

Bill No. 25-15
Concerning: Economic Development –
Reorganization – Montgomery
County Economic Development
Corporation
Revised: June 30, 2015 Draft No. 5
Introduced: May 21, 2015
Enacted: June 30, 2015
Executive: July 7, 2015
Effective: October 6, 2015 with certain
special provisions
Sunset Date: None
Ch. 36, Laws of Mont. Co. 2015

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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

AN ACT to:

- (1) eliminate the Department of Economic Development as a principal department of the Executive Branch;
- (2) create an Office of Agriculture;
- (3) transfer certain duties of the Department of Economic Development to other County agencies;
- (4) provide for the designation of a non-profit corporation as the Montgomery County Economic Development Corporation;
- (5) assign certain duties to the Montgomery County Economic Development Corporation and exempt this assignment from a certain procurement law;
- (6) provide a certain notice under the collective bargaining law;
- (7) remove the designation of the County's Business Development Corporation; and
- (8) generally amend County laws, regulations, and certain contracts governing economic development and agricultural preservation.

By amending

Montgomery County Code
Chapter 1A, Structure of County Government
Sections 1A-201 and 1A-203

Chapter 2, Administration
Sections 2-27 and 2-64L

Chapter 2B, Agricultural Land Preservation
Sections 2B-1, 2B-3, 2B-7, 2B-10, 2B-14, 2B-17, 2B-19, 2B-20, and 2B-21

Chapter 20, Finance

Chapter 27, Human Rights and Civil Liberties
Section 27-26B

Chapter 30B, Business Development Corporation
Sections 30B-1, 30B-2, 30B-3, 30B-4, 30B-5, 30B-6, and 30B-7

Chapter 40, Real Property
Section 40-12B

Chapter 44, Schools and Camps
Section 44-47

By adding

Chapter 2B, Agricultural Land Preservation
Section 2B-1A

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

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

1 **Sec. 1. Section 2B-1A is added and Sections 1A-201, 1A-203, 2-27, 2-64L,**
2 **2B-1, 2B-3, 2B-7, 2B-10, 2B-14, 2B-17, 2B-19, 2B-20, 2B-21, 20-76, 20-76A, 20-**
3 **76B, 2-076C, 20-76D, 27-26B, 30B-1, 30B-2, 30B-3, 30B-4, 30B-5, 30B-6, 30B-7,**
4 **40-12B, and 44-47 are amended as follows:**

5 **1A-201. Establishing departments and principal offices.**

6 (a) Executive Branch.

7 (1) These are the departments and principal offices of the Executive
8 Branch.

9 County Executive [Charter, § 201 et seq.]

10 Chief Administrative Officer [Charter, § 210 et seq.]

11 Consumer Protection (Section 11-2)

12 Correction and Rehabilitation [Section 2-28]

13 County Attorney [Charter § 213]

14 [Economic Development [Section 2-64L]]

15 Environmental Protection [Section 2-29]

16 Finance [Charter § 214; Section 20-38 et seq.]

17 Fire and Rescue Services [Section 2-39A]

18 General Services [Section 2-30]

19 Health and Human Services [Section 2-42A]

20 Housing and Community Affairs [Section 2-27 et seq.]

21 Human Resources [Section 2-64I; ch. 33]

22 Intergovernmental Relations [Section 2-64J]

23 Liquor Control

24 Management and Budget [Section 2-64K]

25 Permitting Services [Section 2-42B]

26 Police [Section 2-43; ch. 35]

27 Public Information

- 28 Public Libraries [Section 2-45 et seq.]
- 29 Recreation [Section 2-58]
- 30 Technology Services [Section 2-58D]
- 31 Transportation [Section 2-55 et seq.]

32 (2) The County Executive determines whether an entity is a
 33 department or a principal office.

34 [a] (A) Entities that directly serve the public are
 35 departments.

36 [b] (B) Entities that provide internal support to other parts
 37 of County government are principal offices.

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39 **1A-203. Establishing other offices.**

40 (a) Executive Branch. These are the offices of the Executive Branch that
 41 are not part of a department or principal office:

- 42 Office of Agriculture [section 2B-1A]
- 43 Office of the Commission for Women [section 27-28 et seq.]
- 44 Office of Community Use of Public Facilities [section 44-4]
- 45 Office of Emergency Management and Homeland Security [section 2-
- 46 64O]
- 47 Office of Human Rights [section 27-4]

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49 **2-27. Functions and organization.**

50 The Department of Housing and Community Affairs has the following
 51 functions:

- 52 (1) Affordable housing programs.
- 53 (2) Community development programs.
- 54 (A) Urban renewal and community development projects.

- 55 (B) Relocation services for families and businesses displaced
 56 by governmental actions.
- 57 (3) Housing standards enforcement, and related activities.
- 58 (4) Landlord-tenant relations.
- 59 (5) Common ownership community relations.
- 60 (6) [Technical assistance to the Department of Economic
 61 Development and the Department of Environmental Protection
 62 in the area of human resources, budget, technology, and
 63 procurement.
- 64 (7)] Other functions designated by law.

65 **Division 18. [Department of Economic Development] Reserved.**

66 **2-64L. [Functions and organization] Reserved.**

- 67 [(a) The Department of Economic Development is responsible for
 68 promoting and supporting:
- 69 (1) industrial and commercial development in the County, including
 70 the technology and hospitality industries;
- 71 (2) agricultural preservation and enhancement in the County,
 72 including programs associated with the Soil Conservation
 73 District and the Cooperative Extension Service;
- 74 (3) other economic development in the County, including
 75 coordination of employment and work force training; and
- 76 (4) services to resident businesses in the County, including business
 77 retention, counseling, business planning, and other services to
 78 maintain the existing economic base.
- 79 (b) In addition to the Director, the Department of Economic Development
 80 has two non-merit system positions for a marketing and business
 81 development manager and minority business affairs manager.]

82 **2B-1. Definitions.**

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84 [(a)] In this Chapter, the following words and phrases shall have the
85 meanings indicated:

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87 [*Department* means, unless otherwise specified, the Department of
88 Economic Development.]

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90 *Landowner* means a fee simple owner of land located in the County on
91 which a landowner proposes to sell or has sold an agricultural easement
92 to the State or the County.

93 Office means the Office of Agriculture.

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95 *Significant Agricultural Resource* or *Significant Agricultural*
96 *Capability* means land which, if properly agronomically managed and
97 under normal growing conditions, the [Department] Office, after
98 consulting local agricultural support agencies, finds can sustain a
99 profitable farm enterprise.

100 **2B-1A. Office of Agriculture.**

101 The Office must:

- 102 (a) administer this Chapter and the regulations issued under it;
- 103 (b) foster agricultural preservation;
- 104 (c) administer programs associated with the Soil Conservation District and
105 the Cooperative Extension Service; [[and]]
- 106 (d) develop the agricultural economy; and
- 107 (e) perform other duties as assigned by the County Executive.

108 **2B-3. State Easement Application and Purchase.**

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(d) If either the APAB or the Planning Board recommends approval, the

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County Council must hold a public hearing on the proposed easement.

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The [Department] Office must give adequate notice of the hearing to

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the owner of any land adjacent to the proposed agricultural easement.

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(i) The [Department] Office must work with the State to record each State

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agricultural easement in the County land records. The recordation of a

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State agricultural easement is not subject to any County recordation or

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transfer tax.

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2B-7. County Easement Application and Purchase.

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(a) A landowner seeking to place land under an agricultural easement must

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submit an easement sales application to the [Department of Economic

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Development] Office. The application must include a completed

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property description and specify the landowner's asking price.

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(e) If any land does not meet all requirements of subsection (d), the County

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must not buy a County agricultural easement on that land unless:

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(A) the [Department] Office finds that placing an agricultural

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easement on that land is in the public interest; and

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(B) the [Department] Office concludes, after consulting local

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agricultural support agencies, that the land has significant

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agricultural resources.

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2B-10. Termination and repurchase of agricultural easements.

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(a) *Process to Terminate and Repurchase an Easement.*

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(4) The APAB must determine if profitable farming is feasible on the land and issue a written recommendation to the [Department] Office. In determining whether farming is profitable, the APAB must consider:

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(5) After the APAB issues its recommendation, the [Department] Office must advise the landowner that the [Department] Office must order an appraisal of the land at the landowner's expense. The appraisal must consider the current fair market value of land and the current fair market value of the land encumbered by an agricultural easement. The difference between these values must represent the present value of the agricultural easement.

(6) The landowner must pay the [Department] Office for the cost of an appraisal. The [Department] Office must order the appraisal after receiving the funds from the landowner.

(7) After receiving the completed appraisal and APAB's recommendation, the County Council must hold a public hearing on the request to terminate the agricultural easement. The [Department] Office must notify each [owner] owner of land adjacent to the land where the easement is located of the public hearing.

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(10) The landowner must pay the required payment to the County within 180 days after the Executive agrees to terminate the easement. After receiving the required payment, the [Department] Office must prepare, execute, and deliver to the

162 landowner for recording, a Deed of Termination and Release
163 from Easement.

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165 **2B-14. Recordation.**

166 (a) The County Attorney must record each agricultural easement in the
167 County land records. The recordation of an agricultural easement is not
168 subject to any County transfer or recordation tax.

169 (b) Each agricultural easement must:

- 170 (1) be recorded in the form required by the [Department] Office;
- 171 (2) run with the land and bind the landowner and each assignee,
172 transferee, mortgagee, and any other party who obtains title to
173 the property; and
- 174 (3) be recorded so that the easement is senior in priority to all liens,
175 including any instrument securing permanent financing.

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177 **2B-17. BLT Account.**

178 (a) The [Department] Office must create a separate account under the
179 Fund, entitled the BLT Account.

180 (b) The BLT Account must contain payments made to comply with
181 conditions of approval which the Planning Board has imposed for
182 certain development plans, and may also contain funds received
183 through donation, appropriation, bond proceeds, or any other source.

184 (c) Funds in the BLT Account must be spent only on BLT easements.
185 Funds in the BLT Account may be used in conjunction with other funds
186 to buy BLT easements.

187 **2B-19. Administration.**

188 (a) The costs of any agricultural land preservation program, including the
189 purchase of any agricultural easement, may be paid from the Fund and
190 any other appropriated funds.

191 (b) [The Department must administer this Chapter and the regulations
192 issued under it.

193 (c) The [Department] Office must issue an annual report that identifies the:

- 194 (1) number and types of agricultural easements bought;
- 195 (2) number of acres preserved by those easements; and
- 196 (3) price of each easement.

197 **2B-20. Enforcement of State and County Agricultural Easements.**

198 (a) Any violation of this Chapter or regulations issued under it is a Class A
199 violation. The Department of Permitting Services may issue a citation
200 for any violation of this Chapter or the terms of any agricultural
201 easement.

202 (b) The [Director of Economic Development] Office may take legal action,
203 including seeking injunctive or declaratory relief, to prevent any:

- 204 (1) subdivision of land under an agricultural easement that violates
205 this Chapter or an agricultural easement; or
- 206 (2) transfer of land, including the transfer of lots to or for the
207 landowner or the landowner's children, that violates this Chapter
208 or an agricultural easement.

209 (c) The [Director] Office may also take legal action to recover any funds
210 obtained from any subdivision or land transfer that violates this Chapter
211 or an agricultural easement, plus costs and a reasonable attorney's fee

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213 **2B-21. Agricultural Advisory Committee.**

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(e) *Duties.*

(1) The Committee must:

- (A) after conferring with the [[Montgomery County Economic Development Corporation]] Office of Agriculture, advise the Executive and Council on all matters affecting agriculture in the County;
- (B) bring matters of particular importance to the attention of the Executive and Council; and
- (C) comment on matters referred to it by the Executive and Council.

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20-76. Economic Development Strategic Plan, Administration.

(a) The Executive must submit, by method 1 regulation, an economic development strategic plan for the County to the Council for approval on or before October 1, 2015. [[The Montgomery County Economic Development Corporation must adopt an economic development strategic plan beginning]] Beginning no later than October 1, 2019 and each fourth year thereafter, the Executive may amend the strategic plan, by Method 1 regulation, to be consistent with the strategic plan adopted by the Montgomery County Economic Development Corporation. The success or progress of the strategic plan must be measurable and the plan must include measures to address:

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20-76A. Investment Incentive Tax Credit Supplement.

(a) The Director of Finance must pay, [[by January 31 each year,]] subject to appropriation, a Biotechnology Investment Incentive Tax Credit Supplement to each applicant who meets certain eligibility standards.

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243 **20-76B. Small Business Assistance Program.**244 (a) *Definitions.* As used in this Section:245 *Adverse impact* means a loss of revenue resulting from a redevelopment
246 project.247 *Director* means the Director of the Department of [Economic
248 Development] Finance.249 *Enterprise zone* means an area designated under Maryland Code,
250 *Economic Development* Article, Section 5-704 or any successor
251 provision.252 *Fund* means the Economic Development Fund established in Section
253 20-73.254 *Program* means the Small Business Assistance Program.255 *Redevelopment project* means any construction, alteration, or
256 improvement in an urban renewal area or enterprise zone where the
257 existing land use is commercial or industrial and is:

- 258 (1) located on property owned by the County; or
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- 259 (2) financed in whole or part by the County.

260 *Small business* means a privately owned business that meets the
261 requirements of Section 11B-65(a).262 *Technical assistance* means training directly related to operating a
263 small business provided by an educational institution or a non-profit
264 organization approved by the Director.265 *Urban renewal area* means an area of the County as defined in Section
266 56-9(f).

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268 **20-76C. Green Investor Incentive Program.**

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- (c) *Eligibility standards.* A qualified investor, who need not be a County resident, is eligible to receive the incentive payment if the qualified investor[:] invests in a qualified green company that:
 - (1) has its headquarters and base of operations in the County; or
 - (2) has signed a lease for at least 5 years to open a qualified green company with its headquarters and base of operations in the County; and
 - (3) has been in business for less than 10 years and employs less than 50 people and does not have its securities publicly traded on any exchange.

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- (g) In order to calculate the amount of the incentive payment to be made to a qualified investor under Subsection (f), the Director of the Department of [Economic Development] Finance must, by January 15 of each calendar year, compile a list of each qualified investor making an investment in a qualified green company and the amount of that investment during the preceding calendar year. This list must be determined using the applications and any supporting documents qualified investors submit. The Director may take any other action necessary to administer the incentive payment. The Executive may issue regulations under Method (2) to implement this Section.
- (h) *Application required.* The Director of the Department of [Economic Development] Finance must require each qualified investor to submit an application for the incentive payment and may take any other action necessary to administer the incentive payment. The Executive may

295 issue regulations under Method (2) to specify an application process
 296 and otherwise implement this Section.

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298 **20-76D. Cybersecurity Investment Incentive Tax Credit Supplement.**

299 (a) The Director of Finance must pay, subject to appropriation, a
 300 Cybersecurity Investment Incentive Tax Credit Supplement to each
 301 Cybersecurity Company who meets certain eligibility standards.

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303 (e) The Director of [Economic Development] Finance must request from
 304 the Comptroller of the Treasury and Department of Business and
 305 Economic Development, by April 30 of each year, a list of each
 306 Cybersecurity Company, headquartered and based in Montgomery
 307 County that was issued a final credit certificate by the State during the
 308 preceding calendar year. The Executive may issue regulations under
 309 Method (1) to implement this Section.

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311 **27-26B. Interagency fair housing coordinating group.**

312 (a) The County Executive must designate an interagency fair housing
 313 coordinating group. The purpose of the coordinating group is to
 314 facilitate and promote the County's efforts to prevent discrimination in
 315 housing.

316 (b) The County Executive appoints the members of the coordinating group,
 317 subject to confirmation by the County Council. The coordinating group
 318 consists of one or more employees of each of the following agencies:

319 (1) Office of Community Outreach in the Office of the Chief
 320 Administrative Officer;

321 (2) Human Rights Commission;

- 322 (3) Housing Opportunities Commission;
 323 (4) [Department of Economic Development;
 324 (5)] Department of Housing and Community Affairs;
 325 [(6)] (5) Community service centers;
 326 [(7)] (6) Department of Health and Human Services;
 327 [(8)] (7) Commission for Women; and
 328 [(9)] (8) Commission on People with Disabilities.

329 (c) The Executive also may designate, subject to confirmation by the
 330 County Council, one or more members of the Executive's staff, and
 331 employees of any other County department or office, to serve on the
 332 coordinating group. The Executive must also invite the County
 333 Council, the Montgomery County public schools, the Montgomery
 334 County Economic Development Corporation, and the Maryland-
 335 National Capital Park and Planning Commission to designate one or
 336 more staff members to serve as full members of the group.

337 (d) The Executive must designate a chair of the coordinating group, subject
 338 to confirmation by the County Council. The chair or the Executive may
 339 call meetings. The group may form its own subcommittees.

340 (e) Meetings of the coordinating group and its subcommittees are [open]
 341 subject to [the public under] the [State] Maryland Open Meetings law
 342 [on public meetings]. In order to create a public forum and encourage
 343 diverse participation, the Executive must invite representatives of the
 344 housing industry and active community groups to participate in
 345 meetings. The group [is] must not be governed by Chapter 2 or Chapter
 346 2A.

347 (f) With staff support from the Fair Housing Coordinator, the coordinating
 348 group must submit to the County Council and County Executive an

349 annual report on housing discrimination in the County. This report
 350 must:

- 351 (1) assess County, State and Federal laws prohibiting discrimination
 352 in housing, and evaluate their enforcement in the County;
- 353 (2) recommend changes in law, policy, programs or priorities needed
 354 to reduce discrimination in housing;
- 355 (3) include a work program for the coming year;
- 356 (4) include a progress report on the previous year's work program;
 357 and
- 358 (5) include the views of the Fair Housing Coordinator and any
 359 member whose views differ from those of the report.

360 **Chapter 30B [Business] Economic Development Corporation.**

361 **30B-1. Policy objectives.**

362 (a) [Recognizing that (1) the] The future success of Montgomery County
 363 related to education, infrastructure, public safety, public welfare, and
 364 quality of life is:

- 365 (1) built on a vibrant and growing economy[.];
- 366 (2) successful businesses [are the key to] creating this economy[.];
 367 and
- 368 (3) government [must foster] fostering a legislative and regulatory
 369 environment which encourages business success.[, to]

370 (b) To achieve these goals, the County Government [must] may designate
 371 a nonprofit corporation as the [County's Business] Montgomery
 372 County Economic Development Corporation (Corporation) to [enhance
 373 and supplement] implement the County's economic development
 374 programs and activities.

375 [The mission of the Business Development Corporation is to develop the
376 vision for the County's economic future and to recommend and advocate for
377 legislative and regulatory changes that move the culture and regulatory
378 environment so that business success can create that vibrant and growing
379 economy.

380 The Corporation must be able to:

- 381 (a) establish a vision of the economic future of the County founded on
382 sound financial and economic condition and policies;
- 383 (b) develop and articulate strategies designed to achieve that vision,
384 advocate for legislative and regulatory changes necessary to
385 accomplish that vision, set measurements, and regularly report on the
386 County's success in meeting its objectives and goals;
- 387 (c) provide leadership on economic issues at both the County and State
388 levels;
- 389 (d) engage business leaders and other key stakeholders in developing and
390 implementing economic development strategies;
- 391 (e) maintain close liaison with government agencies and elected
392 representatives at both the County and State levels to achieve the goals
393 of the Corporation; and
- 394 (f) undertake any other activities deemed by the Board of Directors to
395 support the mission of the Corporation.]

396 **30B-2. Designation.**

- 397 (a) [In this Chapter "Corporation" means the Business Development
398 Corporation that the County has designated to study, evaluate, enhance,
399 and supplement the County's economic development programs and
400 activities.

- 401 (b) The County Council must designate, by resolution approved by the
 402 County Executive, a single nonprofit corporation which complies with
 403 all requirements and criteria of this Chapter as the [County's Business]
 404 Montgomery County Economic Development Corporation. If the
 405 Executive disapproves the resolution within 10 days after receiving it,
 406 the Council may readopt the resolution with at least 6 affirmative votes.
- 407 [(c) (1) Any designation under this Section expires at the end of the fifth
 408 full fiscal year after the resolution is adopted unless the Council
 409 extends the designation by adopting another resolution under this
 410 Section.
- 411 (2) However, if the Council President does not notify the Chair of
 412 the designated Corporation's Board of Directors, not later than
 413 June 30 of the fourth full fiscal year of the designation term, that
 414 the Council may allow the current designation to expire, the
 415 designation is automatically extended for another 5-year term.
- 416 (d) The Council at any time may suspend or revoke the designation of a
 417 corporation as the County's Business Development Corporation by
 418 resolution, adopted after at least 15 days public notice, that is approved
 419 by the Executive, or, if the Executive disapproves the resolution within
 420 10 days after receiving it, is readopted by a vote of at least 6
 421 Councilmembers.]
- 422 [(e) (b) To continue to qualify as the County's [Business] Economic
 423 Development Corporation, [a corporation's] the Corporation's articles
 424 of incorporation and bylaws must comply with all requirements of this
 425 Chapter.

- 426 (c) Any designation under this Section expires at the end of the fifth full
 427 fiscal year after the resolution is adopted unless the Council extends the
 428 designation by adopting another resolution under this Section.
- 429 (d) The Council at any time may suspend or revoke the designation of a
 430 corporation as the County's Economic Development Corporation by
 431 resolution, adopted after at least 15 days public notice that is approved
 432 by the Executive, or, if the Executive disapproves the resolution within
 433 10 days after receiving it, is readopted by a vote of at least 6
 434 Councilmembers.

435 **30B-3. Board of Directors.**

- 436 (a) To qualify as the [County's Business] Montgomery County Economic
 437 Development Corporation, [a corporation's] the Corporation's Board
 438 of Directors must have [no more than] 11 voting members appointed
 439 by the County Executive and confirmed by the County Council. The
 440 County Executive should appoint a member of the Workforce
 441 Development Board as one of the members of the Corporation's Board
 442 of Directors. The Corporation's Board of Directors must also include
 443 one officio non-voting member appointed by the County Executive;
 444 and one non-voting member appointed by the County Council; and
 445 should have one non-voting member appointed by the Maryland
 446 Secretary of Commerce [[the Maryland Department of Business and
 447 Economic Development]]. [The corporation's bylaws should also allow
 448 the Director of the Department of Economic Development, the
 449 Superintendent of the County Public Schools, the President of
 450 Montgomery College, and the chair of the County Planning Board or
 451 the Planning Director, to serve as ex-officio non-voting members along
 452 with any other nonvoting members authorized under the bylaws.]

453 (b) Each voting member serves a 3-year term. The individual terms of the
 454 voting members must be staggered. Of the voting members first
 455 appointed, four must be appointed for a 1-year term, four must be
 456 appointed for a 2-year term, and three must be appointed for a 3-year
 457 term. A voting member appointed to fill a vacancy serves the rest of the
 458 unexpired term. A voting member continues in office until his or her
 459 successor is appointed and confirmed.

460 [(b)] (c) Each voting member must be either a resident of the County or
 461 [employed in the senior management of a company which] a senior
 462 manager in a for-profit or nonprofit entity that has a significant presence
 463 in the County [The voting members of the Board of Directors should
 464 include:

- 465 (1) one volunteer representative of a Chamber of Commerce in the
- 466 County who is recommended by the Chamber of Commerce;
- 467 (2) one owner of a small business in the County;
- 468 (3) one owner or officer of the senior management of a medium-
- 469 sized business located in the County; and
- 470 (4) up to 8 officers from the senior management of major companies
- 471 which have a significant presence in the County].

472 [(c)] (d) A member must not be paid for service on the Board but may be
 473 reimbursed for necessary travel expenses.

474 [(d)] (e) A member is not subject to Chapter 19A because of serving on
 475 the Board. The Corporation's bylaws must [[include provisions
 476 defining and regulating conflicts of interest by Board members and
 477 Corporation staff]] protect against any conflict of interest or similar
 478 impropriety by members of the Board of Directors or the Executive
 479 Director or any other employees. The bylaws must include:

- 480 (1) a prohibition against self-dealing and collusive practices;
- 481 (2) a provision for the disclosure of a financial or similar interest of
- 482 any person in any matter before the corporation that would create
- 483 a conflict of interest;
- 484 (3) a provision establishing conditions under which a person is
- 485 disqualified from participating in decisions or other actions in
- 486 which there is a conflict between the person's official duties and
- 487 private interests;
- 488 (4) appropriate remedies for a violation of the bylaws, including
- 489 removal or termination; and
- 490 (5) a policy to protect whistleblowers.

491 [(e)] (f) Notwithstanding any inconsistent provision of County Code
 492 Section 19A-21, a member of the Board of Directors or a staff member
 493 of the Corporation who engages in legislative, [or] administrative, or
 494 executive advocacy as part of that [member's] person's duties [on the
 495 Board] is not required to register as a lobbyist under Article V of
 496 Chapter 19A because of that advocacy.

497 [(f)] (g) The Board must direct the program, management, and finances
 498 of the [corporation] Corporation.

499 **30B-4. Status; incorporation; bylaws.**

500 (a) To qualify as the County's Economic [Business] Development
 501 Corporation, [a corporation's] the Corporation's articles of
 502 incorporation must provide for the appointment of the members of its
 503 board of directors as set forth in this Chapter. The articles of
 504 incorporation must also provide that the [corporation] Corporation is:

- 505 (1) a [tax-exempt] Maryland nonprofit, non-stock corporation the
- 506 purposes and activities of which are limited to those that are

507 permitted to be promoted or performed by a corporation that is
 508 recognized as exempt from federal income tax under 26 U.S.C.
 509 § 501;

510 (2) not an instrumentality of the County;[and]

511 (3) incorporated for the [sole] purpose of serving as the County’s
 512 [Business] Economic Development Corporation and
 513 implementing the County’s economic development strategic
 514 plan, adopted under Section 20-76, and related programs. These
 515 programs must include:

516 (A) attracting and retaining businesses;

517 (B) facilitating economic, industrial, and commercial
 518 development in the County;

519 (C) [[enhancing the agricultural economy;

520 (D)] encouraging investment in commerce, industries, and
 521 businesses in the County;

522 [[E)] (D) promoting job growth and talent attraction, in
 523 coordination with the Montgomery County Workforce
 524 Development Board;

525 [[F)] (E) advising and informing County officials on
 526 economic development matters;

527 [[G)] (F) providing services to resident businesses in the
 528 County, including business retention, counseling, business
 529 planning, and other services to maintain and grow the
 530 existing economic base;

531 [[H)] (G) stimulating and nurturing the development of new
 532 business; [[and]]

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~~[(I)]~~ (H) supporting minority, female, and disabled owned businesses, including assisting minority, female, and disabled owned businesses to gain access to capital; and
(I) promoting the development of a vital and balanced economy.

(4) organized and operated under the laws of the State of Maryland; and

(5) headquartered in the County.

(b) The Corporation’s bylaws may contain any provision [, not inconsistent with law or the articles of incorporation,] necessary to govern and manage the Corporation that does not conflict with this Chapter. The Corporation may exercise all powers and is subject to all requirements which apply to non-stock corporations under the Corporations and Associations Article of the Maryland Code.

(c) [The Board must adopt and may amend the Corporation’s bylaws, subject to approval by the Council. The public must be given at least 15 days to comment on the proposed bylaws, or any amendment to the bylaws, before the Council approves them.

(d)] The bylaws must require the Corporation to comply with the [state] Maryland [open meetings] Open Meetings law and [provide that all meetings of the Board of Directors must be open to the public except when closed on a recorded vote of the Board for a reason expressly listed in the state law or the bylaws] the Maryland Public Information Act.

30B-5. [Work] Economic development program.

(a) The Board of Directors must [adopt a work] recommend economic development [program] programs and associated performance

560 measures to the Executive and Council each year to advance the policy
 561 objectives and perform the activities listed in Section 30B-1, including
 562 revisions to the County's strategic plan for economic development
 563 established by Section 20-76(a).

564 (b) In its [work] economic development [program] programs, the
 565 Corporation should collaborate with [complement the strategic
 566 economic development activities of] the [Department of Economic
 567 Development] Montgomery County Workforce Development Board to
 568 advance the County's economic development strategic plan adopted
 569 under Section 20-76.

570 (c) The Corporation's [work] economic development [program] programs
 571 may include a plan for sponsorship of private investment, marketing,
 572 and advocacy initiatives.

573 (d) The Board and staff must meet with the Executive and the Council at
 574 least [semi-]annually regarding the Corporation's activities and
 575 finances. [The Board must advise the Executive and Council on
 576 economic development and related matters.]

577 **30B-6. Staff; support from County Government.**

578 (a) [The Department of Economic Development should, if the Board of
 579 Directors requests, provide administrative support for the Corporation,
 580 including contracts, grants, or services in kind, subject to appropriation.

581 (b) The Office of Management and Budget, the Department of Finance, and
 582 other departments of County government and County-funded agencies,
 583 if the Board of Directors requests, should provide relevant economic
 584 data to the Corporation. The research division of the Planning Board
 585 must provide research support to the Corporation to the extent assigned
 586 by the Planning Board's work program, as approved by the Council.

587 [(c)] (b) The Corporation may also raise public and private funds and may
 588 accept services from any source consistent with its purposes.

589 (c) The Corporation must:

590 (1) make public data sets available on the web to:

591 (A) improve public knowledge of the Corporation and its
 592 operations;

593 (B) further its mission; or

594 (C) increase its accountability and responsiveness; and

595 (2) provide the Executive and Council, upon request, all non-
 596 confidential data produced and received by the Corporation,
 597 including research, economic data, and minutes of Board
 598 meetings.

599 **30B-7. Report.**

600 The Board of Directors must report annually on the activities and finances of
 601 the Corporation and [finances] provide an audited financial statement of the
 602 Corporation to the Executive and Council by November 1 of each year. The report
 603 must also include the Corporation's plan to solicit and receive additional public and
 604 private funding for its operations.

605 **40-12B. Real property sold in Agricultural Zones.**

606 (a) If any real property is located in, adjoins, or confronts an area zoned
 607 agricultural, as defined in Section 59-C-9.1, the seller must disclose to
 608 each prospective buyer, before the buyer signs a contract for the sale of
 609 the property, that existing County and State law is intended to
 610 discourage owners of real property adjacent to agricultural-zoned land
 611 from filing certain lawsuits against an owner or operator of an
 612 agricultural use in those areas. The following text must be substantially
 613 included in the disclosure:

614 As required under Montgomery County Code § 40-12B, you are hereby
615 notified that the state of Maryland and Montgomery County have
616 enacted laws that establish agriculture as the preferred use on land
617 zoned Rural Density Transfer and as a permitted use in other
618 agricultural zones, as defined in Section 59-C-9.1 of the County Code.
619 The property subject to this contract is located in, adjoins, or confronts
620 an area zoned agricultural. Residents and other occupants of property
621 near land in agricultural zones should be prepared to accept effects of
622 usual and customary agricultural operations, facilities, and practices,
623 including noise, odors, dust, smoke, insects, operation of machinery,
624 storage and disposal of manure, unusual hours of operation, and other
625 agricultural activities.

626 Under Maryland law, an agricultural operation is not a nuisance, and a
627 lawsuit may not be successful alleging that an agricultural operation
628 interferes with the use or enjoyment of other property, if the agricultural
629 operation:

- 630 (1) has continued for at least 1 year;
- 631 (2) complies with applicable health, environmental, zoning, and
632 permit requirements; and
- 633 (3) is not conducted negligently.

634 County law may provide additional protections for agricultural uses on
635 agricultural-zoned land. For further information, contact the
636 Montgomery County [Department of Economic Development] Office
637 of Agriculture.

- 638 (b) A prospective buyer must indicate, by signing an addendum to the
639 contract or a separate section of the contract printed in boldface type in
640 a clearly demarcated box, that:

- 641 (1) the seller has provided the information required by subsection
- 642 (a); and
- 643 (2) the buyer understands that:
- 644 (A) adjacent property may be the source of agricultural-related
- 645 nuisances; and
- 646 (B) the buyer may obtain more information about these
- 647 nuisances from the Montgomery County [Department of
- 648 Economic Development] Office of Agriculture.

* * *

44-47. Workforce Investment Scholarship Program.

(a) *Definitions.*

Board means the Workforce Investment Scholarship Board created in Section 44-48.

Director means the Director of the Department of [Economic Development] Finance or the Director's designee.

* * *

Sec. 2. Applicability of Chapter 11B, Article XVI ("Service Contracts").

Any service contract, grant, or other agreement between the County and another person that encompasses any function that was performed by the Department of Economic Development is exempt from Chapter 11B, Article XVI ("Service Contracts") under Section 11B-72(d)(1).

Sec. 3. Collective bargaining notice.

This Act serves as any notice required under Section 33-107(c)(17).

Sec. 4. 2003 L.M.C., ch. 12, § 3 is repealed.

The following law (2003 L.M.C., ch. 12, § 3) is repealed: "Marketing Assistance. The Department of Economic Development must establish and administer a fund, subject to appropriation, to provide marketing assistance to

668 County restaurants affected by the provisions of this law. The Department must
669 develop criteria for use of these funds and report to the Council quarterly on
670 expenditures from the fund.”

671 **Sec. 5. Montgomery Business Development Corporation.**

672 This Act revokes the designation of the Montgomery Business Development
673 Corporation as the County’s business development corporation.

674 **Sec. 6. References to the Department of Economic Development in**
675 **regulation.**

676 Reference to the Department of Economic Development in COMCOR
677 02.64L.01 (Silver Spring Enterprise Zone), COMCOR 02.64L.02 (Wheaton
678 Enterprise Zone), and COMCOR 02.64L.03 (Long Branch/Takoma Park Enterprise
679 Zone) is a reference to the Department of Finance.

680 Reference to the Department of Economic Development in COMCOR
681 02B.00.01 (Agricultural Land Preservation Districts and Easement Purchases) is a
682 reference to the Office of Agriculture.

683 Reference to the Department of Economic Development in COMCOR
684 15.12.01 (Fee Schedule for Food Service Facilities) is a reference to the Office of
685 Agriculture.

686 Reference to the Department of Economic Development in COMCOR
687 20.73.01.05(g) (Economic Development Fund - Award Process) is a reference to the
688 Montgomery County Economic Development Corporation and reference to the
689 Department of Economic Development in COMCOR 20.73.01.05(k) (Economic
690 Development Fund - Award Process) is a reference to the Department of Finance.

691 Reference to the Department of Economic Development in COMCOR
692 20.73.02 (Technology Growth Program) is a reference to the Department of Finance.
693 Section 20.73.02.05.b.5 (Program Operations) is amended as follows: “The Director
694 of the Department of Finance [must, upon request from the Director of the

695 Department of Economic Development,] may fund eligible projects with monies
696 from the Economic Development Fund designated for the Program.”

697 Reference to the Department of Economic Development in COMCOR
698 20.76.01 (Strategic Plan) is a reference to the Montgomery County Economic
699 Development Corporation except the reference to the small business navigator
700 position in the Department of Economic Development in Section 20.76.01.02
701 (Definitions - Small Business Navigator) is a reference to the small business
702 navigator position in the Office of Procurement.

703 Reference to the Department of Economic Development in COMCOR
704 52.14.01 (Fuel Energy Tax for Agricultural Producers) is a reference to the
705 Department of Finance except that reference to the Department of Economic
706 Development in Section 52.14.01.05.A (Verification that Agricultural Producers
707 Meet the Eligibility Criteria) is a reference to the Office of Agriculture.

708 Reference to the Department of Economic Development in COMCOR
709 56.01A.01 (Financial Assistance to Demolish Commercial Properties) is deleted.

710 Reference to the Department of Economic Development in COMCOR Misc.
711 02 (Administration of the Glenmont Enterprise Zone) and COMCOR Misc. 03
712 (Burtonsville Enterprise Zone) is a reference to the Department of Finance.

713 **Sec.7. References to the Department of Economic Development in**
714 **contracts.**

715 All references to the Department of Economic Development in contracts,
716 deeds, licenses, easements, and leases are references to an agent of the County as
717 designated by the Chief Administrative Officer.

718 **Sec. 8. Transition; effective dates.**

719 Amendments to Section 1A-203, Chapter 2B, Chapter 40, and Chapter 30B
720 made under Section 1 of this Act take effect as provided in Charter Section 112.

721 Section 5 of this act takes effect when the Montgomery County Economic
722 Development Corporation is designated under Section 30B-2.

723 All other provisions of this Act take effect ~~[[90]]~~ 180 days after the
724 Montgomery County Economic Development Corporation is designated under
725 Section 30B-2.

726

727 *Approved:*

728 George Leventhal 7/2/2015
George Leventhal, President, County Council Date

729 *Approved:*

730 Isiah Leggett July 2, 2015
Isiah Leggett, County Executive Date

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

732 Linda M. Lauer 7/9/2015
Linda M. Lauer, Clerk of the Council Date