

**AGENDA ITEM #3-I**  
**November 10, 2009**

**Introduction**

**MEMORANDUM**

November 5, 2009

TO: County Council

FROM: Justina J. Ferber,  Legislative Analyst

SUBJECT: **Waiver for Extended Absence for Board of Appeals Member Walter Booth**

The Montgomery County Code provides that unless the law provides another method to remove members, a member of a committee who is absent from 25 percent or more of the scheduled meetings or hearings during any six month period has resigned from the committee. The Code also provides that the appointing authority may waive the resignation for illness, emergency or other good cause and that the appointing authority must notify the member whether a waiver has been granted.

Board of Appeals member Walter S. Booth has requested a waiver from the attendance requirement outlined in the County Code due to his recuperation from surgery scheduled for November 17. Attached is Mr. Booth's request for a waiver of his resignation by operation of law because of failure to fulfill the attendance requirements in the County Code due to his recuperation from surgery.

**Council staff recommends that the Council adopt a resolution to grant a waiver from November 17, 2009, to January 6, 2010, for good cause to Walter S. Booth, a member of the Board of Appeals, of his resignation by operation of law because of failure to fulfill the attendance requirement in County Code §2-148.**

Attachment: Resolution ©1  
Letter from Walter S. Booth © 2

Resolution No.: \_\_\_\_\_  
Introduced: \_\_\_\_\_  
Adopted: \_\_\_\_\_

COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND

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By: County Council

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**Subject: Waiver for Extended Absence for Board of Appeals Member Walter S. Booth**

Background

1. County Code Section 2-148 (c)(1) states that unless the law provides another method to remove members, a member of a committee who is absent from 25 percent or more of the schedule meetings or hearings during any 6 month period has resigned from the committee.
2. County Code Section 2-148 (c)(3) states that the appointing authority may waive the resignation for illness, emergency or other good cause and that the appointing authority must notify the member whether a waiver has been granted.
3. Walter S. Booth, a member of the Board of Appeals, has requested a waiver of his resignation by operation of law because of failure to fulfill the attendance requirements in the County Code due to his recuperation from surgery.

Action

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

The County Council grants a waiver for good cause from November 17, 2009, to January 6, 2010, to Walter S. Booth, a member of the Board of Appeals, of his resignation by operation of law because of failure to fulfill the attendance requirement in County Code §2-148.

This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council

BOC



BOARD OF APPEALS

November 4, 2009

Phil Andrews  
President  
Montgomery County Council  
100 Maryland Avenue  
Rockville, MD 20850

**RE: Request for Waiver: Board of Appeals**

2009 NOV -4 AM 11:03

MONTGOMERY COUNTY COUNCIL

Dear Mr. Andrews,

I am writing to the Council to request a waiver, pursuant to the provisions of Section 2-148(c) of the Montgomery County Code, pertaining to "resignation by absence".

On November 17, 2009, I am scheduled to have an anterior and posterior discectomy at Johns Hopkins University Hospital in Baltimore. This is a full day procedure that is considered a serious and complex surgery, as they are fusing several discs in my neck and repairing a previous surgical appliance inserted in my neck.

As a result of the recuperation period of six (6) to ten (10) weeks, I will be missing approximately four (4) meetings of the Board of Appeals. Fortunately, we were able to schedule the surgery at a time of the year that will have the least effect upon my attendance at Board meetings (no meetings on November 25, 2009, December 23, 2009 or December 30, 2009).

I anticipate that I will be able to resume my duties on the Board beginning with our first meeting in January, on January 6, 2010. I do not wish to resign my seat and I look forward to resuming my duties on the Board as soon as I am able to, hopefully commencing with the first week of January. Accordingly, I would ask for the Council's kind consideration of my request for a waiver of the provisions of Section 2-148(c).

Sincerely,

Walter S. Booth  
Member of the Board of Appeals

cc: Staff and Members of the Board of Appeals

CC  
SBSF  
LFL  
SF