



Committee: TE
Committee Review: At a future date
Staff: Christine Wellons, Senior Legislative Attorney
Purpose: To receive testimony – no vote expected

AGENDA ITEM #11
June 13, 2023
Public Hearing

SUBJECT

Bill 24-23, Airpark Community Advisory Committee - Established

Lead Sponsor: Councilmember Luedtke

Co-Sponsors: Council President Glass, and Councilmembers Jawando, Albornoz, Katz, and Sayles

EXPECTED ATTENDEES

Members of the public

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A; to introduce receive testimony

DESCRIPTION/ISSUE

Expedited Bill 24-23 would:

- (1) establish an Airpark Community Advisory Committee;
- (2) specify the membership, responsibilities, and staffing of the Committee; and
- (3) generally amend the laws regarding airports within the County and regarding an advisory committee concerning airports.

SUMMARY OF KEY DISCUSSION POINTS

- N/A

This report contains:

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Racial Equity and Social Justice Impact Statement	© 8
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M E M O R A N D U M

June 8, 2023

TO: County Council

FROM: Christine Wellons, Senior Legislative Attorney

SUBJECT: Bill 24-23, Airpark Community Advisory Committee - Established

PURPOSE: Public Hearing – to receive testimony

Bill 24-23, Airpark Community Advisory Committee - Established, sponsored by Lead Sponsor Councilmember Luedtke and Co-Sponsors Council President Glass and Councilmembers Jawando, Alborno, Katz, and Sayles, was introduced on May 2, 2023. A public hearing is scheduled for June 16 at 1:30 p.m., and a Transportation and Environment (TE) Committee worksession is tentatively scheduled for June 19, 2023.

Expedited Bill 24-23 would:

- (1) establish an Airpark Community Advisory Committee;
- (2) specify the membership, responsibilities, and staffing of the Committee; and
- (3) generally amend the laws regarding airports within the County and regarding an advisory committee concerning airports.

BACKGROUND

The purpose of Bill 24-23 would be to establish an Airpark Community Advisory Committee to advise the County Executive, County Council, and the Revenue Authority regarding the community impacts of Montgomery County Airpark operations.

The regulatory framework and community impacts of the Airpark are described in detail in Office of Legislative Oversight (OLO) Report 2022-2, <https://www.montgomerycountymd.gov/images/documents/OLO2022-2.pdf>.

BILL SPECIFICS

Bill 24-23 would establish an Airpark Community Advisory Committee (the “Committee”), consisting of eight appointed, voting members and three non-voting, ex-officio members.

The eight voting members, appointed by the County Executive and confirmed by the Council, would consist of:

- a representative of the Montgomery Village Foundation;

- 3 members nominated by other homeowner’s associations, civic associations, or community groups;
- a representative of the Montgomery County Economic Development Corporation;
- a representative of a flight school operating at the Montgomery County Airpark; and
- 2 representatives of business owners in the County.

The non-voting, ex-officio members would include:

- a designee of the Revenue Authority;
- the County Executive, or the Executive’s designee; and
- a designee of the County Council.

The Committee would meet at the call of the chair and at least four times annually. The Committee would invite representatives of the Federal Aviation Administration and the Maryland Aviation Administration to participate in at least one meeting per year.

The Committee would advise the County Executive, County Council, and Revenue Authority regarding Montgomery County Airpark operations, community concerns, safety, and community impact. Additionally, the Committee would report annually to the County Executive, the County Council, and the Revenue Authority regarding:

- data on noise complaints;
- data on itinerate flight operations;
- data on local flight operations; and
- recommendations of the Committee regarding operations, safety, community impact, and other community concerns.

The Committee would be staffed by a principal department or office of County government designated by the County Executive.

<u>This packet contains:</u>	<u>Circle #</u>
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Bill No. 24-23
Concerning: Airpark Community
Advisory Committee - Established
Revised: 04/15/23 Draft No. 1
Introduced: May 2, 2023
Expires: _____
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Luedtke

Co-Sponsors: Council President Glass and Councilmembers Jawando, Alborno, Katz, and Sayles

AN ACT to:

- (1) establish an Airpark Community Advisory Committee;
- (2) specify the membership, responsibilities, and staffing of the Committee; and
- (3) generally amend the laws regarding airports within the County and regarding an advisory committee concerning airports.

By adding

Montgomery County Code
Chapter 42. Revenue Authority
Section 42-34A

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

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>

Sec. 1. Section 42-34A is added as follows:

42-34A. Airpark Community Advisory Committee.

(a) Committee established. There is an Airpark Community Advisory Committee.

(b) Membership.

(1) The Committee consists of:

(A) 8 voting members who are appointed by the County Executive and confirmed by the County Council; and

(B) 3 non-voting, ex-officio members.

(2) The 8 voting members include:

(A) a representative of the Montgomery Village Foundation;

(B) 3 members nominated by other homeowner's associations, civic associations, or community groups;

(C) a representative of the Montgomery County Economic Development Corporation;

(D) a representative of a flight school operating at the Montgomery County Airpark; and

(E) 2 representatives of business owners in the County.

(3) The 3 ex-officio members include:

(A) a designee of the Revenue Authority;

(B) the County Executive, or the Executive's designee; and

(C) a designee of the County Council.

(c) Terms of voting members.

(1) In general. A voting member serves for a 3-year term or until a successor is appointed and confirmed.

(2) Term limits. A voting member must not be appointed to serve more than 2 full consecutive terms.

(3) Staggering of initial terms. Of the initial voting members:

(A) 2 members must be appointed to 1-year terms;

(B) 3 members must be appointed to 2-year terms; and

(C) 3 members must be appointed to 3-year terms.

(d) Duties. The Committee must:

(1) advise the County Executive, County Council, and Revenue Authority regarding Montgomery County Airpark operations, community concerns, safety, and community impact; and

(2) report annually to the County Executive, County Council, and the Revenue Authority regarding:

(A) data on noise complaints;

(B) data on itinerate flight operations;

(C) data on local flight operations; and

(D) recommendations of the Committee regarding operations, safety, community impact, and other community concerns.

(e) Meetings; quorum; officers; compensation.

(1) Meetings.

(A) The Committee must meet at the call of the Committee chair and at least 4 times annually.

(B) The Committee must invite representatives of the Federal Aviation Administration and the Maryland Aviation Administration to attend at least 1 Committee meeting annually.

(2) Quorum. A majority of the voting members of the Committee constitutes a quorum for the transaction of business.

(3) Officers. The Committee must elect from among its voting members a chair, vice-chair, and other officers it deems appropriate.

(4) Compensation. A member must serve without compensation, but the member may request reimbursement for mileage and dependent care costs at rates established by the County.

(f) Staffing. The County Executive must designate a principal office or department identified under Section 1A-201(a)(1) to provide the staff support necessary for the Commission to perform its duties.

Fiscal Impact Statement

Office of Management and Budget

Bill 24-23		Airpark Community Advisory Committee - Established
Bill Summary	Bill 24-23 amends Chapter 42, Section 42-34A of the Montgomery County Code to establish an Airpark Community Advisory Committee, consisting of eight voting members appointed by the County Executive and confirmed by the County Council; and three non-voting, ex-officio members. The Airpark Community Advisory Committee is responsible for advising and reporting annually to the County Executive, County Council and Revenue Authority on itinerate and local flight operations of the Montgomery County Airpark, and providing recommendations regarding operations, safety, community impact and other community concerns.	
Fiscal Impact Summary	Establishing an Airpark Community Advisory Committee is expected to have minimal impact on County expenditures.	
Fiscal Impact Analysis	Airport Advisory Committee members serve without compensation and no dedicated full-time staff support is budgeted to support the committee. A minimal, indeterminate impact on County expenditures is expected based on mileage reimbursement and any dependent care costs incurred by committee members to meet a minimum of four times annually.	
Staff Impact	The bill is not expected to impact staff time or duties.	
Actuarial Analysis	The bill is not expected to impact retiree pension or group insurance costs.	
Information Technology Impact	The bill is not expected to impact the County Information Technology (IT) or Enterprise Resource Planning (ERP) systems.	
Other Information		
Later actions that may impact revenue or expenditures if future spending is projected	The bill does not authorize future spending.	
Contributors	Jake Weissman, Office of the County Executive Julie Knight, Office of Management and Budget	



Economic Impact Statement

Montgomery County, Maryland

Bill 24-23

Airpark Community Advisory Committee – Established

SUMMARY

The Office of Legislative Oversight (OLO) anticipates that enacting Bill 24-23 would have an insignificant impact on economic conditions in the County in terms of the Council's priority indicators.

BACKGROUND AND PURPOSE OF BILL 24-23

Prior to 2021, the Airpark Liaison Committee (ALC), established by the Council in 1990, served as the primary forum for communication among individuals concerned with Montgomery County Airpark operations. In 2021, the ALC was dissolved and the Montgomery County Revenue Authority (MCRA), who owns and operates the Airpark, assumed responsibility as the main agency conducting public outreach for the Airpark.¹

The purpose of Bill 24-23 is to establish an Airpark Community Advisory Committee to advise the County Executive, County Council, and the MCRA regarding the community impacts of Montgomery County Airpark operations. The Committee would be comprised of representatives from the community, the Montgomery County Economic Development Corporation, flight schools operating at the Airpark, and business owners in the County.² If enacted, Bill 24-23 would:

- Establish an Airpark Community Advisory Committee, which would meet at least four times annually;
- Specify the membership, responsibilities, and staffing of the Committee; and
- Generally amend the laws regarding airports within the County and regarding an advisory committee concerning airports.³

The Council introduced Bill 24-23, Airpark Community Advisory Committee – Established, on May 2, 2023.

INFORMATION SOURCES, METHODOLOGIES, AND ASSUMPTIONS

Per Section 2-81B of the Montgomery County Code, the purpose of this Economic Impact Statement is to assess the impacts of Bill 24-23 on County-based private organizations and residents in terms of the Council's priority economic indicators and whether the Bill would likely result in a net positive or negative impact on overall economic conditions in the County.⁴ OLO does not expect the Bill to affect air traffic to and from the Airpark and, thus, concludes that the Bill

¹ Office of Legislative Oversight, "[The Montgomery County Airpark](#)."

² [Introduction Staff Report for Bill 24-23](#).

³ Ibid.

⁴ Montgomery County Code, [Sec. 2-81B](#).

would have insignificant impacts on private organizations, residents, and overall economic conditions in the County in terms of the indicators prioritized by the Council.

VARIABLES

Not applicable

IMPACTS

WORKFORCE ▪ TAXATION POLICY ▪ PROPERTY VALUES ▪ INCOMES ▪ OPERATING COSTS ▪ PRIVATE SECTOR CAPITAL INVESTMENT ▪ ECONOMIC DEVELOPMENT ▪ COMPETITIVENESS

Not applicable

DISCUSSION ITEMS

Not applicable

WORKS CITED

Montgomery County Code. [Sec. 2-81B, Economic Impact Statements](#).

Montgomery County Council. [Introduction Staff Report for Bill 24-23, Airpark Community Advisory Committee – Established](#). Introduced on May 2, 2023.

Office of Legislative Oversight. "[The Montgomery County Airpark: Regulatory Framework and Community Impacts](#)." January 25, 2022.

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

Stephen Roblin (OLO) prepared this report.

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

BILL 24-23: AIRPARK COMMUNITY ADVISORY COMMITTEE – ESTABLISHED

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Bill 24-23 will have a minimal impact on racial equity and social justice (RESJ) in the County as there appear to be no disproportionalities by race among constituents who could benefit from the establishment of the Airpark Community Advisory Committee. Further, given its proposed scope, the committee is unlikely to address racial and social inequities that may be coming from Airpark operations.

PURPOSE OF RESJ IMPACT STATEMENTS

The purpose of RESJ impact statements (RESJIS) is to evaluate the anticipated impact of legislation on racial equity and social justice in the County. Racial equity and social justice refer to a **process** that focuses on centering the needs, leadership, and power of communities of color and low-income communities with a **goal** of eliminating racial and social inequities.¹ Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social harms that have caused racial and social inequities.²

PURPOSE OF BILL 24-23

The Montgomery County Airpark is a general aviation airport located in Gaithersburg and opened in 1959.³ A general aviation airport serves small civilian aircraft but not aircraft operated by companies transporting passengers on regularly scheduled routes. Typically, general aviation airport users include private aircraft owners, charter services, and flight schools.⁴ In 2022, the Office of Legislative Oversight published OLO Report 2022-2 regarding the Airpark's regulatory framework and community impacts.⁵

Prior to 2021, the Airpark Liaison Committee (ALC), established by the Council in 1990, served as the primary forum for communication among individuals concerned with Montgomery County Airpark operations. In 2021, the ALC was dissolved and the Montgomery County Revenue Authority (MCRA), who owns and operates the Airpark, assumed responsibility as the main agency conducting public outreach for the Airpark.⁶

The purpose of Bill 24-23 is to establish an Airpark Community Advisory Committee to advise the County Executive, County Council, and the MCRA regarding the community impacts of Montgomery County Airpark operations. The committee would be comprised of representatives from the community, the Montgomery County Economic Development Corporation, flight schools operating at the Airpark, and business owners in the County. If enacted, Bill 24-23 would:⁷

- Establish an Airpark Community Advisory Committee, which would meet at least four times annually;
- Specify the membership, responsibilities, and staffing of the committee; and

RESJ Impact Statement

Bill 24-23

- Generally amend the laws regarding airports within the County and regarding an advisory committee concerning airports.

Bill 24-23, Airpark Community Advisory Committee – Established, was introduced by the County Council on May 2, 2023.

ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of Bill 24-23 on RESJ in the County, OLO recommends the consideration of two related questions:

- Who are the primary beneficiaries of this bill?
- What racial and social inequities could passage of this bill weaken or strengthen?

For the first question, OLO considered the demographics of constituents who are most impacted by Airpark operations, as they could benefit from the establishment of a committee focused on Airpark operations, community concerns, safety, and community impact. OLO Report 2022-2 found that constituents living within a two-mile radius of the Airpark (i.e., the “Airpark community”) are most likely to be impacted by noise pollution and other quality of life impacts from the Airpark.⁸ Census data summarized in Table 1 demonstrates that the demographics of these constituents by race are similar to the demographics of the County.

Table 1: Percent of Airpark Community Constituents and County Constituents by Race

Race	Percent of Airpark Community Constituents	Percent of County Constituents
Asian	13.8	15.0
Black	20.2	19.0
Native American	0.2	0.04
Pacific Islander	0.1	0.02
White	50.5	51.1

Source: Calculated in OLO Report 2022-2 from 2019 American Community Survey 1-Year Estimates, Census Bureau.

For the second question, OLO considered how the committee would address potential racial and social inequities stemming from Airpark operations. The scope of the Airpark Community Advisory Committee prescribed in Bill 24-23 does not specify activities related to RESJ. Thus, it is unlikely racial and social inequities would be addressed through this committee.

OLO anticipates Bill 24-23 will have a minimal impact on RESJ in the County as there appear to be no disproportionalities by race among constituents who could benefit from the establishment of the Airpark Community Advisory Committee. Further, given its proposed scope, the committee is unlikely to address racial and social inequities that may be coming from Airpark operations.

RESJ Impact Statement

Bill 24-23

RECOMMENDED AMENDMENTS

The Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.⁹ OLO anticipates Bill 24-23 will have a minimal impact on RESJ in the County. As such, OLO does not offer recommended amendments. However, if the Council seeks to improve the RESJ impact of the Bill, one item is offered for consideration:

- **Consider items offered for Bill 8-23 to advance RESJ through Boards, Committees and Commissions (BCCs).** Considerations include amending the RESJ Act to require BCCs to undergo RESJ training and develop RESJ action plans; amending Executive Regulations to require BCCs to develop RESJ action plans; and requesting a diversity audit of BCCs. Particularly for the Airpark Community Advisory Committee, integrating a RESJ focus and ensuring diversity could help address potential racial inequities and disparities stemming from Airpark operations.

CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement is intended to inform the legislative process rather than 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

OLO staffer Janmarie Peña, Performance Management and Data Analyst, drafted this RESJ impact statement.

¹ Definition of racial equity and social justice adopted from “Applying a Racial Equity Lens into Federal Nutrition Programs” by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools. <https://www.racialequitytools.org/glossary>

² Ibid

³ [About the Airpark](#), Montgomery County Airpark.

⁴ [Airport Categories](#), Federal Aviation Administration.

⁵ Kaitlyn Simmons and Aron Trombka, “[The Montgomery County Airpark: Regulatory Framework and Community Impacts](#),” Montgomery County Office of Legislative Oversight, January 25, 2022.

⁶ Ibid

⁷ [Introduction Staff Report for Bill 24-23](#), Montgomery County Council, Introduced May 2, 2023.

⁸ Simmons and Trombka

⁹ Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established, Montgomery County Council

Climate Assessment

Office of Legislative Oversight

Bill 24-23: Airpark Community Advisory Committee - Established

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Bill 24-23 will likely have little to no impact on the County's contribution to addressing climate change. While the proposed committee could recommend actions that could affect the County's contribution to addressing climate change and community resilience, such as actions addressing noise, soil, and air pollution, there is no certainty that these actions would be implemented as the committee would not have regulatory authority.

BACKGROUND AND PURPOSE OF BILL 24-23

The Montgomery County Airpark is a general aviation airport located in Gaithersburg and opened in 1959.¹ A general aviation airport serves small civilian aircraft but not aircraft operated by companies transporting passengers on regularly scheduled routes. Typically, general aviation airport users include private aircraft owners, charter services, and flight schools.² In 2022, the Office of Legislative Oversight published OLO Report 2022-2 regarding the Airpark's regulatory framework and community impacts.³

Prior to 2021, the Airpark Liaison Committee (ALC), established by the Council in 1990, served as the primary forum for communication among individuals concerned with Montgomery County Airpark operations. In 2021, the ALC was dissolved and the Montgomery County Revenue Authority (MCRA), who owns and operates the Airpark, assumed responsibility as the main agency conducting public outreach for the Airpark.⁴

The purpose of Bill 24-23 is to establish an Airpark Community Advisory Committee to advise the County Executive, County Council, and the MCRA regarding the community impacts of Montgomery County Airpark operations. The committee would be comprised of representatives from the community, the Montgomery County Economic Development Corporation, flight schools operating at the Airpark, and business owners in the County.⁵ If enacted, Bill 24-23 would:

- Establish an Airpark Community Advisory Committee, which would meet at least four times annually;
- Specify the membership, responsibilities, and staffing of the committee; and
- Generally amend the laws regarding airports within the County and regarding an advisory committee concerning airports.⁶

Bill 24-23, Airpark Community Advisory Committee – Established, was introduced by the County Council on May 2, 2023.

ANTICIPATED IMPACTS

Airport operations can lead to noise, air, and soil pollution and there is precedence for community concern about these issues.⁷ Lead pollution stemming from airport operations is of particular concern, as lead may be deposited into surrounding soils and groundwater and can impact the health of people who live near airports, especially young children.⁸ Health is a determinant of community resilience, as a decreased health status can impact a community's ability to respond and recover from traumatic events.⁹ However, it should be noted that the most recent National Emissions Inventory (NEI) reported the lead concentration level near the Montgomery County Airpark was 0.125 tons/year for 2017, which falls below the EPA requirement for state air quality agencies to monitor airports that emit at least 1.0 tons/year.¹⁰

While the proposed committee could recommend actions that could affect the County's contribution to addressing climate change and community resilience, such as actions addressing noise, soil, and air pollution, there is no certainty that these actions would be implemented as the committee would not have regulatory authority. Therefore, OLO anticipates Bill 24-23 will have little to no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptative capacity.

RECOMMENDED AMENDMENTS

The Climate Assessment Act requires OLO to offer recommendations, such as amendments or other measures to mitigate any anticipated negative climate impacts.¹¹ OLO does not offer recommendations or amendments as Bill 24-23 is likely to have little to no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptative capacity.

CAVEATS

OLO notes two caveats to this climate assessment. First, predicting the impacts of legislation upon climate change is a challenging analytical endeavor due to data limitations, uncertainty, and the broad, global nature of climate change. 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.

PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the Climate Assessments is to evaluate the anticipated impact of legislation on the County's contribution to addressing climate change. These climate assessments will provide the Council with a more thorough understanding of the potential climate impacts and implications of proposed legislation, at the County level. The scope of the Climate Assessments is limited to the County's contribution to addressing climate change, specifically upon the County's contribution to greenhouse gas emissions and how actions suggested by legislation could help improve the County's adaptive capacity to climate change, and therefore, increase community resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed County bills may impact GHG emissions and community resilience.

CONTRIBUTIONS

OLO staffer Kaitlyn Simmons drafted this assessment.

¹ [Montgomery County Airpark Home Page, "About the Airpark", Accessed 5/8/23.](#)

² [Federal Aviation Administration, "Airport Categories", Accessed 5/8/23.](#)

³ [Office of Legislative Oversight, "The Montgomery County Airpark: Regulatory Framework and Community Impacts", January 25, 2022.](#)

⁴ Ibid.

⁵ [Montgomery County Council, "Staff Introduction Report for Expedited Bill 24-23", May 2, 2023.](#)

⁶ Ibid.

⁷ [Office of Legislative Oversight, "The Montgomery County Airpark: Regulatory Framework and Community Impacts", January 25, 2022.](#)

⁸ [Center for Disease Control, "What are U.S. Standards for Lead Levels?", Accessed 5/15/23.](#)

⁹ [Journal of Global Health Reports, "Health: An Essential Component of National Resilience", Barnea, R., et. al., August 17, 2020.](#)

¹⁰ See page 68 for letter from the Maryland Department of the Environment, [Office of Legislative Oversight, "The Montgomery County Airpark: Regulatory Framework and Community Impacts", January 25, 2022.](#)

¹¹ Bill 3-22, Legislative Branch – Climate Assessments – Required, Montgomery County Council, Effective date October 24, 2022