply to the state for a grant to fund planning, designing, constructing, acquiring, renovating or improving a senior citizen activities center.

**Mental Health Facilities:** Counties with over 80,000 people **must** have a local addictions or behavioral health authority. These authorities may function as a unit of county government, a local health department, a quasi public authority or a private, nonprofit corporation.

**Child Welfare:** The **state** administers child welfare services; however, Montgomery County administers state-established child welfare programs.

**Welfare:** Counties **must** have a local department of social services that is overseen by a local board and managed and funded by the state. One county (Montgomery) has assumed these functions. Code and charter counties may also establish, maintain and manage homeless shelters.



### INFRASTRUCTURE

**Roads:** In unincorporated areas, counties **must** manage county roads. The governing body may appoint road supervisors and civil engineers to oversee the grading, construction and repair of county roads.

**Towing:** In code home rule counties, commissioners **may** regulate licensing, maintenance and operation of towing companies.

**Utilities:** The **state** regulates utilities. Counties **may** provide services, including water and sewage, by establishing a department of public facilities and services.

- **Water:** Counties **may** construct, maintain and manage publicly owned water supply facilities.
- **Solid waste:** Counties **may** construct, maintain and manage solid waste collection and disposal services.
- **Sewer:** Counties **may** construct, maintain and manage publicly owned sewage facilities.
- **Electric:** Counties **cannot** provide electric utility services. The **state** regulates electric utilities.
- **Gas:** Counties **cannot** provide gas utility services. The **state** regulates gas utilities.

# SERVICES, CONTINUED



## PUBLIC AMENITIES

**Parks and Recreation:** Counties **may** establish and maintain property for parks or recreational facilities. Some counties may issue permits to establish, operate or maintain a public dance hall, a boxing or wrestling arena, an amusement park or a tourist camp. Counties may also create a parks and recreation unit and associated board or commission to administer programs.

**Trailer Camps:** Counties **may** regulate the construction or establishment of trailer camps.

**Libraries:** Counties **may** establish and fund a county public library system. Public library systems are governed by a board of trustees.

**Junkyards:** Counties **may** regulate licensing, maintenance and operation of junkyards to provide a safe, clean and aesthetically pleasing environment.



## ZONING AND DEVELOPMENT

**Zoning Power:** Counties have 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 compliance with the state's vision for smart growth.

**Housing Authority:** Counties **may** establish a housing authority to manage and operate housing projects that ensure low-income households have access to decent, safe and sanitary housing units. If cities agree, housing authorities may serve these incorporated municipal areas.

**Watershed Projects:** Counties **may** carry out, construct, operate and maintain improvements in watershed areas that qualify for federal assistance in conservation, development, flood prevention and other purposes.

**Environmental Enforcement:** Counties **must** oversee many environmentally sensitive activities. The state has delegated much of its enforcement and permitting authority to county governments.

# SERVICES, CONTINUED



## PUBLIC SAFETY

**Law Enforcement:** Non-home rule counties **may** provide and set compensation for county police, as well as appoint a special commission to oversee the county police force.

**Jails:** One or more counties **may** establish and maintain a local correctional facility. Either the sheriff or a correctional administrator is responsible for the safekeeping and care of those detained in or sentenced to the facility.

**Courthouses:** Courthouse construction and maintenance is a varied responsibility based on an array of local laws, practices and agreements between state 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” in their property tax bill that solely funds fire services.

**Ambulance and 9-1-1:** Counties **must** have an enhanced 9-1-1 system. The state has allocated resources to accelerate deployment of “next generation” 9-1-1 services. Counties may enter into agreements for system maintenance, operation and 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.



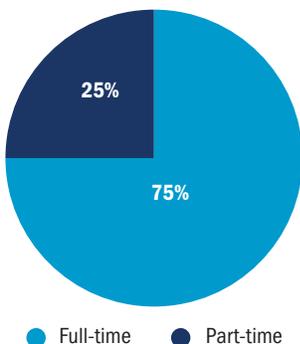
## SCHOOLS

**Education, Generally:** Counties **must** fund public school functions with state laws and formulas governing many details of this process.

**School Board:** Counties **must** have a board of education. 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.

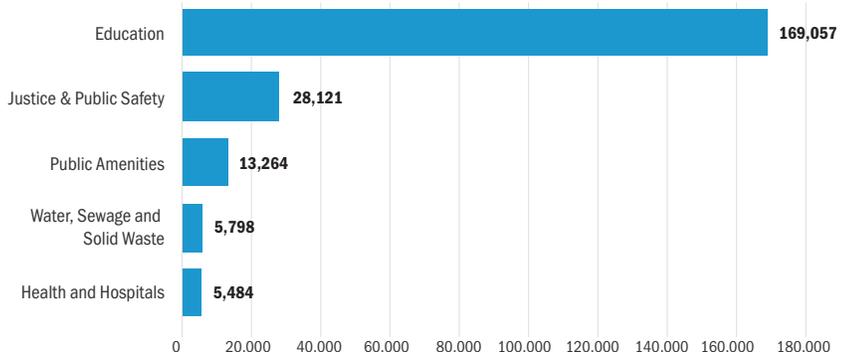
**Community Colleges:** The governing body of any county **may** request permission to establish a community college through the Maryland Higher Education Commission. There is a board of community college trustees in each county that has one or more community colleges. Currently, every county is served 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 of 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. A county's governing body must publish an annual summary statement of county expenses. Charter and code counties may 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 to issue bonds.



## FINANCES, TAXES AND LIMITATIONS

**Real Property:** Counties **may** tax property. Local property tax rates are established individually by each county and by Baltimore City. The state does not limit property tax rates or levies; however, it does limit growth in assessments via the Homestead Credit. The Homestead Credit limits counties and municipalities to a yearly taxable assessment increase of 10 percent or less. In commission counties, commissioners must tax property 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, counties **may** tax tangible business personal property. The county tax rate on personal property and operating real property cannot be more than 2.5 times the rate for real property.

**Income Tax:** Each county and Baltimore City **must** levy a local income tax. The county income tax sets Maryland apart from other states. Maryland local governments rank first nationally in reliance on personal income tax as a revenue source. Counties may set the local income tax rate from 1 to 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** tax food and beverages in a resort area to pay for bonds related to construction, repair, renovation or equipping of a convention center facility in the resort.

- **Admissions and Amusement Tax:** Counties **may** tax 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 **may** tax the sale of renting a hotel or motel room, on top of the existing state general sales tax.

**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. Other counties **cannot** impose this tax.

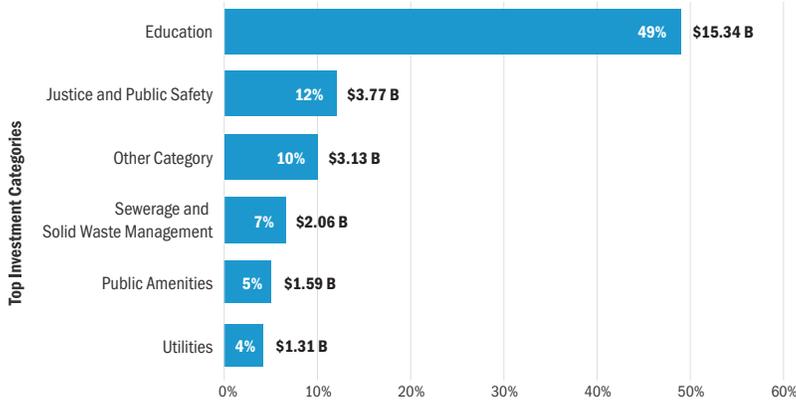
**Debt and Debt Limit:** Counties **may** borrow money for any public purpose, and they may issue and sell general obligation bonds to evidence the borrowing. For charter counties, the aggregate amount of bonds and other debts may not exceed the sum of 6 percent of the county's assessable basis of all 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. Code home rule counties cannot issue bonds that mature later than 40 years after the date of issue.

### Other Finance Info:

- **Coal Tax:** Counties **must** tax surface coal mining at a rate of 30 cents per ton.
- **Transfer Tax:** Home rule counties **may** levy a transfer of 0.5 percent or less on property transfers, articles of consolidation or articles of merger.

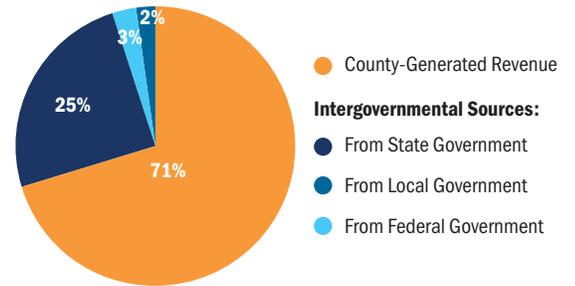
# TAXATION/FINANCES, CONTINUED

## MARYLAND COUNTIES INVEST \$31.3 BILLION ANNUALLY



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

## MARYLAND COUNTIES RECEIVE \$9.4 BILLION FROM INTERGOVERNMENTAL SOURCES



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