

Expedited Bill No. 3-18
Concerning: Technical Corrections
Revised: 1/31/2018 Draft No. 2
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Ch. 3, Laws of Mont. Co. 2018

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: County Council

AN EXPEDITED 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, 11B-45, 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 25B, Housing Policy
Section 25B-17 and 25B-23

Chapter 27, Human Rights and Civil Liberties
Section 27-62

Chapter 29, Landlord-Tenant Relations
Sections 29-9, 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, 33-38A, 33-42, 33-42A, 33-44, 33-59, ~~[[and]]~~ 33-74, and 33-131

Chapter 35, Police
Section 35-15

Chapter 44, Schools and Camps
Section 44-3

Chapter 52, Taxation
Section 52-55

Chapter 56, Urban Renewal and Community Development
Section 56-30

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

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

* * *

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

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-45, 11B-72, 16-18, 16-20, 16-26, 19A-17, 19A-32, 25A-3, 25B-17, 25B-23, 27-62, 29-9, 29-19, 29-20, 29-53, 30B-7, 33-4, 33-37, 33-38A, 33-42, 33-42A, 33-44, 33-59, 33-74, 33-131, 35-15, 44-3, 52-55, 56-30, 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].

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

* * *

(b) *Legislative Branch.*

(1) Office of the County Council.

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

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

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

* * *

(4) Office of Zoning and Administrative Hearings.

(A) The County Council, by a majority vote of Councilmembers in office, may appoint one or more hearing examiners of the 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-45. Disposition of real property.

* * *

- (e) In addition to the process required under subsection (a), before the disposition of any real property owned or controlled by the County (other than a property which has either nominal value or an appraised value lower than \$100,000) becomes final:
- (2) the Council, by resolution adopted after the Council holds a public hearing with a least 15 days advance notice, must approve;

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

163 (B) any disposition of the property at less than full market
164 value.

165 The Director must adjust the \$100,000 floor in this subsection on July
166 1 every third year by the percentage increase or decrease in the
167 applicable Consumer Price Index for All Urban Consumers (CPI-U)
168 for the Washington-Arlington-Alexandria Core Based Statistical Area
169 (CBSA), as published by the United States Department of Labor,
170 Bureau of Labor Statistics, or any successor index, during the
171 previous 3 calendar years, rounded to the nearest \$1000. The Council
172 may waive the public hearing required by this subsection if it
173 concludes that a hearing on a particular proposed disposition is not
174 necessary to properly assess the proposed action. If the Council does
175 not act under this subsection within 60 days after the Executive has
176 submitted the proposed action, the proposed action is automatically
177 approved. The Council may extend the 60-day deadline by resolution
178 if the Council President has informed the Executive, within 30 days
179 after the Executive submitted the proposed action, that the Council
180 has not received all information necessary to review the proposed
181 action. If the 60 day deadline would fall during August or from
182 December 15 through December 31, the deadline is automatically
183 extended until the next scheduled Council session. This subsection
184 and subsection (c) do not apply to any disposition of property that will
185 be used primarily for housing development if the recipient legally
186 commits to the Director of the Department of Housing and
187 Community Affairs that at least 30% of the housing units built on the
188 property will be moderately priced dwelling units or other units that

are exempt from the development impact tax under Section 52-41(g)(1)-(4).

* * *

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.

* * *

25B-17. 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
 selected by the County Executive.

* * *

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.

* * *

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[[:]]:

* * *

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

* * *

(b) Composition.

* * *

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

- (A) \$10,000 or more of that person's family income during the preceding calendar year, or
- (B) the ownership of more than 5% of any rental housing unit, or any ownership interest in any business that owns or manages rental housing.

The Director must adjust the \$10,000 amount in the preceding sentence each year by the increase or decrease in the [[appropriate 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, for the preceding calendar year, rounded to the nearest multiple of \$10.

* * *

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:

* * *

33-38A. Deferred Retirement Option Plans.

The Chief Administrative Officer must establish Deferred Retirement Option Plans, or DROP plans, that allow any employee who is a member of a specified membership group or bargaining unit and who meets the eligibility requirements to 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.*

* * *

(D) After the employee's participation in DROP 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
 DROP.

* * *

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.

* * *

33-131. Amount of benefits.

* * *

(c) *Cost-of-living adjustments.* The administrator must make a cost-of-living adjustment annually to the disability benefits paid to any public safety employee under this plan. The cost of living adjustment must be equal to 60% of the annual increase in the [[Baltimore-Washington Area]] 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. However, the disability cost-of-living increase must not increase the disability benefits by more than 3% each 12-month period. 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.

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.

* * *

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.

* * *

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.

* * *

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:

* * *

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.

Approved:

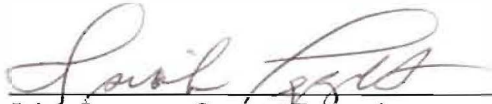


Hans D. Riemer, President, County Council



Date

Approved:



Isiah Leggett, County Executive

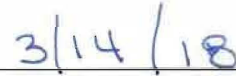


Date

This is a correct copy of Council action.



Megan Davey Limarzi, Esq., Clerk of the Council



Date