

**Public Hearing/Action**

**MEMORANDUM**

July 12, 2013

TO: County Council

FROM: Amanda Mihill, Legislative Attorney *A. Mihill*

SUBJECT: **Public Hearing/Action:** Bill 20-13, General Provisions – Computation of Deadlines

Bill 20-13, General Provisions – Computation of Deadlines, sponsored by the Council President at the request of the County Executive, was introduced on June 25, 2013. Action is scheduled at the conclusion of the hearing.

Bill 20-13 would clarify how deadlines are computed under Charter, Code, and resolutions and generally amend the law on rules of interpretation of the Code.

Bill 20-13 implements a 2006 Charter amendment by making Code §1-301(c) applicable to time periods established in the Charter; the bill also makes §1-301(c) applicable to time periods established in resolutions. **Council staff recommendation:** enact Bill 20-13.

This packet contains:	<u>Circle #</u>
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Bill No. 20-13  
Concerning: General Provisions  
Computation of Deadlines  
Revised: 6/20/2013 Draft No. 1  
Introduced: June 25, 2013  
Expires: December 25, 2014  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Council President at the Request of the County Executive

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**AN ACT** to:

- (1) clarify how deadlines are computed under Charter, Code, and resolutions; and
- (2) generally amend the law on rules of interpretation of the Code.

By amending

Montgomery County Code  
Chapter 1, General Provisions  
Sec. 1-301

<b>Boldface</b>	<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:*



## LEGISLATIVE REQUEST REPORT

### *Bill 20-13, General Provisions – Computation of Deadlines*

<b>DESCRIPTION:</b>	Clarifies how the computation of time applicable to the County Charter and Council resolutions is to be calculated.
<b>PROBLEM:</b>	From time to time, interpretation issues have arisen regarding the computation of time for the County Executive to act under Charter § 208, which provides that the County Executive “within ten days of receiving [legislation] shall approve or disapprove it.” While the Charter designates this time period, it is silent on how to treat holidays and weekends in computing the time periods. In 2006, Charter § 208 was amended to authorize the Council to enact a law to determine how time is to be computed. The Bill would add the Charter (and Council resolutions) to the provisions in Montg. Co. Code § 1-301(c), which addresses how to compute the deadline for performing an act “within” a specific time period that is measured in days. The Charter (and Council Resolutions) are already included in § 1-301(d) for calculating time when an act must occur “by” a particular date. The amendment would make both interpretation provisions applicable to the time periods that appear in the Charter, the Code, or a resolution.
<b>GOALS AND OBJECTIVES:</b>	Clarify how time deadlines in the Charter and Council resolutions are to be calculated.
<b>COORDINATION:</b>	Office of the County Attorney
<b>FISCAL IMPACT:</b>	To be requested.
<b>ECONOMIC IMPACT:</b>	To be requested.
<b>EVALUATION:</b>	To be requested.
<b>EXPERIENCE ELSEWHERE:</b>	Not applicable.
<b>SOURCE OF INFORMATION:</b>	Marc P. Hansen, County Attorney Karen L. Federman Henry, Division Chief 240 777 6700
<b>APPLICATION WITHIN MUNICIPALITIES:</b>	Not applicable.
<b>PENALTIES:</b>	Not Applicable.

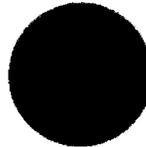


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OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

Isiah Leggett  
County Executive

May 23, 2013



TO: Nancy Navarro  
Council President

FROM: Isiah Leggett  
County Executive

SUBJECT: Proposed Legislation to Clarify Measurement of Time

RECEIVED  
MONTGOMERY COUNTY  
MAY 24 PM 2:20

I am transmitting for Council introduction a bill that clarifies how to compute certain periods of time referenced in the County Charter (Charter) or Council resolutions. I am also attaching a Legislative Request Report for the bill.

Section 208 of the Charter establishes a 10-day period for the County Executive to approve or disapprove of legislation enacted by the County Council. It also establishes a 60-day period for the Council to override a decision by the County Executive to disapprove legislation. However, Section 208 does not establish how to treat intervening holidays and weekends for the purpose of computing these time periods. In 2006, Section 208 was amended to authorize the Council to enact a law to determine how these time periods should be measured.

The attached bill implements the 2006 Charter amendment by making Section 1-301(c) of the County Code applicable to time periods established in the Charter. Section 1-301(c), which is currently applicable only to time periods established in the County Code, establishes how to compute a deadline for performing an act "within a specific time period measured in days." The bill also makes Section 1-301(c) applicable to time periods established in Council resolutions.

It is interesting to note that Section 1-301(d) of the County Code already applies to deadlines established in the Charter, the County Code, or a resolution when an act must occur "by a specific date". By enacting the attached bill, Council will bring consistency to the manner in which all time periods and deadlines are measured regardless of whether they are established under the Charter, the County Code, or a resolution.

If you have any questions about the bill, please contact County Attorney Marc Hansen at 240-777-6740.

Attachments (2)

c: Marc Hansen, County Attorney

(4)



ROCKVILLE, MARYLAND

MEMORANDUM

July 11, 2013

TO: Nancy Navarro, President County Council

FROM: Jennifer A. Hughes, Director, Office of Management and Budget  
Joseph F. Beach, Director, Department of Finance

SUBJECT: Council Bill 20-13, General Provisions – Computation of Deadlines

Please find attached the fiscal impact statement for the above-referenced legislation.

JAH:ha

c: Kathleen Boucher, Assistant Chief Administrative Officer  
Lisa Austin, Offices of the County Executive  
Joy Nurmi, Special Assistant to the County Executive  
Patrick Lacefield, Director, Public Information Office  
Joseph F. Beach, Director, Department of Finance  
Michael Coveyou, Department of Finance  
Marc P. Hansen, Office of the County Attorney  
Alex Espinosa, Office of Management and Budget  
Naeem Mia, Office of Management and Budget  
Philip Weeda, Office of Management and Budget  
Henri Apollon, Office of Management and Budget

**Fiscal Impact Statement**  
Council Bill 20-13 – General Provisions – Computation of Deadlines

**1. Legislative Summary.**

The proposed bill clarifies how the computation of time applicable to the County Charter and Council resolutions is to be calculated.

**2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.**

The proposed bill does not impact County revenues or expenditures.

**3. Revenue and expenditure estimates covering at least the next 6 fiscal years.**

Not Applicable.

**4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.**

Not Applicable.

**5. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.**

Not Applicable.

**6. An estimate of the staff time needed to implement the bill.**

No staff time is needed to implement the bill.

**7. An explanation of how the addition of new staff responsibilities would affect other duties.**

Not Applicable.

**8. An estimate of costs when an additional appropriation is needed.**

Not Applicable.

**9. A description of any variable that could affect revenue and cost estimates.**

Not Applicable.

**10. Ranges of revenue or expenditures that are uncertain or difficult to project.**

Not Applicable.

**11. If a bill is likely to have no fiscal impact, why that is the case.**

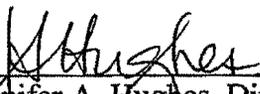
The proposed bill is administrative in nature and amends and clarifies how deadlines are computed under the County Charter, Codes, or resolutions and generally amend the law on rules of interpretation of the Code.

**12. Other fiscal impacts or comments.**

Not Applicable.

**13. The following contributed to and concurred with this analysis:**

Marc P. Hansen, Office of County Attorney  
Naeem Mia, Office of Management and Budget

  
\_\_\_\_\_  
Jennifer A. Hughes, Director  
Office of Management and Budget

7/11/13  
\_\_\_\_\_  
Date

**Economic Impact Statement**  
**Bill 20-13, General Provisions – Computation of Deadlines**

**Background:**

This legislation would clarify how deadlines are computed under Charter, Code, and resolutions. The legislation would generally amend the laws on rules of interpretation of the Code. Since Bill 20-13 is a procedural issue, it would have no economic impact

**1. The sources of information, assumptions, and methodologies used.**

No sources of information, assumptions or methodologies were needed for this economic impact statement.

**2. A description of any variable that could affect the economic impact estimates.**

There is no variable that could affect the economic impact estimates because there is no economic impact. The legislation is solely administrative in nature.

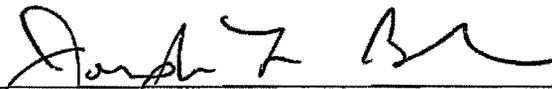
**3. The Bill's positive or negative effect, if any on employment, spending, saving, investment, incomes, and property values in the County.**

The Bill would have no economic impact because the Bill computes deadlines under Charter, Code, and resolutions.

**4. If a Bill is likely to have no economic impact, why is that the case?**

The Bill would have no economic impact because the Bill computes deadlines under Charter, Code, and resolutions.

**5. The following contributed to and concurred with this analysis: David Platt and Mike Coveyou, Finance.**

  
\_\_\_\_\_  
Joseph F. Beach, Director  
Department of Finance

7/10/13  
\_\_\_\_\_  
Date