

Bill No. 3-05
Concerning: Boards, Committees, and
Commissions – Specific Provisions
Revised: 9-23-05 Draft No. 4
Introduced: February 1, 2005
Enacted: September 27, 2005
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Ch. 24, Laws of Mont. Co. 2005

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Praisner and Leventhal

AN ACT to:

- (1) revise the composition, membership, and terms of certain County boards, committees, and commissions;
- (2) rename certain boards, committees, and commissions;
- ~~[(3) require the County Board of Appeals to issue certain decisions in a timely manner;]~~
- (3) give the County Council the option to designate or decline to designate members of certain boards, committees, and commissions;
- (4) repeal ~~[[the Advisory Committee on Consumer Affairs,]]~~ the Partnership Board, the Citizens Review Panel Advisory Group, and the Collection Advisory Subcommittee of the Solid Waste Advisory Committee ~~[[and the recreation area advisory boards]]~~;
- (5) repeal the requirement that applicants for membership on the Commission on Landlord-Tenant Affairs submit financial disclosure forms;
- (6) expand the membership of the Silver Spring urban district advisory board; and
- (7) generally amend the County law regarding the membership, structure, and functions of boards, committees, and commissions.

By repealing

Montgomery County Code
~~[[Chapter 11, Consumer Protection
Section 11-3]]~~

~~[[Chapter 41, Recreation and Recreation Facilities
Section 41-25 through 41-30]]~~

Chapter 48, Solid Wastes
Section 48-42

Chapter 57, Weapons
Sections 57-2 through 57-5

Chapter 68A, Montgomery County Urban Districts
Section 68A-5

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.** ~~[[Sections 11-3, 11-7, and 41-25 through 41-30 are]] **Section 48-42**~~
2 **is repealed, and Sections** ~~[[2-113,]]~~ **5-104, 8A-8, 8A-31, 8A-31A, 10B-3, 11-7, 12-**
3 **36, 12-39, 12-41, 17-12, 19-49, 24-23, 24-41, 24-54 through 24-56, 24-59, 27-26,**
4 **27-41, 27-49A, 27-54, 27-63, 29-9, 32-25, 33-59, 41-21, 41-22, 48-40, 57-2 through**
5 **57-5, and 68A-5 are amended as follows:**

6 **2-113. Procedures.**

7 * * *

8 **[(e) The Board must issue final written decisions in a timely manner.]**

9 **5-104. Animal Matters Hearing Board.**

10 * * *

11 **(a) Membership.**

12 **(1) The Animal Matters Hearing Board consists of 5 members**
13 **appointed by the County Executive and confirmed by the County**
14 **Council. The Board must include:**

- 15 **(A) [a veterinarian or veterinary technician] a representative of**
16 **licensed animal fanciers;**
- 17 **(B) a representative of the [Montgomery] County Humane**
18 **Society; and**
- 19 **(C) 3 public members[, including a representative of licensed**
20 **animal fanciers].**

21 * * *

22 **(f) *Support.* The Chief Administrative Officer must provide the services**
23 **and County facilities that are reasonably necessary for the Board to**
24 **perform its duties. The County Attorney must provide legal counsel to**
25 **the Board. The Chief Administrative Officer ~~[[must]]~~ may employ or**
26 **retain a veterinarian to furnish technical expertise as the Board needs.**

27 **8A-8. Application for grant, renewal, modification, or transfer of a**
 28 **franchise.**

29 * * *

30 (i) Within 10 business days after receiving an application for a new
 31 franchise for an overbuild, the County Executive must decide whether
 32 to accept or reject the application for filing.

33 (1) If the Executive rejects the application for filing, the Executive
 34 must specify the additional information required to accept the
 35 application for filing. The applicant may resubmit or
 36 supplement the application with the additional information, and
 37 the Executive must reconsider, within the 10-day deadline,
 38 whether the application is acceptable for filing.

39 (2) When the Executive accepts the application for filing, the
 40 Executive must make the application available for public
 41 inspection and forward the application to the [Cable
 42 Communications] Telecommunications Advisory Committee
 43 for review and comment.

44 * * *

45 **8A-31. [Cable Communications] Telecommunications Advisory**
 46 **Committee.**

47 (a) *Established.* The [Cable Communications] Telecommunications
 48 Advisory Committee [is established to] may provide advice and
 49 recommendations to the County Executive, County Council, and the
 50 Department of Technology Services on all telecommunications issues,
 51 including the administration of this Chapter and any franchise
 52 agreement or application. [[The Advisory Committee must designate
 53 subcommittees on cable and satellite issues, emergency response

54 systems, telephone, internet issues, budgets, and any other issue it
55 finds necessary.]]

56 (b) The [Cable Communications] Advisory Committee should meet
57 quarterly or [on a] more [frequent basis] frequently if requested by the
58 County Executive or County Council or if the [chairperson] Chair or
59 Committee [determines] finds it necessary.

60 (c) The [Cable Communications] Advisory Committee must [include at
61 least 13 and not more than 19] have 15 voting members appointed by
62 the [County] Executive and confirmed by the Council for 3-year
63 terms. The members [[must]] should broadly represent [[the]]
64 technology areas [[listed in subsection (a).]]

65 * * *

66 **8A-31A. Cable Compliance Commission.**

67 * * *

68 [(d) *Insufficient initial quorum.* The Executive must appoint 5 members of
69 the Commission and submit the appointments for confirmation by the
70 Council by March 15, 2003. If the Council has not confirmed at least
71 3 appointees by May 15, 2003, the Cable Communications Advisory
72 Committee established under Section 8A-31 must perform the
73 functions of the Commission until at least 3 members of the
74 Commission are confirmed by the Council.]

75 * * *

76 **10B-3. Commission on Common Ownership Communities.**

77 * * *

78 (b) Designees of the County Council (if the Council selects a designee),
79 Planning Board, Department of Environmental Protection, Department
80 of Permitting Services, Department of Public Works and

81 Transportation, and Department of Housing and Community Affairs are
82 ex-officio nonvoting members of the Commission.

83 * * *

84 (e) Section 2-148[[~~(c)~~](b) applies only to voting members of the
85 Commission.

86 * * *

87 **11-7. Procedures and enforcement.**

88 (a) After receiving a complaint under Section 11-6, the Director may
89 investigate the facts and issues. In that investigation the Director may
90 use the authority granted in Section 11-2. Whenever appropriate, the
91 Director may refer a complaint to the state Real Estate Commission,
92 the Consumer Protection Division of the state Attorney General's
93 office, or the Federal Trade Commission. If the Director finds
94 reasonable grounds to believe a violation has occurred, the Director
95 must attempt to conciliate the matter by methods of initial conference
96 and persuasion with all interested parties and any representatives the
97 parties may choose to assist them. [In attempting a conciliation to
98 assist a complaining consumer in resolving the consumer's individual
99 dispute, the Director may utilize the good offices of the Advisory
100 Committee on Consumer Affairs.] Conciliation conferences are
101 informal, and nothing said or done in a conciliation conference may
102 be made public by the Department, the Committee, or its members
103 unless the parties agree in writing to make the matter public.

104 * * *

105 **12-36. Commission on juvenile justice; composition; appointment; terms;**
106 **vacancy.**

107 (a) The Commission on Juvenile Justice consists of the following 4 classes
108 of members:

109 (1) 23 voting members appointed by the County Executive, subject
110 to confirmation by the County Council;

111 (2) ~~[[10]]~~ 11 voting members, representing each of the following: the
112 Council, the Executive, the State's Attorney, the Family Division
113 of the Circuit Court, the Police Department, the state Department
114 of Juvenile Justice, the County Office of the Public Defender, the
115 Court Appointed Special Advocate, the Department of Health
116 and Human Services (2 members, one representing child welfare
117 services and one representing community-based services for at-
118 risk youth), and the Board of Education, in each case appointed
119 by the Executive, subject to confirmation by the Council, after
120 receiving a recommendation from the person or office to be
121 represented; and

122 (3) ~~[[the County juvenile division judges, who are ex officio voting
123 members of the Commission; and]]~~

124 ~~[[4]]~~ nonvoting members emeritus, who are past members who have
125 given outstanding service and possess special expertise in
126 juvenile matters. Members emeritus may be appointed by the
127 Executive, subject to confirmation by the Council.

128 * * *

129 **12-39. Reports.**

130 * * *

131 (b) *Annual report.* By October 31 of each year, the Commission must
132 prepare an annual report for the ~~[[juvenile division of the District
133 Court,]]~~ Circuit Court, Council, and Executive, including its:

- 134 (1) activities, accomplishments, problem areas, and
- 135 recommendations;
- 136 (2) goals and objectives for the next calendar year; and
- 137 (3) ~~[[annual]]~~ evaluation of programs and services for juveniles
- 138 provided or funded by the County, the state Department of
- 139 Juvenile Justice, and the federal government.

140 (c) *Workplan.* By June 30 of each year, the Commission must prepare and

141 submit to the Council, Executive, and ~~[[juvenile division of the District~~

142 ~~Court]]~~ Circuit Court Administrative Judge a workplan for the next

143 fiscal year. The Commission may amend the workplan at any time

144 during the fiscal year. The workplan should describe how the

145 Commission will monitor and evaluate the programs under its

146 jurisdiction.

47 **12-41. Functions.**

148 The Commission must:

149 (a) Advise the ~~[[juvenile division of the District]]~~ Circuit Court, Council,

150 and Executive on the needs and requirements of juveniles under the

151 Court's jurisdiction.

152 * * *

153 (h) Independently evaluate County-funded juvenile justice programs and

154 services, including those from the ~~[[Family Division of the]]~~ Police

155 Department, the State's Attorney, and the Department of Health and

156 Human Services. The evaluation should address whether capacity in

157 these areas is adequate and assess the effectiveness of these programs

158 and services. If sufficient information on the effectiveness of any

159 program is not available, the Commission should note that fact.

50 **17-12. Created; composition.**

161 [There is hereby created] The County Executive must appoint, subject to
 162 confirmation by the Council, a Board of Electrical Examiners, composed of [five (5)]
 163 5 voting members, who must be residents of the County[, constituted as follows:].

164 (a) One [(1) members shall be the holder of] member must hold a [valid,
 165 current Montgomery] County master electrician's license.

166 (b) Two [(2)] members [shall] must be [active at the time of their
 167 appointment] when appointed, or [shall] must shall have had previous
 168 experience as, an electrical contractor, electrical contractor limited, or
 169 [shall] must otherwise be technically qualified [to determine
 170 proficiency] in [the electrical field] electricity.

171 (c) One [(1)] member [shall] must represent the general public.

172 (d) One [(1)] member [shall] must be a professional engineer, [duly
 173 registered and] licensed in [accordance with the requirements of]
 174 Maryland [state law] and [who has training and experience] experienced
 175 in electrical engineering.

176 (e) The Executive may appoint a person who does not have any required
 177 professional qualification under subsections (a), (b), or (d), but who is
 178 otherwise technically qualified to assess proficiency in electricity.

179 [(e)] (f) [Such members of the department as shall be assigned] The Director
 180 may designate one or more Department employees as ex officio,
 181 nonvoting members [of the board by the director] to [ensure] promote
 182 coordination with the Department's fire inspection and prevention and
 183 electrical inspection activities [conducted by the department].

184 [(f)] (g) The [board chairman shall be designated by the county executive]
 185 Executive must designate one member of the Board as chair. If the
 186 [county] Executive does not designate a [chairman] chair, the Board
 187 [shall] must elect its own [chairman] chair. The Board [shall] must

'88 select a vice-[chairman] chair and [such] any other [officers as it may
189 desire] officer it finds necessary. The vice-[chairman shall in the
190 absence of the chairman] chair must assume [all] the duties [and
191 responsibilities of the chairman] of the chair when the chair is absent.

192 [(g) This section shall not be construed to affect the terms of those members
193 of the board serving at the effective date of this law. All new
194 appointments shall be made in accordance with its provisions.]

195 **19-49. Administration.**

196 * * *

197 (b) The County Executive, subject to confirmation by the Council, must
198 appoint a Water Quality Advisory Group, composed of up to [three] 3
199 non-voting representatives of government agencies and 15 voting
200 members. The voting members should consist of [three] up to 3
201 representatives each of [[the public at large,]] academic and scientific
202 experts, environmental groups, the agricultural community, and the
203 business community, with the rest from the public at large. The
204 [[Water Quality Advisory]] Group must recommend to the Executive
205 and the Council by March 1 each year water quality goals, objectives,
206 policies, and programs. Each member must be appointed for a 3-year
207 term unless appointed to fill the balance of an unexpired term[, but the
208 initial terms may be staggered]. The Group each year must select a
209 chair and any other officer it finds necessary.

210 * * *

211 **24-23. [[Montgomery County]] Commission on Health.**

212 * * *

213 (e) The Commission consists of:

.14 * * *

- 215 (2) Two ~~[(2)]~~ nonvoting ex officio members, of whom:
- 216 ~~[[a.]]~~ (A) One is a member of the County Council or the
- 217 Council's designated representative, if the Council
- 218 designates a Councilmember or Council representative;
- 219 and
- 220 ~~[[b.]]~~ (B) One is the County health officer.

* * *

24-41. Members; appointment.

* * *

(c) *Nonvoting members.* The following should each designate one nonvoting ex-officio member of the Council:

- 226 (1) County Executive;
- 227 (2) County Council;
- 228 (3) Health and Human Services Department;
- 229 (4) Police Department;
- 230 (5) Montgomery County Public School System;
- 231 (6) Board of License Commissioners;
- 232 (7) Department of Corrections and Rehabilitation
- 233 (8) Mental Health Advisory Committee; and
- 234 (9) [Advisory Board on Victims and their Families] Victims
- 235 Services Advisory Board.

* * *

**Article VII. [Advisory Board on Victims and Their Families] Victim Services
Advisory Board**

24-54. "Board" defined.

In this Article, "Board" means the [Advisory Board on Victims and Their Families] Victim Services Advisory Board.

242 **24-55. Established.**

243 Under Part III of Title 8 of the Health General Article of the [Annotated Code
 244 of] Maryland Code, this Article establishes the board.

245 **24-56. Membership.**

246 * * *

247 (b) The Board consists of:

248 (1) Nineteen voting members who are residents of Montgomery
 249 County, of whom:

250 [a.] (A) Five are from among the mental health, legal, medical,
 251 dental, and nursing professions;

252 [b.] (B) Ten may be members of the listed professions but
 253 represent the community as a whole; and

254 [c.] (C) One ~~[[is]]~~ should be a member of the clergy; and

55 [d. One is a representative designated by the Alcohol and
 256 Other Drug Abuse Advisory Council; and]

257 [e. One is a representative designated by the Mental Health
 258 Advisory Committee; and]

259 (2) Four nonvoting ex officio members, of whom:

260 [a.] (A) One is the Director of the Department of Health and
 261 Human Services;

262 [b.] (B) One is a representative of the State's Attorney;

263 [c.] (C) One is a representative of the Public Defender; and

264 [d.] (D) One is a representative of the Police Department.

265 * * *

266 (d) (1) The term of an appointed member is 3 years.

267 (2) A member ordinarily serves no more than 2 terms.

268 (3) The terms of appointed members are staggered [as required by
269 the terms provided for appointed members of the Board on July
270 1, 1986].

271 [(1)] (4) At the end of a term, an appointed member continues to serve
272 until a successor is appointed and qualifies.

273 [(2)] (5) A member who is appointed after a term has begun serves only
274 for the rest of the term and until a successor is appointed and
275 qualifies.

276 * * *

277 **24-59. Duties of the Board.**

278 (a) With the advice and assistance of the Department of Health and Human
279 Services, the Board must:

280 * * *

281 (6) Provide input to the Governor's victim services program; [and]

282 (7) Act as a local advocate for victim services programming[.]; and

283 (8) Facilitate communication with the Alcohol and Other Drug
284 Abuse Advisory Council and the Mental Health Advisory
285 Committee by sharing minutes with those committees.

286 * * *

287 **27-26. Partnership Fund for victims of hate/violence.**

288 (a) *Fund established.*

289 (1) There is a Partnership Fund for victims of hate/violence.

290 (2) The Fund is created to compensate victims of hate/violence for
291 personal injury and property damage caused by the
292 hate/violence incident.

293 (3) The Commission on Human Rights must define what conduct is
294 an act of hate/violence.

295 (4) [The County Executive must determine who will administer the
 296 Partnership Fund.] The County Executive must designate a
 297 subcommittee of the Committee on Hate/Violence to administer
 298 the Partnership Fund. In this Section, *subcommittee* refers to
 299 this subcommittee.

300 [(b) *Board established.*]

301 [(1) The Partnership Board has 7 members from the private sector
 302 appointed by the Executive and confirmed by the County
 303 Council.]

304 [(2) Each member is appointed for 3 years. At the end of a term, a
 305 member continues to serve until a successor is appointed and
 306 confirmed.]

307 [(3) A member of the Partnership Board is not paid for service on
 08 the Board.]

309 [(c)] (b) *Contributions.*

310 (1) The [Board] subcommittee should solicit and deposit private
 311 contributions to the Fund. The [Board] subcommittee may
 312 spend up to 10 percent of the Fund to publicize the Fund and
 313 solicit private contributions.

314 * * *

315 [(d)] (c) *Victim compensation.*

316 (1) The [Board] subcommittee may pay a victim of hate/violence
 317 up to \$2,000 from the Fund for each incident of hate/violence to
 318 compensate the victim for property damage caused by the
 319 hate/violence incident.

320 (2) The [Board] subcommittee may pay a victim of hate/violence
 321 up to \$4,000 from the Fund for each incident of hate/violence to

322 compensate the victim for personal injuries caused by the
 323 hate/violence incident. Personal injury awards must be limited
 324 to actual damages for medical expenses, psychological services,
 325 or lost wages. [(i)] Lost wages must be based solely on
 326 employment income and must be calculated based on an
 327 individual's gross average weekly wage immediately before the
 328 incident of hate/violence.

329 (3) A victim of hate/violence may not receive more than \$8,000
 330 from the Fund in any 12-month period.

331 [(e)] (d) *Police report.* A police report, filed over the telephone or in person
 332 to an appropriate law enforcement agency within 7 days after an act of
 333 hate/violence occurred or was discovered, must be submitted with all
 334 claims. The [Board] subcommittee may waive this requirement if an
 335 individual had good cause for not filing a police report.

336 [(f)] (e) *Reduction of compensation.* The [Board] subcommittee must reduce
 337 any payment from the Fund by any amount the victim receives or is
 338 entitled to receive from any private or public source as compensation
 339 for damages from the hate/violence incident. [(i)] The [Board] Fund
 340 may pay for lost wages only to the extent that compensation is not
 341 available from an employer for vacation, sick, or any other type of
 342 leave, insurance, the State victim compensation program [under
 343 Maryland Code, Criminal Procedure Article Section 11-811], the
 344 County victim assistance program [under Section 32-25], or any other
 345 source arising from the same incident.

346 [(g)] (f) *False claims.* Any person who makes a false claim under this
 347 Section:

348 (1) commits a Class A violation; and

349 (2) must reimburse the Fund for any payments received under this
 350 Section.

351 [(h)] (g) *Regulations*. The County Executive may adopt regulations to
 352 implement this Section under method (2).

353 **27-41. Creation and organization.**

354 * * *

355 (d) *Appointment; term of office.*

356 (1) Public Official Members. The County Executive must appoint,
 357 subject to confirmation by the County Council, officials of the
 358 County government and other public agencies in the County, or
 359 voting representatives of the officials, to serve on the Board.

360 The Council may, in its discretion, recommend a
 361 Councilmember or other Council representative to serve on the
 62 Board. The Executive must consider for appointment public
 363 officials recommended by the Board. The Executive (who is
 364 not subject to confirmation), or the Executive’s designee, is a
 365 public member of the Board. Public-official members, or their
 366 representatives:

367 (A) collectively must comprise at least one-third of the
 368 membership of the Board; and

369 (B) serve at the pleasure of the Executive.

370 (2) [(A)] Private Organization Members. The [County] Executive
 371 must appoint, subject to confirmation by the [County]
 372 Council, representatives of the private organizations to
 373 serve on the Board. These members serve [a 4-year
 374 term] either a 1-, 2-, or 3-year term, as designated by the
 375 Executive. In appointing members under this

376 subparagraph, the Executive must consider individuals
377 and organizations recommended by the Board. The
378 terms of private organization members end October 1 of
379 the appropriate year.

380 [(B) Alternates. The County Executive may appoint, subject
381 to confirmation by the County Council, an alternate for
382 each private organization member to vote at meetings
383 when the member is absent. The alternate serves for the
384 same term as the member. The alternate succeeds to the
385 position of the member for the balance of the unexpired
386 term if the member resigns or fails to serve as specified
387 in the bylaws.]

388 (3) Low-Income Representatives.

389 (A) The [County] Executive must appoint, subject to
390 confirmation by the [County] Council, members who
391 represent low-income County residents. In making an
392 appointment under this subparagraph, the Executive must
393 consider the recommendation of the Community Action
394 Board regarding a candidate selected by low-income
395 County residents. Low-income representative members
396 serve [a term of 4 years.] either a 1-, 2-, or 3-year term,
397 as designated by the County Executive. The Board must
398 recommend to the [County] Executive an individual to
399 fill any vacancy on the Board. The terms of all members
400 representing low-income residents end October 1 of the
401 appropriate year.

- 402 (B) The Board must establish a democratic procedure for
403 low-income residents to select candidates for nomination,
404 each of whom must live in a specific geographic area of
405 the County. Individuals participating in the selection of a
406 candidate must be at least 18 years old, reside in the
407 specific geographic area of the County, and have income
408 that does not exceed the limits established under
409 subparagraph (D).
- 410 [(C) The County Executive may appoint, subject to
411 confirmation by the County Council, an alternate for each
412 low-income member. The alternate may vote at meetings
413 in the absence of the member. The alternate serves for the
414 same term as the member. The alternate must live in the
15 area that the alternate represents. The alternate succeeds
416 to the position of the member for the remainder of the
417 unexpired term if the member resigns or fails to serve as
418 specified in the Agency by-laws. If the alternate
419 succeeds to the member's term, the County Executive
420 may appoint, subject to confirmation by the County
421 Council, a new alternate recommended by the Board.]
- 422 [(D)] (C) For each person nominated [as a member or alternate
423 member of the Board] under this paragraph, the
424 Executive must explain in writing to the Council how the
425 nominee was selected by a democratic method designed
426 to ensure that the nominee is representative of the poor in
427 the area the nominee would represent.

428 [(E)] (D) A low-income person, for the purpose of this article,
 429 is a person whose income does not exceed amounts
 430 [established] set by [the County] Executive order after
 431 considering the recommendations of the Board.

432 (4) Vacancies. Except as provided in paragraph (5), each member
 433 of the Board continues to serve after the member’s term expires
 434 until the Council confirms a successor, who serves the
 435 remainder of the member’s term.

436 (5) A private-organization member [or alternate] selected under
 437 paragraph (2) or a low-income representative [or alternate]
 438 selected under paragraph (3) must not serve on the Board for
 439 more than 5 consecutive or 10 total years. [A person’s service
 440 on the Board includes service as either a member or alternate
 441 member of the Board.]

442 (e) *Officers of the Board.* The officers of the Board are the chair, vice-
 443 chair, and secretary, elected annually by the Board [according to]
 444 under procedures [established] adopted by the Board. [An alternate
 445 must not serve as an officer of the Board.]

446 * * *

447 **27-49A. Citizens Review Panel for Children.**

448 (a) *Creation.* The Citizens Review Panel for Children is established.

449 (b) *Appointment.* The County Executive must appoint the members of the
 450 Citizens Review Panel, subject to County Council confirmation. The
 451 [County] Executive must appoint the chair and vice-chair of the
 452 Citizens Review Panel, subject to [County] Council confirmation. A
 453 member of the Citizens Review Panel may recommend individuals to
 454 the [County] Executive to serve as the chair and vice-chair.

155 (c) *Membership.*

456 (1) The Citizens Review Panel has 9 to 14 members.

457 (A) The Executive must appoint 7 members. [Up to] No
458 more than 3 members may be members of the
459 Commission on Children and Youth who are separately
460 confirmed by the Council as Panel members.

461 (B) One member each must be a County resident [appointed]
462 selected under State law by:

463 (1) the State Citizens Review Board for Children; and

464 (2) the State Council on Child Abuse and Neglect.

465 (C) The Executive may appoint, subject to confirmation by
466 the Council, not more than 5 additional non-voting
467 members to provide technical and professional advice to
68 the Panel about child protective services. These
469 members must have experience in preventing and treating
470 child abuse and neglect, such as child advocates,
471 volunteers of the court-appointed special advocate
472 program, attorneys who represent children, parent and
473 consumer representatives, and health and human services
474 professionals. These members each serve a term of 3
475 years. A panel member should consider the advice of
476 these members, but must exercise independent judgment
477 in evaluating their advice.

478 (2) Each member of the Panel must be a volunteer who:

479 (A) exercises the member's own free will in all deliberations
480 of the Panel;

- 481 (B) acts independently of any outside influence, particularly
- 482 the member's employer;
- 483 (C) does not represent any agency or organization; and
- 484 (D) is not a County or State employee, or spouse or domestic
- 485 partner of an employee, whose participation would be
- 486 inconsistent with County Council policies regarding
- 487 appointment of government employees to boards,
- 488 committees, and commissions.

489 * * *

490 [(j) *Advisory group.*]

491 [(A) The County Executive may appoint, subject to confirmation by

492 the County Council, up to 5 members of a Citizens Review

493 Panel Advisory Group to provide technical and professional

494 advice to the Panel about child protective services. Each

495 member of the Advisory Group must have expertise in the

496 prevention and treatment of child abuse and neglect, such as

497 child advocates, volunteers of the court-appointed special

498 advocate program, attorneys who represent children, parent and

499 consumer representatives, and health and human services

500 professionals.]

501 [(B) The term of a member of the Advisory Group is 3 years.]

502 [(C) A member of the Advisory Group:]

503 [(1) may participate in a matter before the Panel only at

504 the request of the Panel; and]

505 [(2) must not participate in a vote or other action by the

506 Panel.]

707 [(D) A Panel member should consider advice received from the
 508 Advisory Group in response to the Panel's request, but must
 509 exercise independent judgment in evaluating the advice.]

510 **27-54. Responsibilities of the Committee.**

511 The Committee should:

512 (a) ~~[[develop a mission statement that states its purpose and duties,~~
 513 ~~including creating]]~~ create a forum for all ethnic groups in the County,
 514 ~~[[helping]]~~ help to integrate diverse communities in the County, and
 515 ~~[[identifying]]~~ identify existing and potential problems and possible
 516 solutions.

517 ~~[(a)]~~ (b) advise the County Executive, County Council, and the Office of
 518 Minority and Multicultural Affairs on public policy that relates to
 519 ethnic affairs;

520 ~~[(b)]~~ (c) emphasize the richness of the lingual and cultural diversity in the
 521 County, including the promotion of interaction and interchange
 522 among ethnic groups;

523 ~~[(c)]~~ (d) ~~[work with including providing advice to]~~ advise the Office of
 524 Minority and Multicultural Affairs about the organization of an annual
 525 heritage festival [in celebration of the] to celebrate ethnic diversity
 526 [of] in the County;

527 ~~[(d)]~~ (e) ~~[work with including providing advice to]~~ advise the Office of
 528 Minority and Multicultural Affairs about ways of introducing and
 529 welcoming permanent and temporary residents from other countries to
 530 the County and integrating them into the community;

531 ~~[(e)]~~ (f) ~~[work with including providing advice to]~~ advise the Office of
 532 Minority and Multicultural Affairs about special needs of ethnic
 533 groups for public services, including interpreters, health, housing,

534 employment, and education, and monitor any programs [designed to]
 535 that provide these services;

536 [(f)] (g) [work with including providing advice to] advise the Office of
 537 Minority and Multicultural Affairs about [dissemination of] providing
 538 information in as many languages as possible;

539 [(g)] (h) [work with including providing advice to] advise the Office of
 540 Minority and Multicultural Affairs about promoting [maximum]
 541 involvement of all ethnic groups in the government, business, and
 542 community affairs of the County; and

543 [(h)] (i) [establish and maintain liaison] communicate with the Maryland
 544 State Ethnic Heritage Commission and other comparable public and
 545 private organizations.

546 **27-63. Committee on Hate/Violence.**

547 * * *

548 (e) *Duties.* The Committee must:

549 * * *

550 (5) advise the County Council, the County Executive, and County
 551 agencies about hate/violence in the County, and recommend
 552 [such] policies, programs, legislation, or regulations [as it finds]
 553 necessary to reduce the incidence of acts of hate/violence; [and]

554 (6) submit an annual report by October 1 to the [County] Executive
 555 and [the County] Council on the activities of the Committee,
 556 including the source and amount of any contribution received
 557 [from a public or private source] to support the activities of the
 558 Committee[.]; and

559 (7) [[designate]] establish a subcommittee, with members
 560 designated by the Executive under Section 27-26(a)(4), to

561 manage the Partnership Fund for Victims of Hate/Violence
562 [[established in Section 27-26]].

563 * * *

564 **29-9. Creation; composition; applicant disclosure; term of office;**
565 **compensation.**

566 * * *

567 (c) *[Applicant] Member disclosure.*

568 [(1)] Each [applicant for membership on] member of the Commission
569 must[, when applying,] submit the [confidential] financial
570 disclosure statement required [of Commission members] under
571 Chapter 19A within 15 days after the Council confirms the
572 member. [After reviewing the disclosure statement, the
573 Executive or a designee may interview the applicant regarding
74 any potential conflict of interest.]

575 [(2)] The Council may review the financial disclosure statement
576 submitted by each person that the Executive appoints to the
577 Commission. The Executive must destroy all statements
578 submitted by other applicants after the Council confirms the
579 Executive's appointment.]

580 * * *

581 **32-25. Services available.**

582 * * *

583 (b) (1) The victim advocate program may provide compensation to a
584 victim under subsection (a)(4), replacement property under
585 subsection (a)(5), and other financial assistance under
586 subsection (a)(6) only to the extent that:

587 (A) compensation, replacement property, and other financial
588 assistance are not available from insurance, the State
589 victim compensation program, the Partnership Fund for
590 victims of hate violence under Section 27-26[F], or any
591 other source for the same purpose arising from the same
592 criminal incident;

593 * * *

594 **33-59. Board of investment trustees.**

595 * * *

596 (b) *Membership.*

597 * * *

598 (3) The following 9 trustees must be appointed by the Executive and
599 confirmed by the Council:

600 * * *

601 (D) Two ~~[[representatives of]]~~ persons recommended by the
602 Council who are knowledgeable in pensions, investments,
603 or financial matters. ~~[[Before appointing each of these~~
604 trustees, the Executive must consider, and should select
605 from, a list of 3 to 5 individuals recommended by the
606 Council.]] A 3-year term for these trustees ends on March
607 1 of every third year after each trustee is confirmed by the
608 Council.

609 * * *

610 (h) *Meetings and actions.*

611 (1) The Board must meet at least once during each calendar
612 quarter. The chair, or ~~[[5]]~~ 7 members of the Board, may call a
613 meeting of the Board, in the manner and at times and places

614 provided under the policies of the Board. The Board is a public
 615 body under the State Open Meetings Act.

- 616 (2) A. ~~[[Five]]~~ Seven trustees constitute a quorum.
- 617 B. Each trustee has one vote.
- 618 C. ~~[[Five]]~~ Seven trustees must agree for the Board to act.

619 * * *

620 **41-21. Recreation board.**

621 * * *

622 (b) The voting members of the Board are:

623 (1) 1 [representative from each recreation area advisory board]
 624 ~~[[representative from each Regional Service Center's Citizens~~
 625 ~~Advisory Board]]~~ representative from each recreation area
 626 advisory board; and

27 (2) 15 members appointed from the County at-large to represent a
 628 cross-section of the population of the County.

629 (c) The ex officio, nonvoting members of the Board are:

630 (1) a representative of the Department of Parks of the Maryland-
 631 National Capital Park and Planning Commission;

632 (2) an administrative representative of the Board of Education;

633 (3) the immediate past [chairperson] Chair of the County
 634 Recreation Board, unless [serving] that person serves on the
 635 Board in another capacity;

636 (4) a representative of the Office of Community Use of Public
 637 Facilities;

638 (5) a representative of the Community Action ~~[[Committee]]~~
 639 Board;

640 (6) a representative of the Commission on Aging; and

641 (7) a representative of the Commission on People with Disabilities.
 642 [(d) There are 4 alternate members appointed from the County at large.
 643 Alternate members must be designated first, second, third, and fourth
 644 alternates. Alternate members may participate in Board discussions,
 645 but may not vote unless acting in place of an absent Board member. In
 646 the event a vacancy is created by the resignation of a regular Board
 647 member, an alternate immediately fills the vacancy according to the
 648 order of designation and has the rights and obligations of a regular
 649 Board member for the remainder of the unexpired term.]

650 **41-22. Same-Duties and responsibilities.**

651 The [county recreation board shall coordinate the efforts and activities of the
 652 recreation area advisory boards and shall have the following county-wide duties
 653 and responsibilities] County Recreation Advisory Board must:

- 654 (a) Study the recreation services and needs of the [county.] County;
- 655 (b) Act in an advisory capacity to the [director] Director of [recreation]
 656 Recreation, the [county executive] County Executive and the [county
 657 council] County Council in matters relating to recreation policies and
 658 services.
- 659 (c) Assist in developing and maintaining cooperative relationships with
 660 the [board] Board of [education] Education, the Maryland-National
 661 Capital Park and Planning Commission, and the various voluntary
 662 agencies [within the county] in the County in matters affecting
 663 recreation programs and services.
- 664 (d) Interpret recreation policies and programs to the [county council]
 665 County Council and to the public.
- 666 (e) Recommend to the [director] Director items the Board believes should
 667 be included in the budget.

- 668 (f) Review plans for new facilities and make recommendations to the
669 [director] Director concerning them.
- 670 (g) Appear at special [department] Department of [recreation] Recreation
671 functions and visit recreational programs and activities from time to
672 time.
- 673 (h) [[Collaborate with the various Regional Service Center Citizens
674 Advisory Boards on area recreation issues]] Coordinate the activities
675 of the recreation area advisory boards.

676 **[[41-25. Recreation area advisory boards-Created.]]**

677 **[[In each recreation area created pursuant to this article, there shall be one**
678 **(1) recreation area advisory board which shall serve as the representative body for**
679 **such area on recreation matters.]]**

680 **[[41-26. Same-Purpose; goals and opportunities.]]**

81 **[[The recreation area advisory boards shall encourage the development of**
682 **desirable recreational and park opportunities in the designated recreation areas of**
683 **the county, so that all the people may live enriched lives, find greater enjoyment**
684 **and happiness, have better mental health, greater physical vitality and deeper moral**
685 **strength. To accomplish this purpose, each board shall be concerned with the**
686 **following recreational goals and opportunities:**

- 687 (a) Opportunities that reflect the interests and needs of recreation area
688 residents.
- 689 (b) Opportunities within the financial ability of all the people.
- 690 (c) Equality of opportunity for all people, regardless of race, origin,
691 religion, age or sex.
- 692 (d) Year-round opportunity for all ages and both sexes.

- 693 (e) A wide range and diversity of individual choices (e.g., camping,
694 dance, drama, athletics, fine arts, performing arts, games, music,
695 social recreation, crafts and special events).
- 696 (f) A balanced emphasis within the range of individual choices.
- 697 (g) Opportunities for varying degrees of skill.
- 698 (h) Opportunities for the individual, the family and groups.
- 699 (i) Opportunities for progressive advancement.
- 700 (j) Opportunities for creative expression.
- 701 (k) Active and passive opportunities.
- 702 (l) Opportunities that utilize other community resources.
- 703 (m) Relating opportunities to other community agencies.
- 704 (n) Opportunities for residents to participate in recreational planning.
- 705 (o) Assistance to individuals and groups seeking their own opportunities.
- 706 (p) Indoor and outdoor recreation opportunities centrally located and
707 easily accessible.
- 708 (q) Advice on the acquisition of open space to satisfy recreational
709 pursuits, prevent overcrowding, make the district a more attractive
710 place to live, conserve wooded areas and stream valleys, preserve
711 historical, geological and horticultural features, and preserve areas of
712 natural beauty.
- 713 (r) Recreation grounds and facilities based upon user interests and needs
714 and population ratio.[]]

715 **[[41-27. Membership.[]]**

- 716 [(a) Each recreation area advisory board consists of 9 members and 2
717 alternates, each of whom resides in the designated recreation area.
718 Each member is appointed by the county executive, subject to
719 confirmation by the county council. Individual appointments to a

720 board must reflect a wide diversity of recreational interests. The
721 Executive must consider geographical representation from different
722 neighborhood centers in the recreation area. In order to maintain
723 continuity on each recreation area advisory board, the Executive must
724 appoint 3 members of each board annually and appoint the 2
725 alternates every 3 years. Each member serves 3 years or until a
726 successor is confirmed. A regular board member must not serve more
727 than 2 consecutive full terms, but any member may be reappointed
728 after a lapse of one year. A vacancy occurring before a term expires is
729 filled for the remainder of the unexpired term of the predecessor.
730 Appointments to unexpired terms are not a full term.

731 (b) When the Executive appoints an alternate member of a recreation area
732 advisory board, the Executive must designate whether the appointee
733 would serve as the primary or secondary alternate. Alternate
734 members may participate in board discussions but must not vote
735 unless acting for an absent board member. When a board member
736 resigns, the first alternate becomes a full member for the remainder of
737 the former member's term and the second alternate becomes the first
738 alternate.

739 (c) A municipality with an active recreation program in a designated
740 County recreation area may designate one or more representatives to
741 serve as non-voting, ex officio members of the recreation area
742 advisory board for that area.

743 (d) The members of each board serve without compensation. The
744 department of recreation must designate a department employee to
745 advise each board, and the director of the department must ask the

746 Maryland-National Capital Park and Planning Commission to have a
747 staff member present at meetings of each board.[]]

748 **[[[41-28. Same-Chairperson and vice-chairperson.[]]**

749 [[[]The chairperson and vice-chairperson shall be elected by each recreation
750 area advisory board from among its members. The term of the chairperson and
751 vice-chairperson shall be one (1) year, and each shall be eligible for reelection for
752 an additional one-year term. No chairperson or vice-chairperson shall serve
753 consecutively for more than two (2) years.[]]

754 **[[[41-29. Meetings; quorum.[]]**

755 [[[]Each recreation area advisory board meets in public session on call by the
756 chairman as frequently as necessary to perform its duties, but not less than 10 times
757 annually. Reasonable notice must be given for all meetings of the board. A
758 majority of the members of the board is a quorum for the transaction of business,
759 and a majority vote of those present at any meeting is required for any action taken
760 by the board.[]]

761 **[[[41-30. Duties.[]]**

762 [[[]Each board must advise the county recreation board, the county executive,
763 the county council, the director of the county department of recreation, and the
764 Montgomery County Planning Board about the appropriate number and nature of
765 recreation programs, neighborhood and community parks, and facilities for leisure
766 activities and the well-being of county residents. A board also may:

- 767 (a) Study and appraise the existing and future recreation needs of its
768 recreation area in terms of program, facilities and services, and
769 suggest plans to meet those needs.
- 770 (b) Provide general comments on annual budget requests for recreation
771 and parks, programs and facilities.

- 772 (c) Support high standards in recreation leadership and in quality of
 773 program service.
- 774 (d) Encourage cooperation with other related agencies and assist in
 775 correlating community forces for the development of recreation and
 776 parks.
- 777 (e) Render advice on the design and layout of recreation grounds and
 778 facilities.
- 779 (f) Advise the county council on legislative and budgetary matters
 780 regarding recreation.
- 781 (g) Inform the Regional Citizens Advisory Board about matters related to
 782 recreation and parks, and collaborate with the Regional Board on
 783 planning, conservation, environment, and other issues that affect park
 784 and recreation facilities and services.[]]

35 **48-40. Officers; committees; bylaws; meetings; quorum.**

- 786 (a) [[The chairman and the vice-chairman of the committee shall be
 787 appointed by the county executive, subject to confirmation by the
 788 county council.]] The Committee [[is authorized to]] may elect a
 789 chair, vice-chair, and other officers, [[to]] establish subcommittees of
 790 its members and [[such]] other subcommittees from outside its
 791 membership [[as the committee may deem advisable to assist the
 792 committee in the discharge of its duties and responsibilities]], and
 793 [[to]] adopt bylaws [[and rules and regulations for the]] to conduct
 794 [[of]] its affairs [[as it deems desirable]].
- 795 (b) The Committee meets in public session on call by the [[chairman]]
 796 chair as frequently as necessary to perform its duties, but not less than
 797 once each quarter of any calendar year. Reasonable notice must be
 798 given for all meetings [[of the committee]]. A majority of the

799 members [[of the committee]] is a quorum for the transaction of
800 business, and a majority vote of those members present at any meeting
801 is required for any action [[taken by the board]].

802 **[[48-42 Solid waste collection advisory subcommittee.]]**

803 **[[a) There is a Solid Waste Collection Advisory Subcommittee of the**
804 **Solid Waste Advisory Committee. The Subcommittee consists of 5**
805 **members of that Committee. Members of the Collection Advisory**
806 **Subcommittee must be designated by the County Executive and**
807 **confirmed by the County Council when those members are appointed**
808 **and confirmed to membership on the Solid Waste Advisory**
809 **Committee. Three members of the Collection Advisory**
810 **Subcommittee represent the collection industry, at least one of whom**
811 **must be selected from among nominees submitted by a countywide**
812 **association of collection firms; one member represents business users**
813 **in the County; and one member represents the general public. In this**
814 **Article, the "collection industry" means persons who:**

- 815 (1) actively engage in the collection and transportation of solid
816 wastes or other waste materials in the County either
817 individually, or through a firm, corporation or other business
818 entity, and
819 (2) hold licenses to collect or transport refuse issued by the
820 Department, under Section 48-19, or who have a contract with
821 the Department to collect and transport solid wastes under
822 Section 48-29.

823 A chair of the Subcommittee must be appointed by the County
824 Executive and confirmed by the County Council. Members of the

825 Collection Advisory Subcommittee serve for such terms as they serve
826 on the Solid Waste Advisory Committee.]]

827 **[[b)** In addition to the 5 voting members of the Collection Advisory
828 Subcommittee, there shall be on that subcommittee one ex officio,
829 nonvoting member representing the Maryland-National Capital Park
830 and Planning Commission.]]

831 **[[c)** The purpose of the Solid Waste Collection Advisory Subcommittee
832 shall be to advise the Committee on all matters relating to solid waste
833 collection, including but not limited to recommendations on:

834 (1) The delineation of Solid Waste Collection Districts within the
835 County.

836 (2) The development rules and regulations defining operating
837 procedures for all types of solid waste collectors.

38 (3) The development of inspection and monitoring programs for
839 solid waste collection.

840 (4) Recommend routes for access of vehicles to solid waste
841 acceptance facilities.]]

842 **57-2. [Range Approval Committee] Firearm Safety Committee.**

843 (a) There is a [Range Approval Committee] Firearm Safety Committee
844 with 7 voting members appointed by the County Executive and
845 confirmed by the County Council. The voting members should be
846 [knowledgeable by training and experience] trained and experienced
847 in the safe and sportsmanlike use of weapons. [The voting members
848 are appointed by the County Executive and confirmed by the County
849 Council.] The [County] Executive must [designates] designate one
850 voting member [of the Range Approval Committee] to serve as Chair.
851 [An employee of the Department of Police must be a non-voting

852 member of the Committee.] The Police Range Officer must serve as a
853 non-voting member of the Committee.

854 * * *

855 (c) The Committee must inspect any firing range operated by the Police
856 Department every 3 years.

857 (d) The Committee must create a standard safety checklist to assure that
858 all firing ranges are evaluated using the same criteria.

859 (e) The [Range Approval] Committee must keep a copy of each
860 certificate.

861 **57-3. Change in urban area boundary.**

862 On February 1 each year, the County Executive, after consulting with the
863 [Range Approval Committee] Firearm Safety Committee, must recommend to the
864 County Council any appropriate change in the boundary of the urban area based on
865 new development or reported incidents of weapons discharge near developed areas.

866 **57-4. Discharge of guns in the urban area.**

867 * * *

868 (a) on any indoor or outdoor target, trap, skeet, or shooting range that
869 the [Range Approval Committee] Firearm Safety Committee has
870 inspected and approved in writing;

871 * * *

872 **57-5. Discharge of guns outside the urban area.**

873 * * *

874 (b) Except as provided in Sections 57-7 and 57-11, a person may discharge
875 a gun:

876 (1) on any indoor or outdoor target, trap, skeet, or shooting range that
877 the [Range Approval Committee] Firearm Safety Committee has
878 inspected and approved in writing;

79

* * *

880 **68A-5. Advisory committees.**

881 (a) *Composition.* Each urban district must have an advisory committee, or
 882 an urban district corporation board of directors, whose members are
 883 appointed by the County Executive and confirmed by the County
 884 Council.

885 (1) The Wheaton Urban District Advisory Committee has 13
 886 members if there are 2 or more optional method developments;
 887 12 members if there is only one optional method development;
 888 and 11 members if there are no optional method developments.
 889 The [County] Executive must strive to appoint the members so
 890 that:

891 [a.] (A) two members represent the Wheaton-Kensington
 892 Chamber of Commerce;

893 [b.] (B) two members represent businesses that employ fewer
 894 than 10 individuals;

895 [c.] (C) four members represent residential communities in the
 896 urban district or within 2 miles of the urban district;

897 [d.] (D) one member represents a residential community in or
 898 outside of the urban district and is [nominated by] a
 899 member of the Mid County Citizens Advisory Board;

900 [e.] (E) two members represent businesses that employ 10 or
 901 more individuals; and

902 [f.] (F) the remaining members represent optional method
 903 developers.

- 904 (2) The Bethesda [and Silver Spring] Urban District Advisory
 905 Committee[s have] has 8 members. The County Executive
 906 must strive to appoint the members so that:
- 907 [a.] (A) two members are persons nominated by the [respective]
 908 Bethesda Chamber of Commerce [of each urban district];
- 909 [b.] (B) three members represent optional method developers;
- 910 [c.] (C) one member represents a business that employs fewer
 911 than 10 employees;
- 912 [d.] (D) one member represents a residential community in the
 913 urban district; and
- 914 [e.] (E) one member represents a residential community in or
 915 outside of the urban district and is [nominated by the
 916 Citizens Advisory Board from the urban district.] a
 917 member of the Western Montgomery County Citizens
 918 Advisory Board.
- 919 (3) The Silver Spring Urban District Advisory Committee has 11
 920 members. The County Executive must strive to appoint the
 921 members so that:
- 922 (A) two members are persons nominated by the Greater
 923 Silver Spring Chamber of Commerce;
- 924 (B) three members represent optional method developers;
- 925 (C) two members represent a business that employs fewer
 926 than [[10]] 25 employees;
- 927 (D) three members represent a residential community in the
 928 urban district; and

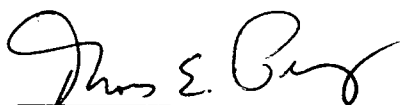
929 (E) one member represents a residential community in or
930 outside of the urban district and is a member of the Silver
931 Spring Citizens Advisory Board.

932 [(3)] (4) The County Executive may reject [individuals] a person
933 nominated to serve on an advisory committee and request
934 additional nominations from the same source.

935 * * *

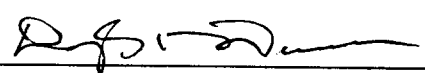
936 Sec. 2. Transition – Committee on Hate/Violence. Until January 1, 2009,
937 the members of the subcommittee of the Committee on Hate/Violence designated to
938 administer the Partnership Fund under Section 27-26(a)(4), as amended by Section 1,
939 need not be members of the Committee on Hate/Violence.

940 *Approved:*

941 


Thomas E. Perez, President, County Council
9/29/05
Date

942 *Approved:*

943 

Douglas M. Duncan, County Executive
10/7/05
Date

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

945 

Linda M. Lauer, Clerk of the Council
10/10/05
Date