

MEMORANDUM

March 18, 2016

TO: County Council

FROM: Robert H. Drummer, Senior Legislative Attorney 

SUBJECT: **Public Hearing:** Bill 4-16, Boards, Committees, and Commissions – Various Amendments

Bill 4-16, Boards, Committees, and Commissions – Various Amendments, sponsored by Lead Sponsor Government Operations and Fiscal Policy Committee, was introduced on March 1, 2016. A Government Operations and Fiscal Policy Committee worksession is tentatively scheduled for April 4, 2016 at 9:30 a.m.

Bill 4-16 would:

- increase the membership of the Animal Matters Hearing Board, the Commission on Aging, the Commission on People with Disabilities, the Commission on Veteran Affairs, the Commission on Child Care, and the Library Board; and
- eliminate the various geographical area recreation advisory boards.

Background

County Code §2-146(c) requires the Executive to appoint, subject to Council confirmation, a citizens review committee to “review the committee system and each then-existing committee and report to the Executive and Council its recommendations for changes in individual committees and the committee system as a whole.” The most recent Committee Evaluation and Review Board (CERB) was appointed on March 6, 2012 and issued its final report to the Council and the Executive on September 30, 2013. A copy of the report can be viewed at: <https://www.montgomerycountymd.gov/boards/Resources/Files/20-CERB-REPORT-2013.pdf>.

The CERB visited and reviewed the operation of 87 boards, committees and commissions (BCC) supporting the County government. The CERB made various recommendations that would require a change in County law to implement. Some of these recommendations were general changes that would apply to each BCC and some were specific to certain BCC’s. Bill 4-16 would amend County law to implement the specific changes affecting an individual BCC as recommended by the CERB.

The CERB presented its report to the Council on January 31, 2014. The Council's Government Operations and Fiscal Policy Committee held a worksession to discuss the CERB report and recommendations on March 17, 2014.

The Changes in the Bill

- 1. Increase the membership of the Animal Matters Hearing Board from five to seven and abolish the requirement for alternates.**

See lines 31-47 of the Bill at ©4.

- 2. Amend §27-35(a) for the Commission on Aging to include representatives from the Mental Health Advisory Committee and Veterans Affairs Commission.**

See lines 124-150 of the Bill at ©7-8. This change would create an exception to the general rule in Code §2-148(a)(1) that states:

To promote broad participation, no individual should ordinarily serve more than 2 consecutive full terms or serve on more than one committee at any one time.

- 3. Amend §10A-4(c)(2), Montgomery County Code, to add the Community Use of Public Facilities as a public agency with non-voting membership on the Commission on Child Care.**

See lines 54-80 of the Bill at ©5.

- 4. Amend §27-51(a), Montgomery County Code, to include a representative from the Veterans Affairs Commission as a non-voting member of the Commission on People with Disabilities.**

See lines 153-164 of the Bill at ©8-9. This change would create another exception to the general rule in Code §2-148(a)(1).

- 5. Amend §24-61(c), Montgomery County Code, to include a representative from the Commission on People with Disabilities as a non-voting member of the Commission on Veterans Affairs.**

See lines 102-120 of the Bill at ©6-7. This change would create another exception to the general rule in Code §2-148(a)(1).

- 6. Amend §2-46, Montgomery County Code, to require a representative from Montgomery College to be on the Library Board.**

See lines 4-10 of the Bill at ©3.

- 7. Amend various sections of the County Code to consolidate the geographical area recreation boards into the County-wide Recreation Advisory Board.**

See lines 178-306 of the Bill at ©9-14.

This packet contains:

Bill 4-16

Legislative Request Report

Circle #

1

15

F:\LAW\BILLS\1604 Boards, Committees, And Commissions - Various Amendments\PH Memo.Docx

Bill No. 4-16
Concerning: Administration - Boards,
Committees, and Commissions -
Various Amendments
Revised: January 21, 2016 Draft No. 1
Introduced: March 1, 2016
Expires: September 1, 2017
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Government Operations and Fiscal Policy Committee

AN ACT to:

- (1) increase the membership of the Animal Matters Hearing Board, the Commission on Aging, the Commission on People with Disabilities, the Commission on Veteran Affairs, the Commission on Child Care, and the Library Board;
- (2) eliminate the various geographical area recreation advisory boards; and
- (3) generally amend the law governing the appointment and operation of boards, committees, commissions, and task forces that operate as part of the County government.

By amending

Montgomery County Code
Chapter 2, Administration
Section 2-46

Chapter 5, Animal Control
Section 5-104

Chapter 10A, Child Care
Section 10A-4

Chapter 24, Health and Sanitation
Section 24-61

Chapter 27, Human Rights and Civil Liberties
Sections 27-35 and 27-51

Chapter 41, Recreation and Recreation Facilities
Article III. Recreation Areas and Advisory Boards.
Sections 41-21, 41-25, 41-26, 41-27, 41-28, 41-29, and 41-30

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

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Sections 2-46, 5-104, 10A-4, 24-61, 27-35, 27-51, 41-21, 41-25, 41-**
 2 **26, 41-27, 41-28, 41-29, and 41-30 are amended as follows:**

3 **2-46. Library board-Established; composition; term of members.**

4 There is a Montgomery County Library Board composed of [12] 13 members
 5 appointed by the Executive from the County at large, including 1 member
 6 recommended by Montgomery College, subject to the confirmation of the [county
 7 council] Council], by the county executive]. The supervisor of school libraries is an
 8 ex officio member of the board. A member is appointed for a term of 3 years. [, in an
 9 appointment] A member appointed to fill a vacancy before a term expires [, the
 10 successor] serves the rest of the unexpired term.

11 **5-104. Animal Matters Hearing Board.**

12 (a) *Jurisdiction.*

13 (1) As provided in this Chapter, the Animal Matters Hearing Board
 14 has jurisdiction to hear:

15 (A) original complaints involving allegations of violations of
 16 this Chapter or a violation of the terms of an adoption
 17 agreement; and

18 (B) appeals from any decision or order of the Director.

19 (2) The Board must not enter an order that conflicts with a decision of
 20 the County Circuit or District Court.

21 (3) The Board must not hear a complaint or an appeal involving the
 22 seizure of an animal if the owner has been arrested and charged
 23 with violating any provision of Title 10, Subtitle 6 of the Criminal
 24 Law Article or Section 21-1004.1 of the Transportation Article of
 25 the Maryland Code until the charges have been finally resolved by
 26 the court with jurisdiction.

(b) *Complaints.* A person may file a complaint with the Board alleging a violation of this Chapter or a violation of an animal shelter adoption contract. A complaint must be filed within one year after the alleged violation occurred.

(c) *Membership.*

(1) The Animal Matters Hearing Board consists of ~~[5]~~ 7 members appointed by the County Executive and confirmed by the County Council. The Board must include:

(A) a representative of licensed animal fanciers;

(B) a representative of the County Humane Society; and

(C) ~~[3]~~ 5 public members.

(2) [The Executive must appoint, subject to Council confirmation, a qualified alternate for each member. The alternate may vote in place of the member when the member is absent.

(3)] The Executive may remove a member who misses three meetings during a fiscal year without permission of the Chair.

~~[(4)]~~ (3) Each member [and alternate] serves for 3 years or until a successor takes office, whichever is later. A person appointed to fill a vacancy fills the remainder of the predecessor's term.

~~[(5)]~~ (4) The Board must elect a Chair each year from among its members.

* * *

10A-4. Commission on child care.

* * *

(c) Membership of Commission.

(1) The members of the Commission are appointed by the County Executive, subject to confirmation by the County Council.

(2) The Commission has 18 voting members and [5] 6 to [7] 8 nonvoting members. The County Executive should appoint the voting members so that:

[a.] (A) Seven members are providers of child care services.

The Executive should appoint providers of different types of child care services and providers to different age groups. These include family day care providers, group day care providers, private educational institutions, and providers serving infants, toddlers, pre-school and school-age children, and children with special needs.

[b.] (B) Five members are parents of children receiving child care services.

[c.] (C) Five members are selected from the business community and the general public.

[d.] (D) One member represents the Montgomery County chapter of the Maryland Municipal League.

(3) The Superintendent of Schools, the Chairman of the Montgomery County Planning Board, the President of Montgomery College, or their designees, are nonvoting members of the Commission. Two designees of the Director of the Department of Health and Human Services and one designee of the Director of the Community Use of Public Facilities are also nonvoting members of the Commission. In addition, upon recommendation of the Commission, the Executive may designate representatives of up to 2 public agencies to serve as nonvoting members. The Executive may appoint these additional members to serve less than [three-year] 3-year terms.

(4) Each member must reside or work in Montgomery County.

* * *

24-61. Commission on Veterans Affairs.

(a) Definition. In this Section “Commission” means the Commission on Veterans Affairs.

(b) Established. The County Executive must appoint, subject to confirmation by the Council, a Commission on Veterans Affairs.

(c) Composition; Term.

(1) The Commission has 16 voting members.

(2) The Executive should appoint 8 members who are veterans and may be a member of a veterans group, such as:

(A) Vietnam Veterans of America;

(B) American Veterans (AMVETS);

(C) Disabled American Veterans;

(D) Veterans of Foreign Wars;

(E) Women Veterans of America;

(F) American Legion; or

(G) Military Order of the Purple Heart.

(3) The Executive must appoint 4 members to represent the general public.

(4) The Executive must designate the following ex officio members:

(A) the Director of the Department of Health and Human Services, or the Director’s designee;

(B) the Director of the Department of Economic Development, or the Director’s designee;

(C) the County Executive or the Executive’s designee; and

(D) the President of Montgomery College or the President's designee.

(5) The Executive must invite a representative of the County's Congressional delegation who is either a member of the delegation or an individual designated to represent the delegation to be a non-voting member of the Commission.

(6) The Executive must appoint a member of the Commission on People with Disabilities as a non-voting member.

(7) The term of each member is 3 years.

[(7)] (8) The Executive must designate a chair and a vice-chair from among the Commission's members.

[(8)] (9) After an appointment to fill a vacancy before a term expires, the successor serves the rest of the unexpired term.

* * *

27-35. Creation; composition; appointment; terms and compensation of members; meetings; quorum; reports.

(a) *Creation and composition; appointment of members; election of officers.*

There is hereby established a commission on aging [. The commission shall consist of no less than] with at least eighteen (18) members appointed by the [county executive] Executive, subject to confirmation by the [county council] Council. [Membership shall] After considering the recommendations of the commission, the Executive must appoint a majority of members who are [consist of the] older citizens. In addition, each member must be:

(1) a County resident; and

(2) an individual who is or who has been active in business, industry, labor, community service, religion, welfare, education, the

professions, or representatives of major organizations or agencies
significantly concerned with the problems of aging.

[county residents of whom a majority shall be older citizens. The county executive shall take into consideration the recommendations of the commission in making his appointments. The nominees shall be individuals who are or who have been active in business, industry, labor, community service, religion, welfare, and/or education, the professions, and representatives of major organizations or agencies significantly concerned with the problems of aging.] The Executive must appoint 1 member of the Mental Health Advisory Committee and 1 member of the Veterans Affairs Commission. The commission [shall] must elect the following officers and directors from the members appointed by the [county executive] Executive: [chairman] chair, vice [chairman] chair, secretary, budget and finance advisor, each to serve at the pleasure of the commission, and directors and such other officers as it [shall determine] determines.

* * *

27-51. Commission-Composition and appointments; meetings; staff.

(a) *Composition and appointment.* There is a Commission on People with Disabilities. The Commission has 25 voting members, and at least [5] 6 nonvoting members, including:

- (1) 13 voting members who are people with a disability;
- (2) 3 voting members who are parents of people with disabilities;
- (3) 9 voting members who represent organizations and agencies that provide services or represent people with disabilities;
- (4) one nonvoting member from the:
 - (A) Department of Recreation;

(B) Department of Transportation; [and]

(C) Human Rights Commission; and

(D) Veterans Affairs Commission; and

(5) two nonvoting members from the Department of Health and Human Services.

The County Executive appoints Commission members. The County Executive appoints voting members subject to confirmation by the County Council. The County Executive may appoint additional nonvoting members from other governmental agencies. All appointments are for a [3 year] 3-year term beginning October 1, except appointments to fill unexpired terms. If a vacancy occurs on the Commission, the County Executive should appoint a successor to complete the unexpired term within 60 days of the occurrence of the vacancy. After receiving recommendations of Commission members, the County Executive must appoint the chairperson and vice chairperson of the Commission, subject to confirmation by the County Council.

* * *

Article III. Recreation Areas and Advisory Boards.

* * *

41-21. Recreation board.

(a) There is a County Recreation Board. Each member is appointed by the County Executive and confirmed by the County Council for a 3-year term beginning on July 1. A member serves until a successor is appointed and confirmed.

(b) The voting members of the Board are:

(1) 1 representative from each recreation area [advisory board]; and

(2) 15 members appointed from the County at-large to represent a cross-section of the population of the County.

(c) The ex officio, nonvoting members of the Board are:

- (1) a representative of the Department of Parks of the Maryland-National Capital Park and Planning Commission;
- (2) an administrative representative of the Board of Education;
- (3) the immediate past Chair of the County Recreation Board, unless that person serves on the Board in another capacity;
- (4) a representative of the Office of Community Use of Public Facilities;
- (5) a representative of the Community Action Board;
- (6) a representative of the Commission on Aging; and
- (7) a representative of the Commission on People with Disabilities.

[41-25. Recreation area advisory boards-Created.

In each recreation area created pursuant to this article, there shall be one

- (1) recreation area advisory board which shall serve as the representative body for such area on recreation matters.]

[41-26. Same-Purpose; goals and opportunities.

The recreation area advisory boards shall encourage the development of desirable recreational and park opportunities in the designated recreation areas of the county, so that all the people may live enriched lives, find greater enjoyment and happiness, have better mental health, greater physical vitality and deeper moral strength. To accomplish this purpose, each board shall be concerned with the following recreational goals and opportunities:

- (a) Opportunities that reflect the interests and needs of recreation area residents.
- (b) Opportunities within the financial ability of all the people.
- (c) Equality of opportunity for all people, regardless of race, origin, religion, age or sex.

- (d) Year-round opportunity for all ages and both sexes.
- (e) A wide range and diversity of individual choices (e.g., camping, dance, drama, athletics, fine arts, performing arts, games, music, social recreation, crafts and special events).
- (f) A balanced emphasis within the range of individual choices.
- (g) Opportunities for varying degrees of skill.
- (h) Opportunities for the individual, the family and groups.
- (i) Opportunities for progressive advancement.
- (j) Opportunities for creative expression.
- (k) Active and passive opportunities.
- (l) Opportunities that utilize other community resources.
- (m) Relating opportunities to other community agencies.
- (n) Opportunities for residents to participate in recreational planning.
- (o) Assistance to individuals and groups seeking their own opportunities.
- (p) Indoor and outdoor recreation opportunities centrally located and easily accessible.
- (q) Advice on the acquisition of open space to satisfy recreational pursuits, prevent overcrowding, make the district a more attractive place to live, conserve wooded areas and stream valleys, preserve historical, geological and horticultural features, and preserve areas of natural beauty.
- (r) Recreation grounds and facilities based upon user interests and needs and population ratio.]

[41-27. Membership.

- (a) Each recreation area advisory board consists of 9 members and 2 alternates, each of whom resides in the designated recreation area. Each member is appointed by the county executive, subject to confirmation by the county council. Individual appointments to a board must reflect a

wide diversity of recreational interests. The Executive must consider geographical representation from different neighborhood centers in the recreation area. In order to maintain continuity on each recreation area advisory board, the Executive must appoint 3 members of each board annually and appoint the 2 alternates every 3 years. Each member serves 3 years or until a successor is confirmed. A regular board member must not serve more than 2 consecutive full terms, but any member may be reappointed after a lapse of one year. A vacancy occurring before a term expires is filled for the remainder of the unexpired term of the predecessor. Appointments to unexpired terms are not a full term.

(b) When the Executive appoints an alternate member of a recreation area advisory board, the Executive must designate whether the appointee would serve as the primary or secondary alternate. Alternate members may participate in board discussions but must not vote unless acting for an absent board member. When a board member resigns, the first alternate becomes a full member for the remainder of the former member's term and the second alternate becomes the first alternate.

(c) A municipality with an active recreation program in a designated County recreation area may designate one or more representatives to serve as non-voting, ex officio members of the recreation area advisory board for that area.

(d) The members of each board serve without compensation. The department of recreation must designate a department employee to advise each board, and the director of the department must ask the Maryland-National Capital Park and Planning Commission to have a staff member present at meetings of each board.]

[41-28. Same-Chairperson and vice-chairperson.]

The chairperson and vice-chairperson shall be elected by each recreation area advisory board from among its members. The term of the chairperson and vice-chairperson shall be one (1) year, and each shall be eligible for reelection for an additional one-year term. No chairperson or vice-chairperson shall serve consecutively for more than two (2) years.]

[41-29. Meetings; quorum.

Each recreation area advisory board meets in public session on call by the chairman as frequently as necessary to perform its duties, but not less than 10 times annually. Reasonable notice must be given for all meetings of the board. A majority of the members of the board is a quorum for the transaction of business, and a majority vote of those present at any meeting is required for any action taken by the board.]

[41-30. Duties.

Each board must advise the county recreation board, the county executive, the county council, the director of the county department of recreation, and the Montgomery County Planning Board about the appropriate number and nature of recreation programs, neighborhood and community parks, and facilities for leisure activities and the well-being of county residents. A board also may:

- (a) Study and appraise the existing and future recreation needs of its recreation area in terms of program, facilities and services, and suggest plans to meet those needs.
- (b) Provide general comments on annual budget requests for recreation and parks, programs and facilities.
- (c) Support high standards in recreation leadership and in quality of program service.

- 296 (d) Encourage cooperation with other related agencies and assist in
 297 correlating community forces for the development of recreation and
 298 parks.
- 299 (e) Render advice on the design and layout of recreation grounds and
 300 facilities.
- 301 (f) Advise the county council on legislative and budgetary matters regarding
 302 recreation.
- 303 (g) Inform the Regional Citizens Advisory Board about matters related to
 304 recreation and parks, and collaborate with the Regional Board on planning,
 305 conservation, environment, and other issues that affect park and recreation
 306 facilities and services.]

307

308 *Approved:*

309

Nancy Floreen, President, County Council	Date
--	------

310 *Approved:*

311

Isiah Leggett, County Executive	Date
---------------------------------	------

312 *This is a correct copy of Council action.*

313

Linda M. Lauer, Clerk of the Council	Date
--------------------------------------	------

LEGISLATIVE REQUEST REPORT

Bill 4-16

Boards, Committees, and Commissions – Various Amendments

DESCRIPTION:	Bill 4-16 would increase the membership of the Animal Matters Hearing Board, the Commission on Aging, the Commission on People with Disabilities, the Commission on Veteran Affairs, the Commission on Child Care, and the Library Board. The Bill would also eliminate the various geographical area recreation advisory boards.
PROBLEM:	The Executive appointed, subject to Council confirmation, a citizen committee (CERB) to study the 87 boards, committees, commissions, and task forces that support County government in 2012. The CERB issued a final report in 2014. This Bill would implement some of the recommendations from the CERB report.
GOALS AND OBJECTIVES:	Improve the operation of the 87 BCC's.
COORDINATION:	County Executive, Chief Administrative Officer.
FISCAL IMPACT:	To be requested.
ECONOMIC IMPACT:	To be requested.
EVALUATION:	To be requested.
EXPERIENCE ELSEWHERE:	To be researched.
SOURCE OF INFORMATION:	Robert H. Drummer, Senior Legislative Attorney
APPLICATION WITHIN MUNICIPALITIES:	Not applicable.
PENALTIES:	Not applicable.

f:\LAW\BILLS\1604 Boards, Committees, And Commissions - Various Amendments\LRR.Docx