

Code Home Rule vs Commissioner Issue Comparison

<u>Issue</u>	<u>Code Home Rule</u>	<u>Commissioner</u>
Structure of Government	Commissioners determine structure through local enactments. County Commissioner title retained.	Specified in State law. General Assembly may determine through legislation.
Public Local Laws	Commissioners can enact, amend, or repeal local laws on a wide array of matters. Most powers granted Charter counties also granted to Code counties. General Assembly may still enact public local laws covering an entire class of Code counties, but not for one single Code county.	Commissioner authority limited. General Assembly has full power to legislate for County. Commissioners may enact ordinances where authorized by Express Powers enabling legislation, or specific public local laws.
Bonding Authority	Commissioners authorize. No statutory maximum, but General Assembly may establish a limit. Subject to local referendum if petitioned by 10% of the voters.	General Assembly must specifically authorize. No statutory limitation.
Tax caps	Commissioners may not enact. General Assembly may, however, enact a tax cap for a Code county.	General Assembly may establish.
Referenda	All legislation subject to referendum if petition is filed with Board of Election Supervisors by 10% of registered voters.	Public local laws subject to referendum if petitioned to Secretary of State by 10% of registered voters. General Assembly may enact public local laws contingent on approval at referendum.
Enact new taxes, license or franchise fees	General Assembly authorization required. Cannot create new taxes, license or franchise fees not authorized at time County gets Code Home Rule status.	General Assembly authorization required.
Tax credits	General Assembly authorization required.	General Assembly authorization required.
Impact fees	Commissioners may establish.	General Assembly authorization required.
Planning and Zoning Authority	Subject to State Law.	Subject to State Law.
Declare/levy civil infractions /fines for enforcement of laws	Commissioners may enact subject to limitations	General Assembly must specifically authorize.

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Excise Taxes	Commissioners may enact a school construction excise tax (up to \$750 per lot) if not already levying a development impact fee. May also enact an agricultural excise tax (up to \$750 per lot) for purchase of TDRs if county is not levying a development impact fee.	General Assembly must authorize.
Formality of legislative process/procedures	Formal. Annotated Code specifies precise format, maximum number of legislative sessions, public notification requirements; provisions for emergency bills, effective dates, publications of proposed bills, etc.	Much less specific in law than Code Home Rule. No provisions covering legislative days, emergency bills, publication of proposed bills
Number of Commissioners, method of election, alternative form of board composition	Commissioners may determine through enactment of public local laws.	General Assembly determines.
Compensation	Commissioners may enact recommendation of a salary commission established by ordinance.	General Assembly sets. Informal salary board may be established to make recommendations to General Assembly.
Process to change form of government	Requires hearings on changing form and vote at a general election. Upon adoption, no change in structure required. No formal document drafted or voted on.	No change required.
Ability to establish separate police and corrections departments	Corrections Department or warden may be done through enactment by Commissioners of a public local law. Police department still requires General Assembly approval.	Required General Assembly approval.