

June 19, 2018

Public Hearing-Action

MEMORANDUM

June 15, 2018

TO: County Council

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

SUBJECT: Expedited Bill 19-18, Technical Corrections

PURPOSE: Public Hearing followed by Action on Bill – roll call vote required

Expedited Bill 19-18, Technical Corrections, sponsored by Lead Sponsor County Council, was introduced on May 15, 2018. Action is scheduled following this hearing.

Bill 19-18 would correct technical, typographical, grammatical, reference, and codification errors in, and make stylistic, clarifying, and conforming amendments to, various provisions of County law.

An amendment proposed by Council staff is attached on ©5. The amendment would make additional corrections. **Council staff recommends the Council enact Bill 19-18 with the amendment on ©5.**

This packet contains:	<u>Circle #</u>
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Expedited Bill No. 19-18
Concerning: Technical Corrections
Revised: 5/1/2018 Draft No. 1
Introduced: May 15, 2018
Expires: November 15, 2019
Executive: _____
Effective: July 1, 2018
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: County Council

AN EXPEDITED ACT to correct technical, typographical, grammatical, reference, and codification errors in, and make stylistic, clarifying, and conforming amendments to, various provisions of County law.

By amending

Montgomery County Code
Chapter 26, Housing and Building Maintenance Standards
Section 26-2

Chapter 51A, Swimming Pools
Sections 51-1 and 51-10

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 26-2, 51-1, and 51-10 are amended as follows:**

2 **26-2. Definitions.**

3 * * *

4 *Transient lodging facility:* A [hostel] hotel, boardinghouse, tourist home, or
5 rooming house licensed under Chapter 54.

6 **51-1. Definitions.**

7 * * *

8 [~~Hostel~~] Hotel has the same meaning as in Code § 54-1.

9 * * *

10 **51-10. Safety standards; lifeguards and spa guards.**

11 * * *

12 (d) [~~Hostels~~] Hotels. Except for on Saturday and Sunday between 11:00
13 a.m. and 7:00 p.m., paragraph (b) does not apply to a pool that has a
14 water surface area less than 2,500 square feet located on the grounds
15 of a [hostel] hotel for the exclusive use of its registered guests if:

- 16 (1) the [hostel] hotel is properly licensed under Chapter 54;
- 17 (2) the [hostel] hotel posts warning signs that meet the following:

18 * * *

- 19 (B) a safety sign is posted in a permanent location adjacent to
20 a [hostel] hotel in compliance with the American
21 National Standard for Public Spas;

22 * * *

- 23 (3) the pool area has a functional and visible emergency alert
24 system approved by the Director of the Department of Health
25 and Human Services that:

- 26 (A) connects directly to 9-1-1; and
- 27 (B) notifies an employee of the [hostel] hotel when activated;
- 28 and

29 (4) the [hostel] hotel has an employee with a valid
30 infant/child/adult cardiopulmonary resuscitation (CPR)
31 certificate from the American Red Cross, the American Heart
32 Association, the National Safety Council, or a comparable
33 program approved by the state Department of Health and
34 Mental Hygiene, on the premises of the [hostel] hotel when the
35 pool is open for use and no lifeguard is on duty.

36 **Sec. 2. Expedited Effective Date.**

37 The Council declares that this legislation is necessary for the immediate
38 protection of the public interest. This Act takes effect on July 1, 2018.

39 *Approved:*

40
41
42 _____
Hans D. Riemer, President, County Council Date

43 *Approved:*

44
45
46 _____
Isiah Leggett, County Executive Date

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

48
49
50 _____
Megan Davey Limarzi, Esq., Clerk of the Council Date

LEGISLATIVE REQUEST REPORT

Expedited Bill 19-18
Technical Corrections

DESCRIPTION: Makes technical, typographical, grammatical, and other non-substantive corrections to County law.

PROBLEM: Codifying several new laws revealed several technical and other non-substantive errors that could confuse a person trying to follow or enforce County law.

GOALS AND OBJECTIVES: To correct technical and other non-substantive errors in the County Code.

COORDINATION: Council legal staff and County Attorney's Office.

FISCAL IMPACT: To be requested.

ECONOMIC IMPACT: To be requested.

EVALUATION: Not applicable.

EXPERIENCE ELSEWHERE: Not applicable.

SOURCE OF INFORMATION: Amanda Mihill, Council Staff (240) 777-7815
Tammy Seymour, Office of the County Attorney (240) 777-6789

APPLICATION WITHIN MUNICIPALITIES: The applicability of other provisions in municipalities follows the applicability of the underlying provision of the County Code.

PENALTIES: Not applicable.

AMENDMENT

To Bill 19-18

BY COUNCIL STAFF

PURPOSE: Include additional technical corrections.

Beginning on page 2, lines 4-5, amend definition to read:

1 *Transient lodging facility:* ~~[[A]] [hostel] [[hotel],~~ boardinghouse, tourist home, or
2 rooming house]] An Establishment defined and licensed under Chapter 54.

Beginning on page 2, after line 1 amend Section 5-201 to read:

3 **5-201. Cruelty.**

4 * * *

5 (b)~~[[b]]~~ *Regulations.* The County Executive may issue regulations, consistent
6 with State law, to interpret and implement State anti-cruelty laws in the
7 County.

Beginning on page 2, after line 1 amend Section 16-20 to read:

8 **16-20. Collecting qualifying contributions.**

9 * * *

10 (d)~~[[d]]~~ *Consumer Price Index adjustment.* The Chief Administrative Officer
11 must adjust the contribution limit established in Subsection (b), effective
12 July 1, 2018, and July 1 of each subsequent fourth year, by the annual
13 average increase, if any, in the Consumer Price Index for the previous 4
14 calendar years. The Chief Administrative Officer must calculate the
15 adjustment to the nearest multiple of 10 dollars, and must publish the
16 amount of this adjustment not later than March 1 of each fourth year.

Beginning on page 2, after line 1 amend 22A-3 to read:

17 **22A-3. Definitions.**

18 * * *

19 *Conditional use* means a use approved under Section ~~[[59-]]~~7.3.1 of Chapter
20 59.

21 * * *

22 *Minor subdivision* means a plan for a proposed subdivision or resubdivision
23 prepared and submitted for approval by the Planning Director under Division
24 50.7 of Chapter ~~[[59]]~~ 50.

25 * * *

26 *Site plan* means a plan or an amendment to a site plan approved under Section
27 7.3.4 of Chapter 59 or referred to in ~~[[Division]]~~ Section 7.7.1.B of Chapter 59.

28 * * *

29 *Special exception* means a use approved as a conditional use under Section 7.3.1
30 or Section 7.7.1.B of Chapter 59 or referred to in ~~[[Division]]~~ Section 7.7.1.B of
31 Chapter 59.

32 * * *

33 *Watershed* means any area delineated as a watershed in the Montgomery County
34 Municipal Separate Storm Sewer System (MS4) Permit Implementation
35 Program, or any smaller area within the watershed that is delineated by the State
36 of Maryland as a 12-Digit watershed. ~~[[.]]~~

37 * * *

Beginning on page 2, after line 1 amend Section 22A-11 to read:

38 **22A-12. Retention, afforestation, and reforestation requirements.**

39 * * *

40 (f) *Special provisions for minimum retention, reforestation and*
41 *afforestation.*

42 * * *

43 (2) *Retention, reforestation and afforestation.* Forest retention
44 should be maximized where possible on each site listed in this
45 subsection. At a minimum, on-site forest retention, and in some

46 cases reforestation and afforestation, must be required as
47 follows:

48 * * *

49 (B) In a planned development or a site development using a
50 cluster or other optional method of development in a one-
51 family residential zone, on-site forest retention must equal
52 the applicable conservation threshold in subsection (a).
53 This requirement also applies to any site seeking a waiver
54 or variance from base zone standards under Sections
55 59.4.4.5.D, 59.4.4.6.D, ~~[[59-4.4.7.C]]~~ 59.4.4.7.C,
56 ~~[[59-4.4.8.C]]~~ 59.4.4.8.C, ~~[[59-4.4.8.C, 59-4.4.9.C]]~~
57 59.4.4.9.C, ~~[[59-4.4.10.C]]~~ 59.4.4.10.C, ~~[[59-8.3.2]]~~
58 59.8.3.2, ~~[[59-4.9.16.B]]~~ 59.4.9.16.B, and ~~[[59-5.2]]~~
59 59.5.2 if as a condition of the waiver or variance the
60 Planning Board or County Council must find that the
61 resulting development is environmentally more desirable.

62 * * *

Beginning on page 2, after line 5 renumber Chapter 30B to read:

63 **Chapter [30B] 15A. ECONOMIC DEVELOPMENT.**

64 **Article I. Economic Development Corporation.**

65 **[30B-1] 15A-1. Policy objectives.**

66 * * *

67 **[30B-2] 15A-2. Designation.**

68 * * *

69 **[30B-3] 15A-3. Board of Directors.**

70 * * *

71 **[30B-4] 15A-4. Status; incorporation; bylaws.**

72 * * *

73 [30B-5] 15A-5. Economic development program.

74 * * *

75 [30B-6] 15A-6. Staff; support from County Government.

76 * * *

77 [30B-7] 15A-7. Report.

78 * * *

79 Article II. Workforce Development.

80 [30B-8] 15A-8. Policy objectives.

81 * * *

82 [30B-9] 15A-9. Designation.

83 * * *

84 [30B-10]. 15A-10 Board of Directors.

85 * * *

86 [30B-11] 15A-11. Status; incorporation; bylaws.

87 * * *

88 [30B-12] 15A-12. Workforce development program.

89 * * *

90 [30B-13] 15A-13. Staff; support from County Government.

91 * * *

92 [30B-14] 15A-14. Report.

Beginning on page 2, after line 35 amend Section 52-39 to read:

93 **52-39. Definitions.**

94 In this Article the following terms have the following meanings:

95 * * *

96 *Residential* means the use of a building as a dwelling unit.

97 * * *

98 (4) *Senior residential* means:

99 * * *

100 (D) any household living unit constructed under Section
101 59.3.3.1 that is restricted by a covenant running with the
102 land for housing persons who are 55 years of age or
103 older. [[.]]

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ROCKVILLE, MARYLAND

MEMORANDUM

June 5, 2018

TO: Hans Riemer, President, County Council

FROM: Jennifer A. Hughes, Director, Office of Management and Budget
Alexandre A. Espinosa, Director, Department of Finance

SUBJECT: Expedited Bill 19-18, Technical Corrections

Please find the attached fiscal and economic impact statements for the above-referenced legislation.

JAH:mc

cc: Bonnie Kirkland, 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
David Platt, Department of Finance
Dennis Hetman, Department of Finance
Marc Hansen, Office of the County Attorney
Felicia Zhang, Office of Management and Budget
Phil Weeda, Office of Management and Budget

Fiscal Impact Statement
Bill 19-18

1. Legislative Summary

The proposed legislation provides technical, typographical, grammatical, reference, and codification errors to various provisions of County law.

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 legislation will not impact revenues or expenditures.

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

As mentioned above, the legislation will not have a fiscal impact on the County.

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

None.

5. An estimate of expenditures related to County's information technology (IT) systems, including Enterprise Resource Planning (ERP) systems.

None.

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

None.

7. An estimate of the staff time needed to implement the bill.

None.

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

None.

9. An estimate of costs when an additional appropriation is needed.

None.

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

None.

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

None.

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

The technical correction is not expected to increase expenses associated with the provisions of County law.

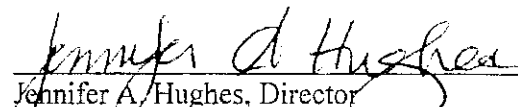
13. Other fiscal impacts or comments.

None.

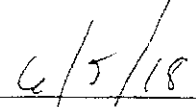
The following contributed to and concurred with this analysis:

Marc Hansen, Office of the County Attorney

Phil Weeda of the Office of Management and Budget.



Jennifer A. Hughes, Director
Office of Management and Budget



Date

**Economic Impact Statement
Bill 19-18 Technical Corrections**

Background:

Bill 19-18 would correct technical, typographical, grammatical, reference, and codification errors in, and make stylistic, clarifying, and conforming amendments to, various provisions of County law.

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

There were no sources of information, assumptions, or methodologies needed in the formulation of this economic impact statement.

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

Bill 19-18 corrects technical and other non-substantive errors in the County Code that could confuse a person trying to follow or enforce County law. The legislation specifically defines "Hostel" to have the same meaning as "Hotel" in multiple instances of Chapter 54 of the County Code.

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

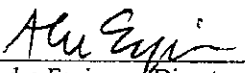
The Bill will have no effect on employment, spending, savings, investment, incomes, or property values in the County.

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

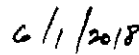
Please see paragraph 3.

5. The following contributed to or concurred with this analysis:

David Platt, Dennis Hetman – Department of Finance.



Alexandre Espinosa, Director
Department of Finance



Date