
PRESENT

Councilmember Sidney Katz, President
Councilmember Gabe Albornoz
Councilmember Evan Glass
Councilmember Nancy Navarro

Councilmember Tom Hucker, Vice President
Councilmember Andrew Friedson
Councilmember Will Jawando
Councilmember Craig Rice
Councilmember Hans Riemer

The President in the Chair.

Mr. Katz provided a tribute to County leader Odessa Shannon for her public service, volunteerism and advocacy. Ms. Shannon was the first African American woman elected to the Montgomery County Board of Education. Throughout her career as a special assistant to former County Executive Gilchrist and executive director of the County’s Human Rights Commission, she fought for civil rights and equity in education, employment, and housing. Noted that a video tribute to Ms. Shannon would be shown later in the meeting. Mr. Katz requested a moment of silence for her passing.

GENERAL BUSINESS

A. Announcements - Agenda and Calendar Changes

Ms. Singleton, Clerk of the Council, announced an addendum to the agenda adding to the consent calendar for action abandonment of a portion of Andrus Road in Bethesda, abandonment of a portion of Kentbury Drive in Bethesda, and approval of appointment of special counsel to assist the Office of the County Attorney to represent Montgomery County in Bauer et al. v. Elrich et al.; and adding for action FY21-26 Capital Improvements Program (CIP) Revised Reconciliation - Changes to FY21.
B. **Acknowledgement - Receipt of Petitions**

Petitions were received from residents of Montgomery County and Empower Montgomery supporting full funding of the Montgomery County Public School (MCPS) CIP; and from residents opposing Meadowbrook Stables and Maryland-National Capital Park and Planning Commission’s (M-NCPPC) development of a massive indoor riding building in Rock Creek Park.

A video tribute to Odessa Shannon was shown.

C. Approved the minutes of April 7, 14 and 16, 2020, without objection.

(2) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

Ms. Navarro made the motion, which carried without objection.

A. **Introduced** a supplemental appropriation to the County Government’s FY20 Operating Budget, Department of Police, Governor’s Office of Crime Control and Prevention (GOCPP) - $549,709 for Sex Assault Kit Testing (SAKT) Award. A public hearing is scheduled for June 9, 2020.

B. ** Adopted Resolution 19-457**, approving Executive Regulation 7-20, Retroactive Extension of the Sunset Date of the Montgomery County Personnel Regulations.

C. ** Adopted Resolution 19-458**, amending the Council’s contract for audit services.


E. ** Adopted Resolution 19-460**, approving abandonment of a portion of Andrus Road in Bethesda.

F. ** Adopted Resolution 19-461**, approving abandonment of a portion of Kentbury Drive in Bethesda.

G. **Approved** the appointment of special counsel to assist the Office of the County Attorney to represent Montgomery County (including all named defendants) in Bauer et. al. v. Elrich et. al.: Wilmer Cutler Pickering Hale and Dorr LLP (WilmerHale).
(3) **Call of Bills for Final Reading**

A. **Expedited Bill 19-20, Administration - County Executive - Office of Labor Relations - Established**

Ms. Navarro, Chair of the Government Operations and Fiscal Policy (GO) Committee, and Mr. Drummer, Senior Legislative Attorney, reviewed the subject expedited bill, as contained in the staff report.

Enacted draft #3 of **Expedited Bill 19-20**, as introduced.

Ms. Navarro made the motion and the expedited bill was enacted by a roll call vote:


B. **Bill 20-20, Administration - Office of the County Executive - Business Advancement Team - Established**

Ms. Navarro, Chair of the GO Committee, and Mr. Drummer reviewed the subject bill, as contained in the staff report.

During the May 14, 2020, worksession Ms. Benjamin, Special Projects Manager with the County Executive’s Office, requested the bill be expedited, and the Council indicated support to do so.

Staff noted a technical correction in that the bill, as introduced, which mistakenly included a long title indicating that some of the transferred employees would be coming from the County Executive’s Office. In fact, these employees are currently part of the Community Engagement Cluster.

Enacted draft #4 of **Expedited Bill 20-20**, as amended and contained at the end of these minutes.

Ms. Navarro made a motion to move the bill with amendments as contained in the staff report, to make the bill expedited and to accept the technical correction. The expedited bill was enacted by a roll call vote:

C. **Bill 21-20, Office of Animal Services - Established**

Mr. Katz, Chair of the Public Safety (PS) Committee, and Ms. Mihill, Legislative Attorney, reviewed the subject bill, as contained in the staff report.

Noted that the subject bill would implement decisions the Council already tentatively approved for the budget of the Office of Animal Services, therefore, staff recommended that Council enact Bill 21-20 with an amendment to make it expedited with an effective date of July 1, 2020.

Enacted draft #2 of **Expedited Bill 21-20**, as amended and contained at the end of these minutes.

Ms. Navarro made a motion to move the bill and to make it expedited. The bill was enacted by a roll call vote:


D. **Expedited Bill 22-20, Position Creation and Position Alteration - Director of Strategic Partnerships and Director of Criminal Justice Coordinating Commission (CJCC)**

Participating in the discussion were Ms. Kassiri, Deputy Chief Administrative Officer; and Ms. Wellons, Legislative Attorney.

Mr. Katz noted that this is a joint committee item, covered by the GO and PS Committees. Ms. Navarro, Chair of the GO Committee, reviewed the subject expedited bill, as contained in the staff report. Ms. Navarro noted that the Council had a robust conversation last week, on May 14, on the subject bill concerning reorganizing duties in the Office of the County Executive as well as other models that have worked well in the past to maintain strong communications between the Executive branch and the Council. Noted that, in essence, the bill would create a new position and would not meet the Council’s objective of a continuity of services budget. Also, last week the Council took a vote to defund the vacant CJCC position.

Ms. Wellons, Legislative Attorney, reviewed a possible amendment, as contained in the staff report, to eliminate the creation of the Strategic Partnerships Director, but to retain the provisions of the bill that amend the CJCC Director position.

Ms. Navarro made a motion to eliminate the creation of a new position for a Director of Strategic Partnerships, and to eliminate the requirement that the Director of the CJCC be non-merit, and to allow the Chief Administrator Officer (CAO) to
designate a CJCC Director. The amendment, as contained on pages 3-4, would read as follows:


The following positions in the Office of the County Executive are non-merit positions:

* * *

(c) [Director, Criminal Justice Coordinating Commission] [[Director of Strategic Partnerships;]]

Discussed several issues regarding the bill, including the pressing need for better communication between the Executive branch and the Council, and possibly passing the bill with a Director of Strategic Partnerships but not funding the position.

Ms. Navarro’s amendment did not come to a vote as Mr. Jawando made a motion to table Expedited Bill 22-20 to allow more time for consideration. The motion passed 5 to 4 with Mr. Glass, Mr. Riemer, Mr. Hucker, Mr. Jawando and Mr. Katz in support. Mr. Albornoz, Mr. Friedson, Ms. Navarro and Mr. Rice were opposed.

(4) **ACTION** - Resolution to adopt Executive Regulation (ER) 25-19 - Amendments to the Personnel Regulations

Mr. Drummer reviewed the subject Executive Regulation, as contained in the staff report, and noted that approval of this item will amend the Personnel Regulations, which is necessary due to the enactment earlier today of Expedited Bill 19-20, Administration - County Executive - Office of Labor Relations - Established.


Ms. Navarro made the motion, which carried unanimously.

(5) **ACTION** - FY21-26 Capital Improvements Program (CIP) Revised Reconciliation - Changes to FY21

Mr. Levchenko, Senior Legislative Analyst, and Dr. Orlin, Senior Analyst, reviewed recommendations on how to potentially address an additional $20 million budget gap in the CIP reconciliation, as contained in the staff report and addendum.

Reviewed further expenditure reductions of potential “level of effort” projects to achieve $20 million in General Obligation (G.O.) Bond savings in FY21 for County Government, MCPS, and Montgomery Parks, as contained on the revised chart on page 2 of the addendum. Noted that the Department of Transportation (DOT) and the Parks Department submitted alternative potential reductions, which were added to the revised chart.
Mr. Rice, Chair of the Education and Culture (E&C) noted that the E&C Committee plans to meet with MCPS and the Board of Education in the fall to review and possibly reprioritize projects when more up-to-date financial information will be available.

A straw vote was taken. Unanimously supported Mr. Rice’s motion to accept the amended staff recommendation, as contained in the chart on page 2 of the addendum, to further reduce expenditures by $20 million in G.O. Bond savings in FY21 for County Government, MCPS, and Montgomery Parks.

The meeting adjourned at 10:58 A.M.

This is a correct copy of Council action.

Approved/Signed by Clerk of the Council

Selena Mendy Singleton, Esq.
Clerk of the Council
AN EXPEDITED ACT to:

(1) rename the existing Business Solutions Group as the Business Advancement Team;
(2) assign additional duties to the Business Advancement Team from the Department of Finance and the [[Office of the County Executive]] Community Engagement Cluster; and
(3) generally amend the law governing the Office of the County Executive.

By amending
Montgomery County Code
Chapter 2, Administration
Sections 2-25B
Sec 1. Section 2-25B is amended as follows:

Sec. 2-25B. [Business Solutions Group] Business Advancement Team.

(a) Definitions. As used in this Section:


Navigator means the Small Business Navigator designated by the Executive under subsection (c).

Small business means a privately owned business that meets the requirements of Section 11B-65(a).

(b) Establishment of [Group] Team. The Executive must create and administer a Business [Solutions Group] Advancement Team that includes a Small Business Navigator. The [Group] Team must be part of the Office of the County Executive.

(c) Small Business Navigator. The Executive must designate an employee as the Small Business Navigator. Among other duties, the Navigator must:

(1) advise the Executive, the Council, the Chief Administrative Officer, County Department heads, the Planning Board, and any other appropriate government agency, of any action needed to assist small businesses to comply with County requirements and regulations;

(2) promote communications between a small business and each County department or agency that the small business must interact with;

(3) develop and maintain a database of information necessary for a small business to comply with County requirements and regulations;
(4) advise small businesses on how to comply with County requirements and regulations; and

(5) identify changes to regulations and requirements that would improve turnaround, eliminate duplication, resolve conflicts in authority, and eliminate unnecessary regulations and requirements.

(d) Additional duties for the [Group] Team. In addition to the duties of the Small Business Navigator described in subsection (c), the [Group] Team must:

(1) provide constituent services for businesses operating in the County or planning to operate in the County, including:

   (A) communicating about new and revised County laws and regulations affecting County businesses;

   (B) outreach;

   (C) providing publications on County policies;

   (D) operating workshops and conferences; [and]

   (E) convening targeted business events; [and]

   (F) providing oversight and leadership on business programs including:

      (i) incubator management;

      (ii) economic development incentives and financing programs;

      (iii) business development projects; and

      (iv) other business-related special initiatives;

(2) serve as a point of contact for County businesses seeking to comply with County requirements and regulations; and

(3) assist County businesses to interact with other State, County, and local government agencies.
(e) **Reports.** On or before September 15 of each year, the Executive must report to the Council on the activities and recommendations of the [Group] Team.

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

The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect on the date on which it becomes law.
Lead Sponsor: Council President at the Request of the County Executive

AN EXPEDITED ACT to:

(1) transfer the duties of the Division of Animal Services in the Police Department to a new non-principal office in the Executive Branch; and

(2) generally amend County law related to administration and animal services.

By amending

Montgomery County Code
Chapter 1A, Structure of County Government
Section 1A-203

Chapter 2, Administration
Sections 2-43 and 2-58C

Chapter 5, Animal Control
Sections 5-101, 5-102, 5-104, 5-202, 5-203, 5-301, 5-302, 5-303, 5-304, 5-306, 5-401, 5-402, and 5-404

Chapter 31B, Noise Control
Section 31B-12

By renumbering

Montgomery County Code
Chapter 5, Animal Control
Sections 5-405, 5-406, and 5-407

The County Council for Montgomery County, Maryland, approves the following act:
Sec 1. Sections 1A-203, 2-43, 2-58C, 5-101, 5-102, 5-104, 5-202, 5-203, 5-301, 5-302, 5-303, 5-304, 5-306, 5-401, 5-402, 5-404, and Section 31B-12 are amended and Sections 5-405, 5-406, and 5-407 are renumbered as follows:

1A-203. Establishing other offices.

(a) Executive Branch. These are the offices of the Executive Branch that are not part of a department or principal office:

* * *

Office of Animal Services (section 2-58C)

* * *

2-43. Organization and functions.

(a) The Department of Police includes the County police[,] and the Office of County Security[, and the Office of Animal Services]. The Department has the authority, functions and activities prescribed by law.

(b) Four positions of Assistant Chief of Police are non-merit positions.

(c) Any reference in this Code or in regulation or other document to “superintendent of police” or “superintendent” means “Executive Director of Police,” or “Chief of Police,” or “Executive Director”.

DIVISION 11C. OFFICE OF ANIMAL SERVICES [DIVISION].


The Office of Animal Services has the functions and duties assigned to it in Chapter 5, Animal Control.

* * *


In this Chapter, the following words and phrases have the following meanings:

* * *
Animal control officer: The Executive Director of the Office [Division], or the [Division] Executive Director’s designee.

* * *

Appropriate authority: For purposes of State law regarding animals, the Office [Division], the Board, and any other agency or official designated by regulation.

* * *

Benevolent organization: A non-profit organization, registered with the Office [Division], that cares for stray or homeless animals.

* * *

[Director: The Director of the Division or the Director’s designee.]

Disposition: Adoption or other placement of a domestic animal, release of a wild animal into a suitable habitat, or humane euthanasia administered in a manner approved by the Office [Division].

[Division: The Animal Services Division in the Department of Police.]

* * *

Executive Director: The Executive Director of the Office or the Executive Director’s designee.

* * *

Office: The Office of Animal Services.

* * *

5-102. Administration.

(a) Office [Division] duties. The Office [Division] administers this Chapter, [and must:]

(1) The Office must:

(A) provide an animal shelter program;

[(2)] (B) assist and cooperate with the Health Officer and State
officials in carrying out an anti-rabies program, including vaccination of dogs, cats, and ferrets, as required by State law and this Chapter;

[(3)] (C) carry out a program to license dogs and cats, as required by State law and this Chapter;

[(4)] (D) provide education programs regarding the humane treatment of animals;

[(5)] (E) provide wildlife management; and

[(6)] (F) provide a spay-neuter program.

(2) The Office [Division] may provide other services and programs to promote the humane treatment of animals and protect public health and welfare from animal-related hazards.

(b) Executive Director. The Executive Director of the Office [Division] must:

* * *

(c) Animal shelter. The County must, directly or by contract, maintain and operate an animal shelter or other place of confinement. The shelter must remove, harbor, care for, and dispose of any animal that the Office [Division] finds is abused, homeless, unwanted, abandoned, or neglected, or threatens the health, safety, peace, or security of the public.

(d) Care of animals. The County may [contact] contract with veterinarians or animal hospitals to care for injured or diseased animals whose owners are unknown, that the County or its agents collect, or that any person brings to the animal shelter.

(e) Enforcement of animal control laws. To the extent allowed by State
law, the Office [Division] may enforce any State animal control law and any law under this Chapter. A reference in a State animal control law to the “appropriate authority” (or any similar term) in the County means the Office [Division] and any other County agency designated by regulation adopted under Method (3).

* * *

5-104. Animal Matters Hearing Board.

(a) Jurisdiction.

(1) As provided in this Chapter, the Animal Matters Hearing Board has jurisdiction to hear:

(A) original complaints involving allegations of violations of this Chapter or a violation of the terms of an adoption agreement; and

(B) appeals from any decision or order of the Executive Director.

* * *

(e) Authority. The Board may:

(1) Order the Executive Director to seize, impound, destroy, or take any other action the Board decides is necessary regarding an animal that is suffering cruelty, dangerous or potentially dangerous, or causing a public nuisance or other violation of this Chapter.

* * *

(6) Appoint a person to mediate a case if the owner and each complainant (which may include the Office [Division]) agree. A consent order resulting from mediation is an order of the Board. If the mediator or the Board finds that the parties are not likely
to agree to a mediated consent order within a reasonable time, the Board must decide the case.

* * *

(g) **Fee.** The Executive may set by regulation a fee for filing a complaint with the Board. The filer must pay the fee to the Office [Division]. The Board or the Animal Control Officer may waive the filing fee in response to a written request. If the parties agree to a consent order after mediation, the Board may refund the filing fee.

* * *

5-202. **Dangerous and potentially dangerous animals.**

(a) **Violation.**

* * *

(3) An animal is potentially dangerous if:

* * *

(B) the Office [Division] notifies the owner that the animal is potentially dangerous.

* * *

(b) **Declared dangerous or potentially dangerous elsewhere.** An owner of an animal declared dangerous or potentially dangerous in another jurisdiction must remove the animal from the County within 10 days after receiving a citation or other notice of a violation of this Chapter unless the Executive Director waives this requirement and imposes conditions or restrictions under subsection (d) for the animal to remain in the County.

(c) **Limited waiver.** The Executive Director may waive the prohibitions of subsections (a) or (b) for a specific animal only if the Executive Director finds that the animal is not a threat to public health or safety.
Confinement and microchipping. The Executive Director or the Board may impose any restriction or condition, including confinement or microchipping the animal, on the owner of a dangerous or potentially dangerous animal that is reasonably expected to protect the public health or safety. A person must not release the animal from confinement unless the animal is:

(1) securely muzzled in a manner approved by the Office [Division];

Licensing records. The Executive Director must indicate in the licensing records whether a licensed animal is dangerous, potentially dangerous, or a guard dog.

5-203. Public nuisance and other violations.

Violation. An owner must not:

(2) Allow an animal to damage or defecate on property outside the owner’s property. An animal may defecate on public property or the common area of property in which the owner shares an interest if the owner immediately removes and disposes of the feces by a sanitary method approved by the Office [Division]. This paragraph does not affect any right of a common ownership community to regulate or ban animals from the community’s property.

(10) Allow an animal to act in any other way that the Executive Director, the Board, or an animal control officer finds would cause any other public nuisance established by regulation. An
action prohibited by the regulation is a violation even if the action does not qualify as a public nuisance because the owner has not received notice described in subsection (b)(1).

* * *

(b) **Public nuisance.** An owner must not allow an animal to create a public nuisance by:

(1) behavior described in subsections (a)(1), (2), (3), (4), (6), (8), (9), or (10) occurring after the owner received notice from the County in any form (such as an oral warning from an Office [a Division] employee) of a violation because of the same behavior; or

* * *

**ARTICLE III. ENFORCEMENT, PENALTIES, AND APPEALS.**

**5-301. General provisions.**

(a) **Who may enforce.** The Executive Director, an animal control officer, the Board, and any other person authorized by regulation issued under method (2) may enforce an animal control law. In this Article, an “animal control law” includes a State animal control law, this Chapter, and, for noise from an animal source, Chapter 31B.

(b) **Forms of enforcement.** The Executive Director or an animal control officer may enforce an animal control law by issuing a citation or other lawful order. To exercise its authority, the Board must issue a written order that explains the factual and legal basis for the order.

(c) **Types of enforcement.**

(1) Except as provided in paragraph (2), the Executive Director or an animal control officer may, to enforce an animal control law
or protect the health or safety of an animal, a person, or the public:

* * *

(2) The Executive Director or an animal control officer must not destroy an animal under paragraph (1) unless:

* * *

(B) the Executive Director, an animal control officer, or the Board finds that destruction of the animal is necessary to prevent an immediate threat to public health or safety. If an owner requests a hearing within 5 days after the County notifies the owner of any action under this paragraph, the Board must hold a hearing after the fact on the action and may order the County to reimburse the owner for the resale value of the animal if the action was not justified; or

* * *

(h) Board order to take action. As a result of an adjudication of a complaint or appeal, the Board may order the Executive Director or an animal control officer to take an action described in paragraph (c)(1).

5-302. Special enforcement provisions regarding specific offenses.

(a) Dangerous or potentially dangerous animals.

(1) An animal control officer immediately may seize, impound, and humanely euthanize, at the owner’s expense, an animal that the Executive Director, an animal control officer, or the Board finds is dangerous or potentially dangerous and poses an immediate threat to public health or safety.

* * *
(b) **Public nuisance and other violations.** The Board, the Executive Director, or an animal control officer may order any action necessary to abate a public nuisance or any other violation of Section 5-203.

Sec. 5-303. Impoundment.

(a) **Generally.** The Executive Director, an animal control officer, or the Board may enforce an animal control law or protect the health or safety of a person, an animal, or the public by impounding (or for the Board, ordering the Executive Director to impound) an animal at an animal shelter or other facility approved by the Executive Director.

(b) **Notice of impoundment.** The Executive Director promptly must make a reasonable effort to locate and notify the owner of an impounded animal. The notice must inform the owner of applicable requirements of this Chapter, including the requirement in subsection (c) to pay in advance for the animal’s care and the opportunity to request a waiver of the prepayment requirement under subsection (c)(7). The Executive Director may notify the owner by first class mail to the owner’s last known address, or, if the Executive Director cannot locate the owner, by publishing a notice in a newspaper of general circulation in the County.

(c) **Prepayment for care.**

(1) The animal’s owner must prepay any boarding costs before and during any appeal to the Board, unless waived or modified as provided in this Chapter. Within 5 days after receiving notice that an animal was impounded under any provision of this Chapter, the animal’s owner must pay to the County the estimated cost of caring for the animal for the 30-day period
beginning on the date the animal was impounded. The Executive Director must estimate the cost, which must include the cost of food, veterinary care, and other necessities that a responsible owner would provide for the animal and may include other costs, such as pro rata staffing and administrative expenses, allowed by regulation. The owner must pay in cash or by another method acceptable to the Office.

* * *

(3) The Executive Director may:

(A) revise the estimated cost of care for each 30-day period to improve the accuracy of the estimate; and

(B) apply any previous payment for that animal that exceeds the actual cost of care to the next 30-day period.

* * *

(7) The Executive Director may waive or modify the prepayment required under this subsection (such as by requiring weekly prepayments) if the owner provides evidence that prepayment for 30 days of care would be a serious financial hardship to the owner.

(d) Multiple impoundments.

(1) If an unaltered dog or cat is impounded 2 or more times, the owner must have the animal altered at the owner’s expense within 30 days after the animal is released from impoundment or surrender the animal to the Executive Director unless:

* * *

(2) The Executive Director must not allow an owner to redeem an animal impounded less than 12 months after the animal was
released from a previous impoundment, unless the owner has successfully appealed any citation arising out of the prior impoundment, until the Executive Director has issued:

* * *

5-304. Disposition.

(a) Types of disposition. An animal impounded by the Office [Division] may be:

(1) redeemed by an owner under certain circumstances;
(2) placed for adoption if abandoned;
(3) set loose in a suitable habitat if wild; or
(4) humanely euthanized in a manner approved by the Office [Division].

(b) Redemption. The owner of an impounded animal may redeem the animal if:

* * *

(5) the Executive Director approves, or the Board orders the redemption, and the owner complies with any conditions for redemption; and

(6) redemption is not prohibited by another animal control law.

* * *

(d) Release or adoption prohibited. The Executive Director must not:

* * *

(e) Dangerous or nuisance animals. The Executive Director or any other person must not sell, release, or place for adoption an animal that an animal control officer found is dangerous or potentially dangerous, would cause a public nuisance or other violation, or has rabies or an incurable communicable disease, unless the Executive Director finds
the action is safe.

(f) **Failure to redeem.** Unless otherwise ordered by the Board, an impounded animal is considered abandoned and becomes County property if the animal is not redeemed by its owner within 5 days after the Executive Director notifies the owner about the impoundment under Section 5-303(b).

(g) **Adoption.** The Executive Director may place an abandoned animal for adoption as a pet unless the Board or the Executive Director decides adoption of the animal is not in the best interest of public health or safety. A dog or cat placed for adoption must be altered by a licensed veterinarian, at the expense of the person adopting the animal, within a time specified by the Executive Director. The Executive Director must set the deadline for altering based on the animal’s age, sex, and health, but the deadline must be within 3 months after the adoption. If the owner of an adopted animal does not alter the animal by the deadline, the owner must return the animal to the animal shelter.

* * *

5-306. **Appeal to the Board.**

(a) **Time for noting appeal.** Except as provided in Section 5-104(a), a person aggrieved by a decision of the Executive Director or an animal control officer may appeal the decision to the Board within 5 days after the Executive Director or the animal control officer notifies the owner about the decision. The Executive Director or animal control officer must not dispose of the animal during the 5-day period for filing an appeal, or while an appeal is pending, unless authorized to do so under this Chapter.
(c) **Filing fee.** In addition to any other requirement imposed by this Section, the owner appealing a decision of the Executive Director or an animal control officer must pay a filing fee established by executive regulation. The Board or the Executive Director may waive the filing fee in response to an appellant’s request.

(d) **Board’s decision.** The Board may modify a decision of the Executive Director or an animal control officer only if the appellant proves by a preponderance of the evidence that the decision was arbitrary, illegal, or not based on substantial evidence. The Board must issue a written opinion explaining the factual and legal basis for its decision.

(e) **Boarding of animal – pending Board decision.** If the owner timely appeals an impoundment or seizure, the owner may also seek review of the Executive Director’s determination of boarding costs by filing an appeal with the Chief Administrative Officer within 5 days after the Executive Director issues a demand for prepayment. The Chief Administrative Officer, or a designee, must review the Executive Director’s decision within 2 business days after receiving the appeal. The owner must provide the Chief Administrative Officer with information sufficient to show that requiring prepayment of boarding costs would be a serious financial hardship on the owner. The Chief Administrative Officer may ask the owner to provide additional information at an informal hearing conducted in person or by telephone. The Office [Division] must not require the owner to prepay any boarding costs pending the Chief Administrative Officer’s decision. The Chief Administrative Officer may make any decision the
Executive Director could have made such as requiring the owner to prepay boarding costs retroactive to the initial boarding date of the animal, posting a bond, or placing the animal in a suitable facility at the owner’s sole expense. The owner may ask the Board to review the Chief Administrative Officer’s decision regarding prepayment of boarding costs as part of its review of the underlying appeal.

* * *

ARTICLE IV. LICENSING AND HEALTH.

5-401. Dog and cat licenses.

(a) The Executive Director must implement the State dog licensing laws that apply in the County (Md. Code, Article 24, Title 11, Subtitle 5) and must apply the same licensing requirements to cats. The Executive may set fees for cat licenses that are different than the equivalent fees for dog licenses.

* * *

5-402. Rabies control.

(a) The Executive Director and the County Health Officer must implement the State anti-rabies law (Md. Code, Health-General Article, Title 18, Subtitle 3, Part III). The County Executive must issue fee regulations under method (3) and other regulations under method (2) to implement this Section.

* * *


(b) Fees. The County Executive must issue regulations to set fees:
(1) under method (2) for licenses under subsections (a)(1) to (5);

(c) Denial, suspension, and revocation.

(1) The Office [Division] may deny, suspend, or revoke a license:

   (A) for a facility that violates any provision of the Code, including Chapter 59, or any State or federal law; or

   (B) if the applicant or licensee withholds or falsifies information, or engages in fraud or misrepresentation regarding the sale of animals.

(2) A person aggrieved by an action under this subsection may appeal the action under Section 5-306.

ARTICLE V. RETAIL SALE OF DOGS AND CATS.

5-501 [5-405]. Legislative Findings.


5-503 [5-407]. Retail Sale of Dogs and Cats.

31B-12. Enforcement and penalties.

(g) The Executive Director of the Office of Animal Services [Division] may initiate administrative action before the Animal Matters Hearing Board instead of an enforcement officer issuing a citation under subsection (f) for a violation of this Chapter originating from an animal source.
Sec. 2. Transition.

References to the Division of Animal Services in County law, contract, or regulation means the Office of Animal Services.

Sec. 3. Expedited effective date

The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect on July 1, 2020.