

FILED

Bill Number: 2008-8

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COUNTY COUNCIL OF
DORCHESTER COUNTY, MARYLAND

Legislative Session 2008 , Legislative Day No. 6

Bill No. 2008-8

Introduced By: Council President William V. Nichols

By the County Council, ~~January~~ ^{April} 15, 2008

AN ACT to prohibit the making or authorizing of an expenditure from, or creating or authorizing an obligation under, any appropriation or fund in excess of the amount available in the appropriation or fund unless authorized by law.

By adding
Dorchester County Code
Chapter 147, Violation of Ordinances
§ 147-7, Budgetary Control

Introduced, read first time, ordered posted on official bulletin board of County, County Office Building, 501 Court Lane, Cambridge, Maryland 21613.

Ordered publication for once a week for two successive weeks, and public hearing scheduled on Tuesday, May 6, 2008, Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland at 6:35p.m.

By order: Jane Baynard
Jane Baynard, County Manager

Boldface	Heading or defined term
<u>Underlining</u>	Added to existing law(s) by original bill
[Single boldface brackets]	Deleted from existing law(s) by original bill
<u>Double underlining</u>	Added by amendment
[[Double boldface brackets]]	Deleted from existing law or the bill by amendment
***	Existing law(s) unaffected by bill

1 **NOW THEREFORE, IN ACCORDANCE WITH THE PROVISIONS**
 2 **OF ARTICLE 5 OF THE CHARTER OF DORCHESTER**
 3 **COUNTY:**

4
 5 **SECTION ONE: BE IT ENACTED AND ORDAINED BY THE**
 6 **COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND**
 7 **that the Dorchester County Code be amended by adding § 147-7 to**
 8 **Chapter 147, to be entitled “Budgetary Control”**

9
 10 **Chapter 147, *Violation of Ordinances*, is amended by adding § 147-7:**

11
 12 **§ 147-7: Budgetary control**

13
 14 **This section shall be known as the Anti-Deficiency Act.**

15
 16 A. **Authorization**

- 17 (1) **Article 25A, § 5(A)(2) of the Annotated Code of**
 18 **Maryland; and**
 19 (2) **Article 25A, § 5(Q)(1) of the Annotated Code of**
 20 **Maryland; and**

21
 22 B. **Definitions**

- 23 (1) **For the purposes of this section, the following words are**
 24 **defined:**
 25 (a) **Appropriation: A designated amount of public**
 26 **funds approved for a specific purpose during a**
 27 **fiscal year within the annual budget ordinance by**
 28 **the County Council of Dorchester County,**
 29 **Maryland**
 30 (b) **Responsible official: An appointed official,**
 31 **department head or division manager.**

32
 33 C. **Prohibited acts**

- 34 (1) **A responsible official Dorchester County, Maryland may**
 35 **not:**
 36 (a) **make or authorize an expenditure or obligation**
 37 **exceeding an amount available in an**
 38 **appropriation for the expenditure or obligation,**
 39 **unless authorized by Council; or**

40 (b) involve Dorchester County, Maryland in a
 41 contract or obligation for the payment of money
 42 before an appropriation is made, unless
 43 authorized by Council.
 44

45 D. County not liable

- 46 (1) The County may not reimburse any expenditure to the
 47 extent that the expenditure violates subsection C.
 48 (2) The County is not obligated to appropriate money to pay
 49 an expenditure that violates subsection C.
 50

51 E. Penalties and reporting requirements

- 52 (1) Administrative and penal sanctions
 53 (a) A responsible official who violates subsection C.
 54 is guilty of neglect of official duty and is subject
 55 to appropriate administrative discipline
 56 including, when circumstances warrant,
 57 suspension from duty without pay or removal
 58 from office.
 59 (2) Reporting requirements
 60 (a) Responsible officials who have violated section
 61 C. shall immediately report all relevant facts and
 62 a statement of actions taken to the County
 63 Council.
 64
 65

66 **SECTION TWO: BE IT FURTHER ENACTED AND**
 67 **ORDAINED BY THE COUNTY COUNCIL OF DORCHESTER**
 68 **COUNTY, MARYLAND that General Code Publishers is directed to**
 69 **codify new § 147-7 of Chapter 147 in the Dorchester County Code**
 70 **accordingly.**
 71

72
 73 **SECTION THREE: BE IT FURTHER ENACTED AND**
 74 **ORDAINED BY THE COUNTY COUNCIL OF DORCHESTER**
 75 **COUNTY, MARYLAND that this legislation shall take effect 60 days**
 76 **from its approval.**
 77
 78
 79

80 APPROVED this 6th day of May, 2008

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82

83 ATTEST:

COUNTY COUNCIL OF
DORCHESTER COUNTY:

84

85 BY: Jane Baynard
86 Jane Baynard, County Manager

William V. Nichols
William V. Nichols, President

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Nichols- ay
Newcomb- ay
Elzey- ay
Price- ay
Travers- ay