

Bill No. 20-09
Concerning: Boards, Committees, and
Commissions - Committee
Evaluation Review Board (CERB)
Recommendations
Revised: 5/7/2009 Draft No. 2
Introduced: April 21, 2009
Enacted: October 20, 2009
Executive: October 29, 2009
Effective: January 28, 2010
Sunset Date: None
Ch. 26, Laws of Mont. Co. 2009

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Leventhal

AN ACT to:

- (1) establish an Agricultural Advisory Committee; and
- [[2) establish the Agricultural Preservation Advisory Board and the Rustic Roads Advisory Committee as subcommittees of the Agricultural Advisory Committee;
- (3) terminate the recreation advisory boards and the Committee on Hate/Violence;
- (4) rename and amend the duties of the Committee on Ethnic Affairs; and]]
- [[5)]] (2) generally amend County law regarding the membership, structure, and functions of boards, committees, and commissions.

[[By amending

Montgomery County Code
Chapter 2B, Agricultural Land Preservation
Section 2B-1

Chapter 27, Human Rights and Civil Liberties
Sections 27-53 through 27-57, 37-61, and 27-63

Chapter 41, Recreation and Recreation Facilities
Sections 41-21 through 41-30]]

By adding

Montgomery County Code
Chapter 2B, Agricultural Land Preservation
Article III, Agricultural Advisory Committee
Section [[2B-20]] 2B-21

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:

- 29 (C) the following members to a 3 year term:
- 30 (i) 1 member who knows rural preservation techniques
- 31 through practical experience and training;
- 32 (ii) 1 member who knows roadway engineering through
- 33 practical experience and training;
- 34 (iii) 1 member who represents civic associations located
- 35 in the Agricultural Reserve; and
- 36 (iv) 1 member who represents civic associations in areas
- 37 located outside the Agricultural Reserve where there
- 38 are rustic roads.
- 39 (3) The Committee may designate ex-officio members as necessary.
- 40 (4) Notwithstanding subparagraph (2), those members who are
- 41 appointed to the Agricultural Preservation Advisory
- 42 Subcommittee serve a 5 year term.
- 43 (5) If a member is appointed to fill a vacancy before a term expires,
- 44 the successor serves the rest of the unexpired term.
- 45 (d) Officers, meetings, subcommittees, and compensation.
- 46 (1) The Committee must elect a chair and vice-chair from among the
- 47 Committee's members.
- 48 (2) The Executive must designate, subject to confirmation by the
- 49 Council, a Rustic Roads Advisory Subcommittee. The
- 50 Subcommittee must consist of 3 members appointed under
- 51 subparagraph (c)(2)(A) and the 4 members appointed under
- 52 subparagraph (c)(2)(C). The Chair of the Planning Board must
- 53 designate a member of the planning staff as a non-voting
- 54 Subcommittee member.
- 55 (3) The Executive must designate, subject to confirmation by the
- 56 Council, an Agricultural Preservation Advisory Subcommittee.

57 This subcommittee serves as the Agricultural Preservation
 58 Advisory Board required under §2-504.1 of the Agriculture
 59 Article of the Maryland Code and established in County Code
 60 §2B-2.

61 (4) A member serves without compensation. However, a member
 62 may request reimbursement for mileage and dependent care costs
 63 at rates established by the County.

64 (e) Duties.

65 (1) The Commission must:

66 (A) advise the Executive and Council on all matters affecting
 67 agriculture in the County;

68 (B) bring matters of particular importance to the attention of
 69 the Executive and Council; and

70 (C) comment on matters referred to it by the Executive and
 71 Council.

72 (2) The Rustic Roads Advisory Subcommittee must:

73 (A) promote public awareness and knowledge of the County
 74 rustic roads program;

75 (B) review and comment on classification of rustic roads and
 76 exceptional rustic roads; and

77 (C) review and comment on Executive Regulations and other
 78 County policies and programs that may affect the rustic
 79 roads program.

80 (f) Annual Report. By December 1 each year, the Committee must submit
 81 to the Executive and Council an annual report that:

82 (1) outlines its activities;

83 (2) identifies problems affecting agriculture in the County;

111 [(b) *Officers.* The Committee must elect a chair annually. The Committee
 112 may select other officers annually as it finds appropriate. A member
 113 must not serve as chair for more than 2 consecutive years.]

114 [(c) *Meetings.* The Committee must meet at the call of the chair as often as
 115 required to perform its duties, but at least 6 times each year. The
 116 Committee must also meet if two-thirds of the voting members request
 117 in writing that a meeting be held. The Chair must give reasonable
 118 advance notice of all meetings to members of the Committee and the
 119 public. A majority of the members are a quorum to transact business.]

120 [(d) *By-laws.* The Committee may adopt by-laws to govern its activities.]

121 [(e) *Duties.* The Committee must:

122 (1) promote public awareness and knowledge of the County rustic
 123 roads program;

124 (2) review and comment on classification of rustic roads and
 125 exceptional rustic roads;

126 (3) review and comment on Executive Regulations and other County
 127 policies and programs that may affect the rustic roads program;
 128 and

129 (4) report on June 1 of each even numbered year to the Executive,
 130 the Council, and the Planning Board on the status of the rustic
 131 roads program.]

132 [(f) *Staff.* The Chief Administrative Officer must provide the Committee
 133 with staff, offices, and supplies as are appropriated for it.]]]

134

135 **[[Sec. 2. Sections 41-21 through 41-30 are amended as follows:**

136 **41-21. Recreation board.**

137 (a) There is a County Recreation Board. Each member is appointed by the
 138 County Executive and confirmed by the County Council for a 3-year

139 term beginning on July 1. A member serves until a successor is
 140 appointed and confirmed.

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

142 (1) 1 representative from each [recreation area advisory board]
 143 Regional Service Center's Citizens Advisory Board; and

144 (2) 15 members appointed from the County at-large to represent a
 145 cross-section of the population of the County.

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

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

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

150 (3) the immediate past Chair of the County Recreation Board, unless
 151 that person serves on the Board in another capacity;

152 (4) a representative of the Office of Community Use of Public
 153 Facilities;

154 (5) a representative of the Community Action Board;

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

156 (7) a representative of the Commission on People with Disabilities.

157 (d) The Executive must also appoint 3 members to each Regional Service
 158 Center Citizens Advisory Board to serve as a subcommittee on
 159 recreation issues. Each subcommittee must advise the Advisory Board
 160 to which it reports on recreation (but not parks) needs in that geographic
 161 area, and must communicate regularly, through the Advisory Board,
 162 with the County Recreation Board.

163 **41-22. Same-Duties and responsibilities.**

164 The County Recreation Advisory Board must:

165 * * *

166 (h) [Coordinate the activities of the recreation area advisory boards]
 167 collaborate with the various Regional Service Center Citizens Advisory
 168 Boards on area recreation issues.

169 **[41-25. Recreation area advisory boards-Created.]**

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

173 **[41-26. Same-Purpose; goals and opportunities.]**

174 [The recreation area advisory boards shall encourage the development of
 175 desirable recreational and park opportunities in the designated recreation areas of the
 176 county, so that all the people may live enriched lives, find greater enjoyment and
 177 happiness, have better mental health, greater physical vitality and deeper moral
 178 strength. To accomplish this purpose, each board shall be concerned with the
 179 following recreational goals and opportunities:]

180 [(a) Opportunities that reflect the interests and needs of recreation area
 181 residents.]

182 [(b) Opportunities within the financial ability of all the people.]

183 [(c) Equality of opportunity for all people, regardless of race, origin,
 184 religion, age or sex.]

185 [(d) Year-round opportunity for all ages and both sexes.]

186 [(e) A wide range and diversity of individual choices (e.g., camping, dance,
 187 drama, athletics, fine arts, performing arts, games, music, social
 188 recreation, crafts and special events).]

189 [(f) A balanced emphasis within the range of individual choices.]

190 [(g) Opportunities for varying degrees of skill.]

191 [(h) Opportunities for the individual, the family and groups.]

192 [(i) Opportunities for progressive advancement.]

193 [(j) Opportunities for creative expression.]

- 194 [(k) Active and passive opportunities.]
 195 [(l) Opportunities that utilize other community resources.]
 196 [(m) Relating opportunities to other community agencies.]
 197 [(n) Opportunities for residents to participate in recreational planning.]
 198 [(o) Assistance to individuals and groups seeking their own opportunities.]
 199 [(p) Indoor and outdoor recreation opportunities centrally located and easily
 200 accessible.]
 201 [(q) Advice on the acquisition of open space to satisfy recreational pursuits,
 202 prevent overcrowding, make the district a more attractive place to live,
 203 conserve wooded areas and stream valleys, preserve historical,
 204 geological and horticultural features, and preserve areas of natural
 205 beauty.]
 206 [(r) Recreation grounds and facilities based upon user interests and needs
 207 and population ratio.]

208 **[41-27. Membership.]**

- 209 [(a) Each recreation area advisory board consists of 9 members and 2
 210 alternates, each of whom resides in the designated recreation area. Each
 211 member is appointed by the county executive, subject to confirmation
 212 by the county council. Individual appointments to a board must reflect a
 213 wide diversity of recreational interests. The Executive must consider
 214 geographical representation from different neighborhood centers in the
 215 recreation area. In order to maintain continuity on each recreation area
 216 advisory board, the Executive must appoint 3 members of each board
 217 annually and appoint the 2 alternates every 3 years. Each member serves
 218 3 years or until a successor is confirmed. A regular board member must
 219 not serve more than 2 consecutive full terms, but any member may be
 220 reappointed after a lapse of one year. A vacancy occurring before a term

221 expires is filled for the remainder of the unexpired term of the
 222 predecessor. Appointments to unexpired terms are not a full term.]

223 [(b) When the Executive appoints an alternate member of a recreation area
 224 advisory board, the Executive must designate whether the appointee
 225 would serve as the primary or secondary alternate. Alternate members
 226 may participate in board discussions but must not vote unless acting for
 227 an absent board member. When a board member resigns, the first
 228 alternate becomes a full member for the remainder of the former
 229 member's term and the second alternate becomes the first alternate.]

230 [(c) A municipality with an active recreation program in a designated
 231 County recreation area may designate one or more representatives to
 232 serve as non-voting, ex officio members of the recreation area advisory
 233 board for that area.]

234 [(d) The members of each board serve without compensation. The
 235 department of recreation must designate a department employee to
 236 advise each board, and the director of the department must ask the
 237 Maryland-National Capital Park and Planning Commission to have a
 238 staff member present at meetings of each board.]

239 **[41-28. Same-Chairperson and vice-chairperson.]**

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

245 **[41-29. Meetings; quorum.]**

246 [Each recreation area advisory board meets in public session on call by the
 247 chairman as frequently as necessary to perform its duties, but not less than 10 times
 248 annually. Reasonable notice must be given for all meetings of the board. A majority

249 of the members of the board is a quorum for the transaction of business, and a
250 majority vote of those present at any meeting is required for any action taken by the
251 board.]

252 **[41-30. Duties.]**

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

258 [(a) Study and appraise the existing and future recreation needs of its
259 recreation area in terms of program, facilities and services, and suggest
260 plans to meet those needs.]

261 [(b) Provide general comments on annual budget requests for recreation and
262 parks, programs and facilities.]

263 [(c) Support high standards in recreation leadership and in quality of
264 program service.]

265 [(d) Encourage cooperation with other related agencies and assist in
266 correlating community forces for the development of recreation and
267 parks.]

268 [(e) Render advice on the design and layout of recreation grounds and
269 facilities.]

270 [(f) Advise the county council on legislative and budgetary matters
271 regarding recreation.]

272 [(g) Inform the Regional Citizens Advisory Board about matters related to
273 recreation and parks, and collaborate with the Regional Board on
274 planning, conservation, environment, and other issues that affect park
275 and recreation facilities and services.]]]

276 **[[41-25 – 41-30. Reserved.]]**

277 [[Sec. 3. Sections 27-53 through 27-57, 27-61, and 27-63 are amended as
278 follows:

279 **Article VII. Multicultural Affairs Advisory Committee [for Ethnic Affairs].**

280 **27-53. Multicultural Affairs Advisory Committee [for Ethnic Affairs] –**
281 **Established; membership; terms of membership; chairperson.**

282 (a) [Establishing the Committee] *Established.* The County Executive must
283 appoint, subject to confirmation by the Council, a Multicultural Affairs
284 Advisory Committee [for Ethnic Affairs is established for an indefinite
285 term].

286 (b) *Membership.*

287 [(1) All members must be appointed by the County Executive and
288 confirmed by the County Council.

289 (2) There must be] The Committee has 26 members, of whom:

290 [(A)] (1) 14 are identified with ethnic groups in the County; and

291 [(B)] (2) 12 are identified with the general public, including the
292 business and education communities.

293 (c) *Terms of members.* Each member must be appointed for a 3-year term
294 that begins on April 1, except for a member appointed to complete an
295 unexpired term. A member appointed to fill a vacancy serves the rest of
296 the unexpired term. Each member continues in office until a successor
297 is appointed and qualified.

298 (d) *Chairperson.* The Committee must elect a chairperson. The chairperson
299 serves a one- year term, unless reelected.

300 **27-54. Responsibilities of the Committee.**

301 The Committee should:

302 (a) create a forum for all ethnic groups in the County, help to integrate
303 diverse communities in the County, and identify existing and potential
304 problems and possible solutions[.];

- 305 (b) advise the County Executive[,], and County Council[,], and the Office of
306 Minority and Multicultural Affairs] on public policy that relates to
307 ethnic affairs;
- 308 (c) emphasize the richness of the lingual and cultural diversity in the
309 County, including the promotion of interaction and interchange among
310 ethnic groups;
- 311 (d) advise the [Office of Minority and Multicultural Affairs] Executive or
312 the Executive's designee about the organization of an annual heritage
313 festival to celebrate ethnic diversity in the County;
- 314 (e) advise the [Office of Minority and Multicultural Affairs] Executive or
315 the Executive's designee about ways [of introducing and welcoming] to
316 introduce and welcome permanent and temporary residents from other
317 countries to the County and [integrating] integrate them into the
318 community;
- 319 (f) advise the [Office of Minority and Multicultural Affairs] Executive or
320 the Executive's designee about special needs of ethnic groups for public
321 services, including interpreters, health, housing, employment, and
322 education, and monitor any programs that provide these services;
- 323 (g) advise the [Office of Minority and Multicultural Affairs] Executive or
324 the Executive's designee about providing information in as many
325 languages as possible;
- 326 (h) advise the [Office of Minority and Multicultural Affairs] Executive or
327 the Executive's designee about promoting involvement of all ethnic
328 groups in the government, business, and community affairs of the
329 County; [and]
- 330 (i) communicate with the Maryland State Ethnic Heritage Commission and
331 other comparable public and private organizations[.]; and
- 332 (j) address issues relating to hate/violence in the County, including:

360 The [Office of Minority and Multicultural Affairs] Executive or the
361 Executive's designee must provide appropriate support to assist the Committee in its
362 work.

363 **27-61. [Reserved] Contributions.**

364 The Committee may solicit and accept contributions from public and private
365 sources to support the activities of the Committee, notwithstanding any provision of
366 Chapter 19A to the contrary. Committee staff must not solicit or accept contributions
367 for the Committee, but may be assigned administrative tasks related to Committee
368 fundraising.

369 **[27-63. Committee on Hate/Violence.]**

370 [(a) *Members.* The County Executive must appoint, subject to confirmation
371 by the County Council, a Committee on Hate/Violence. The Committee
372 consists of 15 voting members and 6 ex-officio nonvoting members.
373 Each voting member must, when appointed, reside in the County.

374 (1) *Voting members.* The voting members must broadly reflect the
375 geographic, economic, and social diversity of the County.

376 (A) At least 9 voting members should be identified with ethnic
377 or other groups in the County frequently subject to acts of
378 hate/violence.

379 (B) At least 2 voting members should be parents of school-age
380 children.

381 (C) At least one voting member should be identified with the
382 County business community.

383 (2) *Nonvoting members.* The County Council, County Executive,
384 Department of Police, Commission on Human Rights,
385 Montgomery County Public Schools, and Montgomery College,
386 should each designate an ex-officio nonvoting member of the
387 Committee.

- 388 (3) *Term.* Each voting member serves a 3-year term. A voting
389 member must not serve more than 2 consecutive full terms. A
390 member appointed to fill a vacancy serves the rest of the
391 unexpired term. Members continue in office until their
392 successors are appointed and qualified.
- 393 (4) *Compensation.* Voting members receive no compensation for
394 their services.
- 395 (5) *Removal.* The County Executive, with the consent of the County
396 Council, may remove a voting member for neglect of or inability
397 to perform the duties of the office, misconduct in office, or
398 serious violation of law. Before the Executive removes a
399 member, the Executive must give the member notice of the
400 reason for removal and a fair opportunity to reply. Section 2-
401 148(c) applies only to voting members of the Commission.]
- 402 [(b) *Chair and Vice Chair.* The Committee must annually elect one voting
403 member as chair and another as vice chair, and may elect other officers.]
- 404 [(c) *Meetings.* The Committee meets at the call of the chair as often as
405 required to perform its duties, but at least 10 times each year. The
406 Committee must also meet if a majority of the voting members file a
407 written request for a meeting with the chair at least 7 days before the
408 proposed meeting. A majority of the voting members are a quorum for
409 the transaction of business, and a majority of the voting members
410 present at any meeting may take any official action.]
- 411 [(d) *Staff.* The Office of the Commission on Human Rights must provide the
412 Committee with staff, offices, and supplies as are appropriated for it.]
- 413 [(e) *Duties.* The Committee must:
- 414 (1) adopt rules and procedures as necessary to perform its functions;

- 415 (2) keep a record of its activities and minutes of all meetings, which
 416 must be kept on file and open to the public during business hours
 417 upon request;
- 418 (3) develop and distribute information about hate/violence in the
 419 County;
- 420 (4) promote educational activities that demonstrate the positive value
 421 of ethnic and social diversity in the County;
- 422 (5) advise the County Council, the County Executive, and County
 423 agencies about hate/violence in the County, and recommend
 424 policies, programs, legislation, or regulations necessary to reduce
 425 the incidence of acts of hate/violence;
- 426 (6) submit an annual report by October 1 to the Executive and
 427 Council on the activities of the Committee, including the source
 428 and amount of any contribution received to support the activities
 429 of the Committee; and
- 430 (7) establish a subcommittee, with members designated by the
 431 Executive under Section 27-26(a)(4), to manage the Partnership
 432 Fund for Victims of Hate/Violence.]
- 433 [(f) *Contributions.* The Committee may solicit and accept contributions
 434 from public and private sources to support the activities of the
 435 Committee notwithstanding any provision of Chapter 19A to the
 436 contrary. Committee staff must not solicit or accept contributions for
 437 the Committee, but may be assigned administrative tasks related to
 438 Committee fundraising.]]]

439 **Sec. 1. Section 2B-21 is added as follows:**

440 **Article III. Agricultural Advisory Committee**

441 **2B-21. Agricultural Advisory Committee.**

- 442 (a) Definition. In this Section, "Committee" means the Agricultural
 443 Advisory Committee.
- 444 (b) Established. The Executive must appoint, subject to confirmation by
 445 the Council, an Agricultural Advisory Committee.
- 446 (c) Composition; Term.
- 447 (1) The Committee has 15 voting members.
- 448 (2) The Executive should appoint:
- 449 (A) 12 members to a 3-year term who are bona fide farmers
 450 who represent the total farm community and reflect a
 451 variety of farm sizes, geographical locations and
 452 agricultural projects, at least 3 of whom must be owner-
 453 operators of commercial farm land earning 50% or more of
 454 their income from farming, and including;
- 455 (i) 1 farm economist; and
- 456 (ii) 1 conservationist; and
- 457 (B) 3 members who have no significant direct financial interest
 458 in farming, to a 1-year term to represent broad non-farm
 459 County interests. These members may be appointed to
 460 successive terms.
- 461 (3) The Committee may designate ex-officio members as necessary.
- 462 (4) If a member is appointed to fill a vacancy before a term expires,
 463 the successor serves the rest of the unexpired term.
- 464 (d) Officers, meetings, and compensation.
- 465 (1) The Committee must elect a chair and vice-chair from among its
 466 members.
- 467 (2) The Committee meets at the call of the Chair. The Committee
 468 must meet as often as necessary to perform its duties, but not less
 469 than 10 times each year.

470 (3) A member serves without compensation. However, a member
 471 may request reimbursement for mileage and dependent care costs
 472 at rates established by the County.

473 (e) Duties.

474 (1) The Committee must:

475 (A) advise the Executive and Council on all matters affecting
 476 agriculture in the County;

477 (B) bring matters of particular importance to the attention of
 478 the Executive and Council; and

479 (C) comment on matters referred to it by the Executive and
 480 Council.

481 (f) Annual Report. By January 30 each year, the Committee must submit
 482 to the Executive and Council an annual report that:

483 (1) outlines the activities undertaken the previous calendar year;

484 (2) identifies problems affecting agriculture in the County; and

485 (3) make recommendations for government programs that may be
 486 necessary to maintain a healthy agricultural economy in the
 487 County.

488 (g) Advocacy. The Committee must not engage in any advocacy activity at
 489 the State or federal levels unless that activity is approved by the Office
 490 of Intergovernmental Relations.

491 (h) Staff. The Chief Administrative Officer must provide appropriate staff
 492 to the Committee.

493 **Sec. ~~[[4]]~~ 2. Transition.**

494 [[a) In appointing the initial members of the Agricultural Advisory
 495 Committee established in County Code §2B-20, inserted by Section 1 of
 496 this Act, the County Executive must appoint the current members of the
 497 Agricultural Preservation Advisory Board to the Agricultural

498 Preservation Advisory Subcommittee to serve the remainder of their
499 terms.

500 (b) In appointing the initial members of the Agricultural Advisory
501 Committee established in County Code §2B-20, inserted by Section 1 of
502 this Act, the Executive must appoint the current members of the Rustic
503 Roads Advisory Committee to the Rustic Roads Advisory
504 Subcommittee to serve the remainder of their terms.

505 (c) The Executive may continue the term of any member who currently
506 serves on the Agricultural Advisory Committee, but the Agricultural
507 Advisory Committee must not exceed 19 members.

508 (d) The Executive may stagger the initial terms of appointed members so
509 that approximately one-third of the terms expire each year.]]

510 Section 2B-21, as added by Sec. 1 of this Act, establishes an Agricultural
511 Advisory Committee. This Committee continues the Agricultural Advisory
512 Committee created under Council Resolution 7-1138 and restructured under Council
513 Resolution 8-705. The County Executive may reappoint, subject to Council
514 confirmation, the members of the Agricultural Advisory Committee to continue to
515 serve the remainder of their terms on the Agricultural Advisory Committee. The
516 Executive should continue to stagger the terms of the members of the Agricultural
517 Advisory Committee so that approximately one-third of the terms continue to expire
518 each year.

