

MEMORANDUM

July 1, 2020

TO: Transportation and Environment Committee

FROM: Robert H. Drummer, Senior Legislative Attorney

SUBJECT: Bill 26-20, Environmental Sustainability - Energy and Air Quality Advisory Committee—Amendments

PURPOSE: Worksession – Committee recommendation expected

Expected attendee:
Stan Edwards, DEP

Bill 26-20, Environmental Sustainability - Energy and Air Quality Advisory Committee - Amendments, sponsored by Lead Sponsor Council President at the request of the County Executive, was introduced on June 16, 2020. A public hearing is tentatively scheduled for July 7, 2020 at 1:30 p.m.¹

Bill 26-20 would modify the duties and responsibilities of the Energy and Air Quality Advisory Committee as well as change the name of the Committee. The Council declared a climate emergency in adopting Resolution No. 18-974 after the establishment of the Energy and Air Quality Advisory Committee. None of the existing boards, committees, or commissions within the Office of the County Executive directly advise on climate change issues. Bill 26-20 would add advising on climate change issues to this existing Committee and change its name to the Climate, Energy, and Air Quality Advisory Committee.

The Bill would permit the existing members of the Committee to remain as members of the newly revised Committee until the conclusion of their terms of office.

Discussion

OMB estimates that the Bill would have no impact on County revenues or expenditures. See ©7-8. OLO estimates that the Bill itself would have minimal impact on County residents and private organizations. Although the Committee may recommend actions or programs that could

¹ #MoCoEnergyAndAirQuality

have a significant impact on environmental issues, OLO is unable to estimate that. See ©11-13. The County Attorney's Office found no legal issues.

Reducing the adverse impact of climate change is an important goal for the County. Adding this responsibility to the existing Advisory Committee can only help.

This packet contains:	<u>Circle #</u>
Bill 26-20	1
Legislative Request Report	5
County Executive Memorandum	6
Fiscal Impact statement	7
Resolution No. 18-974	9
Economic Impact Statement	11

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Bill No. 26-20
Concerning: Environmental Sustainability
– Energy and Air Quality Committee -
Amendments
Revised: June 2, 2020 Draft No. 2
Introduced: June 16, 2020
Expires: December 16, 2021
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. , Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President at the request of the County Executive

AN ACT to:

- (1) modify the duties and responsibilities of the Energy and Air Quality Advisory Committee;
- (2) change the name of the Energy and Air Quality Advisory Committee; and
- (3) generally revise County law regarding environmental sustainability.

By amending

Montgomery County Code
Chapter 18A, Environmental Sustainability
Sections 18A-1, 18A-5 and 18A-8.

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 18A-1, 18A-5, and 18A-8 are amended as follows:

18A-1. Findings and statement of purpose.

- (a) In the interest of maintaining an adequate and reliable energy supply at reasonable cost, the County government recognizes the need to institutionalize through legislation an energy policy and energy planning program. In addition, the efficient use of energy directly benefits air quality and climate, demonstrating the linkages necessary to achieve essential environmental goals. For this reason, the responsibilities of the Advisory Committee on Climate, Energy, [Conservation] and Air Quality includes [are expanded to include] an advisory function with respect to air quality and climate change.

* * *

18A-5. Climate, Energy, and Air Quality Advisory Committee; establishment; terms of office; ex-officio members; etc.

- (a) There is hereby established an Advisory Committee on Climate, Energy, and Air Quality to assist the County Council and the County Executive in carrying out the purposes of this [Article] Chapter and Chapter 3. The Committee consists of 15 members appointed by the [County] Executive, subject to confirmation by the [County] Council. One member must be designated by the Executive and confirmed by the Council to serve as chair of the Committee. Each appointee must be a resident of the County who is technically knowledgeable and interested in climate change, energy and air quality.

* * *

18A-8. Duties and responsibilities.

The Committee has the following duties:

- (a) Advise the [County] Executive and the [County] Council of the activities of the Committee in furthering the [goals] purpose of this [Article] Chapter and Chapter 3;
- (b) Comment on or assist in [Develop] developing recommendations to promote and implement immediate and long-range [energy consciousness in all segments of the community] policies and programs aimed at meeting the County's greenhouse gas emission reduction goals;
- (c) Comment on or assist in developing recommendations to promote and implement immediate and long-range policies and programs to promote cleaner, more efficient, and more reliable energy use and practice in all segments of the community;
- [(c)] (d) Comment on or assist in developing programs to meet air quality standards and to promote healthy indoor and outdoor air quality;
- [(d)] (e) Identify areas and methods to encourage voluntary participation in climate-related efforts, energy conservation efforts and air quality improvements;
- (f) Identify and recommend innovative programs, policies, and technologies to improve climate and air quality for the Executive, the Council, and the public to implement;
- [(e)] (g) Recommend the development of educational programs and materials to [Educate] educate the public and private sectors about the efficient use of energy and its direct benefits for improved air quality and reduced greenhouse gas emissions; and
- [(f)] (h) Carry out duties assigned from time to time by the [County] Executive and the [County] Council to assist in fulfilling the purposes of this Article.

54 **Sec. 2. Transition.**

55 A member of the Committee serving when this Act takes effect continues as a
56 member for the remainder of his or her term of office.

57

58 *Approved:*

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Sidney Katz, President, County Council	Date
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60 *Approved:*

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Marc Elrich, County Executive	Date
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62 *This is a correct copy of Council action.*

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Selena Mendy Singleton, Esq., Clerk of the Council	Date
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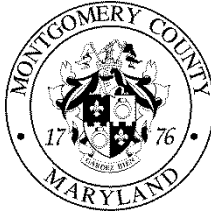
LEGISLATIVE REQUEST REPORT

Bill 26-20

Environmental Sustainability - Energy and Air Quality Advisory Committee—Amendments

DESCRIPTION:	The Bill would amend the name of the existing Energy and Air Quality Advisory Committee and add duties.
PROBLEM:	Since the Energy and Air Quality Advisory Committee was originally established, the County declared a Climate Emergency (Resolution 18-974). Currently, none of the existing boards, committees, or commissions within the Office of the County Executive directly advise on climate change issues.
GOALS AND OBJECTIVES:	The proposed amendments will expand the name and scope of the Energy and Air Quality Advisory Committee to include climate change topics.
COORDINATION:	Department of Environmental Protection
FISCAL IMPACT:	To be requested.
ECONOMIC IMPACT:	To be requested.
EVALUATION:	To be requested.
EXPERIENCE ELSEWHERE:	N/A
SOURCE OF INFORMATION:	Lindsey Shaw, Manager of Energy and Sustainability Programs, Energy, Climate, and Compliance Division (240-777-7754)
APPLICATION WITHIN MUNICIPALITIES:	N/A
PENALTIES:	N/A

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OFFICE OF THE COUNTY EXECUTIVE
Rockville, Maryland 20850

Marc Elrich
County Executive

M E M O R A N D U M

May 27, 2020

TO: Sidney Katz, President
Montgomery County Council

FROM: Marc Elrich, County Executive 

SUBJECT: Introduction of XX-20, Energy and Air Quality Advisory Committee-
Amendments

It is my pleasure to transmit the attached legislation to amend the name and scope of the County's Energy and Air Quality Advisory Committee, a 15-member volunteer advisory board appointed by the County Executive and confirmed by the County Council.

Since the Energy and Air Quality Advisory Committee was originally created, the County has declared a Climate Emergency (Resolution 18-974). Currently, none of the existing boards, committees, or commissions within the Office of the County Executive directly advise on climate change issues. This change is supported by the County's Climate Change Coordinator and the Department of Environmental Protection (DEP).

The attached bill (XX-20, Energy and Air Quality Advisory Committee - Amendments) reflect the modification of the Energy and Air Quality Advisory Committee's name and scope to include climate change topics.

If you have any questions, please contact Stan Edwards in the Department of Environmental Protection at 240-777-7748 or stan.edwards@montgomerycountymd.gov.

ME:ao

Fiscal Impact Statement
Bill XX-20, Energy and Air Quality Advisory Committee—Amendments

1. Legislative Summary.

Bill XX-20 changes the name of the Advisory Committee on Energy and Air Quality to the Advisory Committee on Climate, Energy and Air Quality, and expands its scope to include issues related to climate change. In 2017, the County declared a Climate Emergency (Resolution 18-974), but none of the existing boards, committees, or commissions within the Office of the County Executive directly advise on climate change issues. The proposed amendments will expand the name and scope of the advisory committee to include climate change topics.

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.

This bill is not expected to have an impact on revenues or expenditures. It would not change the number of members on the advisory committee or the frequency of its meetings.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

Not applicable. This bill would not have an impact on revenues or expenditures.

4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.

Not applicable.

5. An estimate of expenditures related to County's information technology (IT) systems, including Enterprise Resource Planning (ERP) systems.

Not applicable.

6. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.

Not applicable.

7. An estimate of the staff time needed to implement the bill.

There would be no additional staff time necessary to implement this bill. It does not change the number of members on the advisory committee or the frequency of its meetings. Staff that currently support the advisory committee would continue to do so.

8. An explanation of how the addition of new staff responsibilities would affect other duties.

Not applicable.

9. An estimate of costs when an additional appropriation is needed.

No additional appropriations would be required to implement the proposed bill.

10. A description of any variable that could affect revenue and cost estimates.

This bill would not have an impact on revenues or expenditures.

11. Ranges of revenue or expenditures that are uncertain or difficult to project.

This bill would not have an impact on revenues or expenditures.

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

This bill is not expected to have a fiscal impact on the County. It does not change the number of members on the advisory committee or the frequency of its meetings. The existing level of staff support to the committee would continue.

13. Other fiscal impacts or comments.

None.

14. The following contributed to and concurred with this analysis:

Stan Edwards, Department of Environmental Protection

Richard H. Harris, Office of Management and Budget



**Richard S. Madaleno, Director
Office of Management and Budget**

5/22/20

Date

Resolution No.:	18-974
Introduced:	November 28, 2017
Adopted:	December 5, 2017

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsors: Councilmembers Elrich, Leventhal and Berliner
Co-sponsors: Councilmembers Rice, Katz, Riemer, Navarro and Hucker

SUBJECT: Emergency Climate Mobilization

Background

1. Current global warming of approximately 1 degree Celsius has triggered cataclysmic changes to the Earth. These changes include an accelerating collapse of the West Antarctic Ice Sheet, the thawing of the Arctic permafrost, an increase in mega-droughts, heat waves, super-storms, flash flooding, the migration of mosquito-borne diseases, the melting of glaciers, polar ice-sheet collapse, coral bleaching, the mass extinction of species, ocean oxygen loss, and sea level rise.
2. Climate change will cause an increase in water and food shortages, civil unrest, state failure, civil war and terrorism throughout the world, with no region or nation being immune to these effects, including Montgomery County.
3. There is a strong consensus among scientists that greenhouse gas emissions must be eliminated in a decade at most -- with a simultaneous global effort to remove excess carbon from the atmosphere -- to stabilize at or near the 1.5 C (2.4 F) threshold believed to provide a reasonable chance for the survival of human civilization and other complex life forms on this planet.
4. The federal government, national media, and civil society, including most climate organizations, have drastically underestimated the urgency of the climate and ecological crises, failed to accept that we face an unprecedented global emergency, and relied on failed strategies of gradualism.
5. We must together implement a massive emergency global mobilization effort to successfully eliminate greenhouse gas emissions and remove excess carbon from the atmosphere.
6. Each of us has the moral duty to safeguard the planet for future generations.

7. Montgomery County has been a national leader in responding to the challenge of climate change, including establishing a goal of reducing greenhouse gas emissions in the County by 80% by 2050 compared to 2005 levels, yet now needs to do much more, much faster.

Action

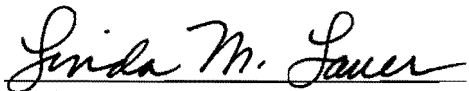
The County Council for Montgomery County, Maryland approves the following resolution:

The Montgomery County Council calls upon the national Administration, the Congress, the State, and other local governments to join Montgomery County, to use all available powers and resources to:

1. declare a climate emergency and initiate a massive global mobilization to restore a safe climate and build a sustainable economy; and
2. transform the climate by reducing greenhouse gas emissions by 80% by 2027 and reaching 100% elimination by 2035, and initiate large-scale efforts to remove excess carbon from the atmosphere.

The Montgomery County Council calls upon the Montgomery County Executive, Montgomery County Public Schools and Maryland-National Capital Park and Planning Commission to advise the Council over the next six months on specific methods for accelerating the County's greenhouse gas emissions reduction goal.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council

Economic Impact Statement

Office of Legislative Oversight

Bill 26-20

Environmental Sustainability – Energy and Air Quality Advisory Committee – Amendments

SUMMARY

The Office of Legislative Oversight (OLO) expects Bill 26-20 to have a minimal economic impact on the Montgomery County economy. However, the committee has the potential to shape environmental policy in the County that could have significant economic impacts in the future, depending on the nature of the policies.

BACKGROUND

On December 5, 2017, the Montgomery County Council declared a climate emergency and set a goal of “reducing greenhouse gas emissions by 80% by 2027 and reaching 100% elimination by 2035.”¹ To date, however, there is no board, committee, or commission that is responsible for advising the Office of the County Executive on climate change issues. To address this gap in advisory functions, Bill 26-20 would expand the scope of duties of the Energy and Air Quality Advisory Committee within the Office of the County Executive to include climate change issues. In line with the new duties, the Bill would also change the name of the committee to the “Climate, Energy, and Air Quality Advisory Committee.”²

The revised duties of the Climate, Energy, and Air Quality Advisory Committee would entail developing recommendations to identify and develop policies, programs, and materials to achieve the following goals:

- “meet[] the County’s greenhouse gas emission reduction goals,”
- “promote cleaner, more efficient, and more reliable energy use and practice in all segments of the community,”
- “meet air quality standards and ... promote healthy indoor and outdoor air quality,”
- “encourage voluntary participation in climate-related efforts, energy conservation efforts and air quality improvements,” and

¹ Montgomery County Council, Resolution No. 18-974 Emergency Climate Mobilization, Adopted on December 5, 2017, Montgomery County, Maryland, 2, https://apps.montgomerycountymd.gov/ccllims/DownloadFilePage?FileName=8727_1_4838_Resolution_18-974_Adopted_20171205.pdf.

² Montgomery County Council, Bill No. 26-20 Environmental Sustainability - Energy and Air Quality Advisory Committee - Amendments, Introduced on June 16, 2020, Montgomery County, Maryland, 1-5.

Economic Impact Statement

Office of Legislative Oversight

- “educate the public and private sectors about the efficient use of energy and its direct benefits for improved air quality and reduced greenhouse gas emissions.”³

INFORMATION, ASSUMPTIONS and METHODOLOGIES

No methodologies were used in this statement. The assumptions underlying the claims made in the subsequent sections are based on the judgment of OLO staff.

VARIABLES

The variables that could affect economic impacts in the County are business and household energy use and participation in climate-related, energy and air quality improvements.

IMPACTS

Businesses, Non-Profits, Other Private Organizations

Workforce, operating costs, property values, capital investment, taxation policy, economic development, competitiveness, etc.

OLO believes that Bill 26-20 would have a minimal impact on private organizations in the County. The committee could potentially recommend programs that result in greater business participation in energy conservation and other environmental programs. In which case, participating businesses could see reductions in energy-related operating costs. However, OLO is unable to anticipate the likelihood of such reductions in operating costs occurring, much less the magnitude of potential savings. OLO sees no direct connection between Bill 26-20 and the Council’s other priority areas, namely workforce, property values, capital investment, taxation policy, economic development, and competitiveness.

Residents

Employment, property values, taxes paid, etc.

For similar reasons, OLO believes that Bill 26-20 would have a minimal impact on County residents. The committee could potentially recommend programs that increase household participation in energy conservation and other environmental programs. However, OLO is unable to anticipate the likelihood of greater household participation and its impact on employment, property values, and taxes paid.

WORKS CITED

Montgomery County Council. Bill No. 26-20 Environmental Sustainability – Energy and Air Quality Advisory Committee – Amendments. Introduced on June 16, 2020. Montgomery County, Maryland.

³ Ibid.

Economic Impact Statement

Office of Legislative Oversight

Montgomery County Council. Resolution No. 18-974 Emergency Climate Mobilization. Adopted on December 5, 2017. Montgomery County, Maryland.

CAVEATS

Two caveats to the economic analysis performed here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. Second, the analysis performed here is intended to *inform* the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

CONTRIBUTIONS

This economic impact statement was drafted by Stephen Roblin (OLO).