

AGENDA ITEM 5
March 6, 2018

Action

MEMORANDUM

March 2, 2018

TO: County Council

FROM: Amanda Mihill, Legislative Attorney *A. Mihill*

SUBJECT: **Action:** Bill 3-18, Technical Corrections

Bill 3-18, Technical Corrections, sponsored by Lead Sponsor County Council, was introduced on February 6, 2018. A public hearing was held on February 27; there were no speakers.

Bill 3-18 would correct technical, typographical, grammatical, reference and codification errors in, and make stylistic, clarifying and conforming amendments to, various provisions of County law.

An amendment proposed by Council staff is attached on ©26. The amendment would make additional corrections and make the bill expedited. **Council staff recommends the Council enact Bill 3-18 with the amendment on ©26.**

This packet contains:

Bill 3-18

Legislative Request Report

Fiscal and Economic Impact Statements

Staff amendment

Circle #

1

21

22

26

Bill No. 3-18
Concerning: Technical Corrections
Revised: 1/31/2018 Draft No. 1
Introduced: February 6, 2018
Expires: August 6, 2019
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: County Council

AN ACT to correct technical, typographical, grammatical, reference, and codification errors in, and make stylistic, clarifying, and conforming amendments to, various provisions of County law.

By amending

Montgomery County Code
Chapter 1A, Structure of County Government
Sections 1A-101, 1A-102, 1A-105, 1A-106, 1A-109, and 1A-204

Chapter 2, Administration
Sections 2-7 and 2-123A

Chapter 11B, Contracts and Procurement
Sections 11B-33A and 11B-72

Chapter 16, Elections
Sections 16-18, 16-20, and 16-26

Chapter 19A, Ethics
Sections 19A-17 and 19A-32

Chapter 25A, Housing, Moderately Priced
Section 25A-3

Chapter 29, Landlord-Tenant Relations
Sections 29-19, 29-20, and 29-53

Chapter 30B, Economic Development
Section 30B-7

Chapter 33, Personnel and Human Resources
Sections 33-4, 33-37, 33-42, 33-42A, 33-44, 33-59, and 33-74

Chapter 44, Schools and Camps
Section 44-3

Chapter 52, Taxation
Section 52-55

Chapter 60, Silver Spring, Bethesda, Wheaton and Montgomery Hills Parking Lot Districts
Sections 60-1 and 60-16

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:

Sec. 1. Sections 1A-101, 1A-102, 1A-105, 1A-106, 1A-109, 1A-204, 2-7, 2-123A, 11B-33A, 11B-72, 16-18, 16-20, 16-26, 19A-17, 19A-32, 25A-3, 29-19, 29-20, 29-53, 30B-7, 33-4, 33-37, 33-42, 33-42A, 33-44, 33-59, 33-74, 44-3, 52-55, 60-1, and 60-16 are amended as follows:

1A-101. Scope of article.

* * *

(c) List of appointed officials.

* * *

(4) Executive Director of the Office of the County Council
[Administrator] (optional).

* * *

1A-102. Process for appointing and confirming officials.

* * *

(d) Executive Director of the Office of the County Council
[Administrator].

(1) There is a position of Executive Director of the Office of the County Council [Administrator]. The Council may appoint someone to fill this position.

(2) The Executive Director of the Office of the County Council [Administrator] must be a professionally qualified administrator.

(3) The Executive Director of the Office of the County Council [Administrator] is not a merit system employee.

(4) An appointment must be by a majority vote of councilmembers in office.

1A-105. Acting officials.

(a) *Scope.* This Section applies to acting:

* * *

(5) Executive Directors of the Office of the County Council
[Administrators].

* * *

(f) Executive Director of the Office of the County Council
[Administrator].

(1) If the position of Executive Director of the Office of the County
Council [Administrator] is vacant, the Council may appoint an
acting Executive Director [Council Administrator].

(2) (A) If the Executive Director of the Office of the County
Council [Administrator] becomes temporarily absent or
disabled, the Council may appoint an acting Executive
Director [Council Administrator].

(B) If the Council does not appoint an acting Executive
Director of the Office of the County Council
[Administrator] under this paragraph, the Executive
Director [Council Administrator] may appoint an acting
Executive Director [Council Administrator].

(3) An acting Executive Director of the Office of the County
Council [Administrator], who is not a merit system employee,
must be a professionally qualified administrator.

* * *

(h) *Removal.*

* * *

(2) The Council may remove an acting Executive Director of the
Office of the County Council [Administrator] at any time.

1A-106. Salaries of the County Executive and Councilmembers.

* * *

(c) *Annual adjustments.*

(1) Beginning on December 3, 2018, the salaries of the Councilmembers must be adjusted annually on the first Monday in December by the annual average percentage increase, if any, in the Consumer Price Index for All Urban Consumers (CPI-U) for the [Washington-Baltimore Metropolitan Area] Washington-Arlington-Alexandria Core Based Statistical Area (CBSA), as published by the United States Department of Labor, Bureau of Labor Statistics, or any successor index, for the 12 months preceding September 1 of that year.

(2) Beginning on December 7, 2015, the salary of the County Executive must be adjusted annually on the first Monday in December by the annual average percentage increase, if any, in the Consumer Price Index for All Urban Consumers (CPI-U) for the [Washington-Baltimore Metropolitan Area] Washington-Arlington-Alexandria Core Based Statistical Area (CBSA), as published by the United States Department of Labor, Bureau of Labor Statistics, or any successor index, for the 12 months preceding September 1 of that year.

1A-109. Delegation of Authority; Sub-delegation.

* * *

(j) Section 1A-105 exclusively governs the appointment of an acting:

* * *

(5) Executive Director of the Office of the County Council
[Administrator].

81 **1A-204. Supervision of offices and appointment of heads.**

82 * * *

83 (b) *Legislative Branch.*

84 (1) Office of the County Council.

85 (A) The Council appoints the Executive Director of the
86 Office of the County Council [Administrator] as provided
87 for in Section 1A-102(d), and may give direction to
88 members of the Council's staff. In the absence of
89 direction from the Council, officers of the Council may
90 give directions to the Council's staff.

91 (B) Except for the Clerk of the Council, the Executive
92 Director of the Office of the County Council
93 [Administrator] or another person designated by the
94 Council appoints and supervises all merit system
95 employees of the Office.

96 (C) Under the merit system laws, the County Council
97 appoints and removes the Clerk of the Council by a
98 resolution approved by a majority of all councilmembers
99 in office. The Executive Director of the Office of the
100 County Council [Administrator] supervises the Clerk on
101 all matters.

102 * * *

103 (4) Office of Zoning and Administrative Hearings.

104 (A) The County Council, by a majority vote of Councilmembers in
105 office, may appoint one or more hearing examiners of the
106 Office of Zoning and Administrative Hearings, and designate a

hearing examiner or the Executive Director of the Office of the
County Council [Administrator] as Director of the Office.

**2-7. Location of Sheriff's office; compensation of Sheriff; required use of
 vehicle.**

* * *

(b) Salary.

* * *

(2) Beginning on December 2, 2013, the Sheriff's salary must be
 adjusted annually on the first Monday in December by the
 annual average percentage increase, if any, in the Consumer
 Price Index for All Urban Consumers for the [Washington-
 Baltimore Metropolitan Area] Washington-Arlington-
Alexandria Core Based Statistical Area (CBSA) as published
by the United States Department of Labor, Bureau of Labor
Statistics, or any successor index, for the 12 months preceding
 September 1 of that year.

* * *

2-123A. Compensation of the State's Attorney

* * *

(b) Beginning on January 6, 2014, the salary of the State's Attorney must
 be adjusted annually on the first Monday in January by the annual
 average percentage increase, if any, in the Consumer Price Index for
 All Urban Consumers for the [Washington-Baltimore Metropolitan
 Area] Washington-Arlington-Alexandria Core Based Statistical Area
(CBSA) as published by the United States Department of Labor,
Bureau of Labor Statistics, or any successor index, for the 12 months
 preceding September 1 of that year.

11B-33A. Wage requirements.

* * *

(e) Wage requirement.

* * *

- (2) The Chief Administrative Officer must adjust the wage rate required under this subsection, effective July 1 of each year, by the annual average increase, if any, in the Consumer Price Index for [all urban consumers for the Washington- Baltimore metropolitan area] All Urban Consumers (CPI-U) for the Washington-Arlington-Alexandria Core Based Statistical Area (CBSA), as published by the United States Department of Labor, Bureau of Labor Statistics, or any successor index, for the previous calendar year. The Chief Administrative Officer must calculate the adjustment to the nearest multiple of 5 cents, and must publish the amount of this adjustment not later than March 1 of each year. Each adjustment under this paragraph applies to any contract covered by this Section which:

* * *

11B-72. Scope of Article.

* * *

The Director must adjust the amount in paragraph (1) every 2 years to reflect the aggregate increase, if any, in the Consumer Price Index for [all urban consumers for the Washington-Baltimore metropolitan area] All Urban Consumers (CPI-U) for the Washington-Arlington-Alexandria Core Based Statistical Area (CBSA) as published by the United States Department of Labor, Bureau of Labor Statistics, or any successor index, for the previous 2

years. The Director must calculate the adjustment to the nearest multiple of \$100.

* * *

16-18. Definitions.

In this Article, the following terms have the meanings indicated:

* * *

Consumer Price Index means the Consumer Price Index for All Urban Consumers[: All items in Washington-Baltimore, DC-MD-VA-WV (CMSA)] (CPI-U) for the Washington-Arlington-Alexandria Core Based Statistical Area (CBSA), as published by the United States Department of Labor, Bureau of Labor Statistics, or a successor index.

* * *

16-20. Collecting qualifying contributions.

* * *

(b) Other than a contribution from an applicant candidate or the candidate's spouse, an applicant candidate must not accept an eligible contribution from an individual greater than \$150.

(c) An applicant candidate must not accept a loan from anyone other than the candidate or the candidate's spouse. An applicant candidate or the candidate's spouse must not contribute or lend a combined total of more than \$6000 each to the candidate's publicly funded campaign account.

[(c)] (d) *Consumer Price Index adjustment.* The Chief Administrative Officer must adjust the contribution limit established in Subsection (b), effective July 1, 2018, and July 1 of each subsequent fourth year, by the annual average increase, if any, in the Consumer Price Index for the previous 4 calendar years. The Chief Administrative Officer

must calculate the adjustment to the nearest multiple of 10 dollars, and
must publish the amount of this adjustment not later than March 1 of
each fourth year.

16-26. Applicant and participating candidate restrictions.

An applicant candidate or a participating candidate must not:

* * *

- (c) [must not] pay for any campaign expense after filing a notice of intent
with the Board to seek public funding with any campaign finance
account other than the candidate's publicly funded campaign account;

* * *

19A-17. Who must file a financial disclosure statement.

The following persons must file a public financial disclosure statement
under oath:

* * *

- (b) the following public employees:

* * *

- (10) the Executive Director of the Office of the County Council
[Administrator] and the Deputy Director of the Office of the
County Council [Administrator], if any;

* * *

19A-32. Removal for failure to file financial disclosure statement.

- (a) If a public employee does not file a complete financial disclosure
statement when required to under Section 19A-18, the Chief
Administrative Officer (for employees in the Executive Branch) or the
Executive Director of the Office of the County Council
[Administrator] (for employees in the Legislative Branch) may
remove the employee from employment with a County agency or

from membership on a board, commission or similar body, paid or unpaid. Before an employee is removed for failing to file a financial disclosure statement, the County Attorney must give the employee 30 days notice of the proposed removal. The Chief Administrative Officer and the Executive Director of the Office of the County Council [Administrator] must not remove an employee if the employee files the required financial disclosure statement within the time specified in the notice. This section does not apply to an elected public employee.

* * *

25A-3. Definitions

The following words and phrases, as used in this Chapter, have the following meanings:

* * *

- (f) *Consumer Price Index* means the latest published version of the Consumer Price Index for All Urban Consumers (CPI -U) [of the U.S. Department of Labor] for the [Washington metropolitan area] Washington-Arlington-Alexandria Core Based Statistical Area (CBSA), as published by the United States Department of Labor, Bureau of Labor Statistics, or any similar index selected by the County Executive.

* * *

29-19. Licensing procedures.

* * *

- (b) Accessory apartment rental license.

- (1) An owner of a lot or parcel in a zone that permits accessory apartments may obtain a license to operate an accessory

apartment if:

* * *

(C) the Director finds that:

(i) the accessory apartment satisfies the standards for an accessory apartment in Section [59-A-6.20] 59.3.3.3; or

(ii) the accessory apartment was approved under Article 59-G as a special exception or under 2014 Zoning Ordinance §59.3.3.3 as a conditional use.

29-20. Fees.

The annual license fee per dwelling unit is:

(a) for a Class 1 multi-family rental facility license:

(1) \$44.00 per dwelling unit in an apartment complex or an accessory apartment approved by special exception; and

(2) \$59.00 per dwelling unit for all others;

* * *

29-53. Voluntary rent guidelines; review of rent increases.

* * *

(b) The guidelines must be based on the increase or decrease in the residential rent component of the Consumer Price Index for [all urban consumers for the Washington- Baltimore metropolitan area] All Urban Consumers (CPI-U) for the Washington-Arlington-Alexandria Core Based Statistical Areas (CBSA) as published by the United States Department of Labor, Bureau of Labor Statistics, or any successor index, for the preceding calendar year, unless an alternative standard better reflecting the costs of rental housing in the County is established by regulation.

* * *

30B-7. Report

The Board of Directors must report annually on the activities and finances of the Corporation and provide an audited financial statement of the Corporation to the Executive and Council by November 1 of each year. The report must also include:

* * *

(b) information on the microlending program including:

* * *

(2) a description of [the] how each loan was used;

* * *

33-4. Salaries of chairman and members of merit system protection board.

(a) In this Section, Consumer Price Index means the Consumer Price Index for All Urban Consumers (CPI-U) for the Washington-Arlington-Alexandria Core Based Statistical Area (CBSA), as published by the United States Department of Labor, Bureau of Labor Statistics, or a successor index.

(b) For members of the Merit System Protection Board appointed after December 31, 2000, the annual salary of the chair is \$8,000, adjusted as provided for other members under this [section] Section. The annual salary of the other 2 members is \$6,500 adjusted each year on the first Monday in December by a percentage which is 50% of the percentage that the [consumer price index for all urban consumers for the Washington-Baltimore metropolitan area, or a successor index,] Consumer Price Index for the previous September has changed from September of the previous year.

33-37. Membership requirements and membership groups.

* * *

(f) *Membership groups and eligibility.* Any full-time or part-time employee is eligible for membership in the appropriate membership group if the employee meets all of the requirements for the group:

* * *

(4) Group E: The Chief Administrative Officer, the Executive Director of the Office of the County Council [Administrator], the hearing examiners, the County Attorney and each head of a principal department or office of the County government, if appointed to that position before July 30, 1978, or a member having held that position on or before October 1, 1972. Any sworn deputy sheriff or uniformed County correctional officer in the position of Correctional Officer I, Correctional Officer II, Correctional Officer III, Correctional Dietary Officer I, Correctional Dietary Officer II, Correctional Supervisor-Sergeant, Correctional Dietary Supervisor, Correctional Shift Commander-Lieutenant, Correctional Unit Commander-Captain, Deputy Warden, or Warden. Any group E member who has reached elective early retirement date may retain membership in group E if the member transfers from the position which qualified the member for group E. Any group E member who is temporarily transferred from the position which qualified the member for group E may retain membership in group E as long as the temporary transfer from the group E position does not exceed 3 years. Notwithstanding the foregoing provisions in group E, any employee who is eligible for membership in group E must participate in the guaranteed

retirement income plan or the retirement savings plan under
Article VIII if the employee:

* * *

33-42. Amount of pension at normal retirement date or early retirement date.

* * *

(i) *Retirement incentive Program.*

* * *

(5) *Approval.* The Chief Administrative Officer must approve a request to participate in the program from a member employed in the Executive Branch. The Executive Director of the Office of the County Council [Administrator] must approve a request to participate in the program from a member employed in the Legislative Branch. If more than 20% of members eligible to participate in the Executive Branch, either Countywide or by department, apply to participate in the program, the Chief Administrative Officer may limit the number of participants, either on a Countywide or department basis. If more than 20% of members eligible to participate in the Legislative Branch apply to participate in the program, the Executive Director of the Office of the County Council [Administrator] may limit the number of participants. The Chief Administrative Officer and the Executive Director of the Office of the County Council [Administrator] must base any limits on the number of participants on years of service with the County. Years of service with the County must not include service with a participating agency, purchased service, or sick leave.

* * *

33-42A. 2010 Retirement Incentive Program.

* * *

(g) *Approval.* The Chief Administrative Officer must approve a request to participate in the program from a member employed in the Executive Branch. The Executive Director of the Office of the County Council [Administrator] must approve a request to participate from a member employed in the Legislative Branch. The Chief Administrative Officer and the Executive Director of the Office of the County Council [Administrator] must not approve more applications from an affected class than the number of positions that are abolished in the affected class. The Chief Administrative Officer and the Executive Director of the Office of the County Council [Administrator] may disapprove an application if a vacancy created by a member participating in the program cannot be filled by a member of an affected class. If more members apply to participate in the program than the number of positions abolished, the participants must be approved in order of County seniority calculated under the RIF personnel regulation in the following order:

* * *

33-44. Pension payment options and cost-of-living adjustments.

* * *

(c) *Cost-of-living adjustment.* A retired member or beneficiary, including the surviving spouse or domestic partner of a group D member or other beneficiary who survives the member under a pension option or who is otherwise eligible to receive benefits, must receive an annual cost-of-living adjustment in pension benefits.

* * *

(4) For the purpose of this section, "Consumer Price Index" means, beginning January 1, 1978, the Consumer Price Index for All Urban Consumers (CPI-U) [issued] for the [Washington, D.C. Metropolitan Area (all items)] Washington-Arlington-Alexandria Core Based Statistical Area (CBSA), as published by the United States Department of Labor, Bureau of Labor Statistics (for months before 1978, the Consumer Price Index published previously for urban wage earners and clerical workers for such months must be applicable.)

* * *

33-59. Board of investment trustees.

* * *

(b) *Membership.*

* * *

(2) The County Executive must appoint 4 voting, ex officio members of the Board, subject to County Council confirmation as members, who serve indefinitely while each holds the respective office. These ex officio trustees should be:

* * *

(D) the Executive Director of the Office of the County Council [Administrator].

* * *

33-74. Cost-of-living adjustment.

(a) The county executive shall provide as a part of the annual recommended operating budget for the county government sufficient funds to implement the cost-of-living adjustment required by this section. The council shall accord one of the highest priorities to the

full funding of the cost-of-living adjustment, shall fund fully the seventy-five (75) percent of Consumer Price Index cost-of-living adjustment unless reasons are given for not doing so, and shall make a finding in the budget resolution as to the extent to which full funding is achieved. Unless otherwise provided in the approved budget resolution which includes a finding that implementation of the full amount of the adjustment would necessitate substantial layoffs of personnel or result in other widespread hardship to county government employees, the chief administrative officer shall adjust the uniform salary plan for all classified employees of the county government beginning the first pay period on or after July 1 of each year by an amount not less than seventy-five (75) percent of the change in the Consumer Price Index for All Urban Consumers (CPI-U) [in the Washington, D.C. Area] for the Washington-Arlington-Alexandria Core Based Statistical Area (CBSA), as published by the United States Department of Labor, Bureau of Labor Statistics, although pay grades 1 through 4 of the uniform salary plan to which minimum wage and certain seasonal employees are assigned will be adjusted by changes in the minimum wage rates and salary surveys to determine the competitiveness of such salaries. The percentage change shall be based on the latest published index for the calendar year preceding the fiscal year in which the adjustment is to be paid.

* * *

44-3. Interagency Coordinating Board.

* * *

(b) *Membership.* The Board consists of voting members and nonvoting,

ex officio members.

(1) The voting members are:

* * *

(E) a Councilmember, [or] the Executive Director of the Office of the County Council [Administrator], or a senior staff member of the County Council, who represents the Council;

* * *

52-55. Tax Rates.

* * *

[(d)]

(d) The County Council by resolution, after a public hearing advertised at least 15 days in advance, may increase or decrease the rates established under this Section.

* * *

60-1. Special taxing areas continued; areas defined.

* * *

(b) *Bethesda Parking Lot District.* The Bethesda Parking Lot District consists of all land within the area described as follows:

Commencing at a point on the east right-of-way line of Wisconsin Avenue at the northwest corner of Lot 47, Block [']1, in the resubdivision of Lots 1, 2, 3 of Rosedale Park, as recorded January 9, 1939, in Plat Book 16, Plat 1038, among the land records of Montgomery County, Maryland;

* * *

There must also be included in the foregoing described area any lot partially within and partially without the described area.

* * *

60-16. Purpose of parking lot funds.

* * *

(e) Notwithstanding the limits in subsection (a) or (b) or any other provision of this Chapter, the County Council may transfer revenue from the Silver Spring Parking Lot District parking tax:

- (1) to fund activities of the Silver Spring Regional Services Center in the Montgomery Hills commercial area described in Section 60-1(a)(2), an amount in Fiscal Year 2005 that does not exceed \$15,000, and in each succeeding fiscal year does not exceed the maximum amount for the previous fiscal year increased by the annual average increase, if any, in the Consumer Price Index for [all urban consumers in the Washington-Baltimore metropolitan area] All Urban Consumers (CPI-U) in the Washington-Arlington-Alexandria Core Based Statistical Area (CBSA) as published by the United States Department of Labor, Bureau of Labor Statistics, or any successor index, for the previous calendar year, to:

* * *

LEGISLATIVE REQUEST REPORT

Bill 3-18, *Technical Corrections*

DESCRIPTION: Makes technical, typographical, grammatical, and other non-substantive corrections to County law.

PROBLEM: Codifying several new laws revealed several technical and other non-substantive errors that could confuse a person trying to follow or enforce County law.

GOALS AND OBJECTIVES: To correct technical and other non-substantive errors in the County Code.

COORDINATION: Council legal staff and County Attorney's Office.

FISCAL IMPACT: To be requested.

ECONOMIC IMPACT: To be requested.

EVALUATION: Not applicable.

EXPERIENCE ELSEWHERE: Not applicable.

SOURCE OF INFORMATION: Amanda Mihill, Council Staff (240) 777-7815
Tammy Seymour, Office of the County Attorney (240) 777-6789

APPLICATION WITHIN MUNICIPALITIES: The applicability of other provisions in municipalities follows the applicability of the underlying provision of the County Code.

PENALTIES: Not applicable.



ROCKVILLE, MARYLAND

MEMORANDUM

February 26, 2018

TO: Hans Riemer, President, County Council

FROM: Jennifer A. Hughes, Director, Office of Management and Budget
Alexandre A. Espinosa, Director, Department of Finance

SUBJECT: FEIS for Bill 3-18 - Technical Corrections

Please find attached the fiscal and economic impact statements for the above-referenced legislation.

JAH:fz

cc: Bonnie Kirkland, Assistant Chief Administrative Officer
Lisa Austin, Offices of the County Executive
Joy Nurmi, Special Assistant to the County Executive
Patrick Lacefield, Director, Public Information Office
David Platt, Department of Finance
Dennis Hetman, Department of Finance
Phil Weeda, Office of Management and Budget
Felicia Zhang, Office of Management and Budget

Fiscal Impact Statement
Council Bill 3-18, Technical Corrections

1. Legislative Summary:
The proposed legislation makes technical, typographical, grammatical and other non-substantive changes to County law.
2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.
The proposed legislation does not have a fiscal impact.
3. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.
Not applicable.
4. An estimate of expenditures related to County's information technology (IT) systems, including Enterprise Resource Planning (ERP) systems.
Not applicable.
5. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.
Not applicable.
6. An estimate of the staff time needed to implement the bill.
Not applicable
7. An explanation of how the addition of new staff responsibilities would affect other duties.
Not applicable.
8. An estimate of costs when an additional appropriation is needed.
Not applicable.
9. A description of any variable that could affect revenue and cost estimates.
Not applicable.
10. Ranges of revenue or expenditures that are uncertain or difficult to project.
Not applicable.

Page 2

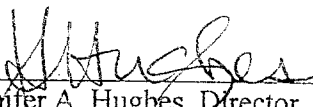
11. If a bill is likely to have no fiscal impact, why that is the case.

The bill makes technical, typographical, and grammatical changes to the law only.

12. Other fiscal impacts or comments.

None.

13. Philip Weeda of the Office of Management and Budget contributed to this analysis.



Jennifer A. Hughes, Director
Office of Management and Budget

2/13/18
Date

**Economic Impact Statement
Bill 3-18, Technical Corrections**

Background:

Bill 3-18 would correct technical, typographical, grammatical, reference and codification errors in, and make stylistic, clarifying and conforming amendments to, various provisions of County law. The bill corrects technical and other non-substantive errors that could confuse a person trying to follow or enforce County law.

1. The sources of information, assumptions, and methodologies used.

There were no sources of information, assumptions, or needed methodologies in the formulation of this economic impact statement.

2. A description of any variable that could affect the economic impact estimates.

There are no variables that could affect the economic impact estimates for this bill as the proposed corrections are merely technical in nature and do not substantively change the existing intent of the codified law.

3. The Bill's positive or negative effect, if any on employment, spending, savings, investment, incomes, and property values in the County.

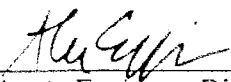
The bill will have no impact on employment, spending, savings, investment, incomes, and property values in the County.

4. If a Bill is likely to have no economic impact, why is that the case?

See number 2.

5. The following contributed to or concurred with this analysis:

David Platt, Dennis Hetman, and Robert Hagedoorn, Finance.



Alexandre A. Espinosa, Director
Department of Finance

2/23/2018
Date

AMENDMENT

To Bill 3-18

BY COUNCIL STAFF

PURPOSE: Include additional technical corrections and make Bill 3-18 an expedited bill.

Beginning on page 8, after line 151 amend Section 11B-45 to read:

1 **11B-45. Disposition of real property.**

2 * * *

3 (e) In addition to the process required under subsection (a), before the
4 disposition of any real property owned or controlled by the County
5 (other than a property which has either nominal value or an appraised
6 value lower than \$100,000) becomes final:

7 (2) the Council, by resolution adopted after the Council holds a
8 public hearing with a least 15 days advance notice, must approve;

9 (A) the Executive's declaration of no further need; and

10 (B) any disposition of the property at less than full market
11 value.

12 The Director must adjust the \$100,000 floor in this subsection on July 1
13 every third year by the percentage increase or decrease in the applicable
14 Consumer Price Index for All Urban Consumers (CPI-U) for the
15 Washington-Arlington-Alexandria Core Based Statistical Area (CBSA),
16 as published by the United States Department of Labor, Bureau of Labor
17 Statistics, or any successor index, during the previous 3 calendar years,
18 rounded to the nearest \$1000. The Council may waive the public hearing
19 required by this subsection if it concludes that a hearing on a particular
20 proposed disposition is not necessary to properly assess the proposed
21 action. If the Council does not act under this subsection within 60 days

22 after the Executive has submitted the proposed action, the proposed
23 action is automatically approved. The Council may extend the 60-day
24 deadline by resolution if the Council President has informed the
25 Executive, within 30 days after the Executive submitted the proposed
26 action, that the Council has not received all information necessary to
27 review the proposed action. If the 60 day deadline would fall during
28 August or from December 15 through December 31, the deadline is
29 automatically extended until the next scheduled Council session. This
30 subsection and subsection (c) do not apply to any disposition of property
31 that will be used primarily for housing development if the recipient
32 legally commits to the Director of the Department of Housing and
33 Community Affairs that at least 30% of the housing units built on the
34 property will be moderately priced dwelling units or other units that are
35 exempt from the development impact tax under Section 52-41(g)(1)-(4).

36 * * *

Beginning on page 11, after line 235, amend Section 25B-17 to read:

37 **25B-17. Definitions.**

38 In this Article, the following words have the following meanings:

39 * * *

- 40 (b) *Consumer Price Index* means the latest published version of the
41 Consumer Price Index for all Urban Consumers (CPI-U) [[of the U.S.]]
42 for the Washington-Arlington-Alexandria Core Based Statistical Area
43 (CBSA), as published by the United States Department of Labor, Bureau
44 of Labor Statistics, or any similar index selected by the County Executive.

45 * * *

Beginning on page 11, after line 235, amend Section 25B-23 to read:

25B-23. Definitions.

In this Article, the following words have the following meanings:

* * *

(b) *Consumer Price Index* means the latest published version of the Consumer Price Index for all Urban Consumers (CPI-U) [[of the U.S.]] for the Washington-Arlington-Alexandria Core Based Statistical Area (CBSA), as published by the United States Department of Labor, Bureau of Labor Statistics, or any similar index designated by regulation.

* * *

Beginning on page 11, after line 235, amend Section 27-62 to read:

27-62. Human Trafficking Prevention Committee.

(a) *Members.* The Executive must appoint, subject to confirmation by the Council, a Human Trafficking Prevention Committee. The Committee must have 15 voting members and up to 10 *ex-officio* nonvoting members. Each voting member must, when appointed, reside in the County.

* * *

(2) *Nonvoting members.*

* * *

(B) The Committee may also include the following *ex officio* nonvoting members[[;]]:

* * *

Beginning on page 11, after line 235, amend Section 29-9 to read:

29-9. Creation; composition; applicant disclosure; term of office; compensation.

* * *

(b) *Composition.*

* * *

71 (5) As used in this subsection, an attorney primarily represents either
72 owners and managers of rental housing, or tenants of rental
73 housing, if at the time of appointment the attorney appeared in 10
74 or more landlord-tenant cases in any jurisdiction, and represented
75 that type of client in more than 60% of the attorney's landlord-
76 tenant cases, in the preceding 12 months. As used in this
77 subsection, a "substantial portion" of a person's income means,
78 measured at the time of appointment, either:

79 (A) \$10,000 or more of that person's family income during the
80 preceding calendar year, or

81 (B) the ownership of more than 5% of any rental housing unit,
82 or any ownership interest in any business that owns or
83 manages rental housing.

84 The Director must adjust the \$10,000 amount in the preceding
85 sentence each year by the increase or decrease in the [[appropriate
86 consumer price index]] Consumer Price Index for All Urban
87 Consumers (CPI-U) for the Washington-Arlington-Alexandria
88 Core Based Statistical Area (CBSA), as published by the United
89 States Department of Labor, Bureau of Labor Statistics, for the
90 preceding calendar year, rounded to the nearest multiple of \$10.

91 * * *

Beginning on page 15, after line 324, amend Section 33-38A to read:

92 **33-38A. Deferred Retirement Option Plans.**

93 The Chief Administrative Officer must establish Deferred Retirement Option
94 Plans, or DROP plans, that allow any employee who is a member of a specified
95 membership group or bargaining unit and who meets the eligibility requirements to
96 elect to retire but continue to work. Pension payments must not be paid to the member

while the member participates in the DROP Plan. When the member's participation in the DROP Plan ends, the member must stop working for the County, draw a pension benefit based on the member's credited service and earnings as of the date that the member began to participate in the DROP Plan, and receive the value of the DROP Plan payoff.

(a) *DROP Plan for Group F members.* "Discontinued Retirement Service Program" or "DRSP" means the DROP program for Group F members.

* * *

(6) *Pension benefits.*

* * *

(D) After the employee's participation in the program ends, the employee's pension benefit will be based on:

* * *

(iii) increases in the [[consumer price index]] Consumer Price Index for All Urban Consumers (CPI-U) for the Washington-Arlington-Alexandria Core Based Statistical Area (CBSA), as published by the United States Department of Labor, Bureau of Labor Statistics, during the period of the employee's participation that would have resulted in an increase in the employee's pension benefit if the employee had not been participating in the program.

* * *

(c) *DROP Plan for Sworn Deputy Sheriffs and Uniformed Correctional Officers.*

* * *

(8) *Pension benefits.*

124 * * *

125 (D) After the employee's participation in DROP ends, the
126 employee's pension benefit will be based on:

127 * * *

128 (iii) increases in the [[consumer price index]] Consumer
129 Price Index for All Urban Consumers (CPI-U) for the
130 Washington-Arlington-Alexandria Core Based
131 Statistical Area (CBSA), as published by the United
132 States Department of Labor, Bureau of Labor
133 Statistics, during the period of the employee's
134 participation that would have resulted in an increase
135 in the employee's pension benefit if the employee had
136 not been participating in the DROP.

137 * * *

Beginning on page 18, after line 426, amend Section 33-131 to read:

138 **33-131. Amount of benefits.**

139 * * *

140 (c) *Cost-of-living adjustments.* The administrator must make a cost-of-living
141 adjustment annually to the disability benefits paid to any public safety
142 employee under this plan. The cost of living adjustment must be equal to
143 60% of the annual increase in the [[Baltimore-Washington Area]]
144 Consumer Price Index for All Urban Consumers (CPI-U) for the
145 Washington-Arlington-Alexandria Core Based Statistical Area (CBSA),
146 as published by the United States Department of Labor, Bureau of Labor
147 Statistics. However, the disability cost-of-living increase must not
148 increase the disability benefits by more than 3% each 12-month period.
149 A non-public safety employee must not receive a cost-of-living

adjustment for any benefit paid under this plan. The cost-of-living adjustment for a disability benefit based upon a disability occurring after June 30, 2011 must not exceed 2.5 percent.

Beginning on page 18, after line 426, amend Section 35-15 to read:

35-15. Benefits generally.

* * *

- (i) Every member of the county police entitled to benefits under the provisions of the police relief and retirement fund law by reason of his retirement prior to July 1, 1958, shall be entitled to receive, effective with the first payment after August 15, 1958, a cost of living adjustment which shall be in addition to any and all benefits provided by the retirement fund. Such adjustment shall be computed by multiplying the retirement payment of the member on July 1, 1958, by a percentage equal to the percentage change in the cost of living from the date of the individual member's retirement to July 1, 1958. The Consumer Price Index for [[the Washington, D.C., Metropolitan Area of Bureau of Labor Statistics of the United States Department of Labor]] All Urban Consumers (CPI-U) for the Washington-Arlington-Alexandria Core Based Statistical Area (CBSA), as published by the United States Department of Labor, Bureau of Labor Statistics, issued immediately prior to the adoption by the county council of the budget for the ensuing fiscal year shall be used to compute the cost of living percentage. Payments hereunder shall not be retroactive but shall continue at the same rate after the first payment until adjusted by resolution of the county council. Adjustments provided for herein shall not be paid from the income or principal of the relief and retirement fund but shall be paid from the general revenues of the county.

* * *

Beginning on page 19, after line 444, amend Section 56-30 to read:

56-30. Powers and authority of county.

For the purpose of effectuating and carrying out the provisions of this article, the county, is hereby powered, and the county executive is hereby authorized on the county's behalf, to:

* * *

- (j) *Repurchase option.* As consideration for the assistance provided the purchaser of an opportunity housing unit by the county pursuant to this article, the county executive, his or her designee or any agency or corporation empowered to carry out the powers granted by this article, may require the purchaser, prior to the sale of such housing unit, to grant by written agreement to the county or said agency or corporation an irrevocable option to repurchase said housing unit for a period of up to five (5) years if the purchaser desires to sell said unit for any reason. The price to which the purchaser shall be entitled under this agreement is the price that was paid by the purchaser plus that percentage of the unit's appreciation in value attributable to the increase in the cost-of-living for the period between purchase and sale, as determined by the [[United States Department of Labor's consumer price index]] Consumer Price Index for All Urban Consumers (CPI-U) for the Washington-Arlington-Alexandria Core Based Statistical Area (CBSA), as published by the United States Department of Labor, Bureau of Labor Statistics, plus the value of improvements beyond normal maintenance. If more than one consumer price index is published by the federal government, then the county executive, his or her designee, or any agency or corporation empowered to carry out the powers of this article, shall determine which index is to be applied.

* * *

Beginning on page 20, after line 476, add Section 2 to read:

Sec. 2. Expedited Effective Date.

The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect on the date on which it becomes law.

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