
PRESENT

Councilmember Tom Hucker, President Councilmember Gabe Albornoz, Vice President
Councilmember Andrew Friedson Councilmember Evan Glass
Councilmember Will Jawando Councilmember Sidney Katz
Councilmember Nancy Navarro Councilmember Craig Rice
Councilmember Hans Riemer

The President in the Chair.

PRESENTATIONS

A. Proclamation was presented by full Council remembering those lost due to COVID-19.

B. Proclamation was presented by Council President Hucker and Ms. Navarro recognizing Fibroid Awareness Month.

GENERAL BUSINESS

A. Announcements - Agenda and Calendar Changes
Ms. Singleton, Clerk of the Council, announced that the public hearing on the Spending Affordability Guidelines for the FY23 Capital Budget and the FY23-28 Capital Improvements Program (CIP) will be held on September 21, 2021, at 1:30 P.M.

(1) B. Acknowledgement – Receipt of Petitions

No petitions were received this week
C. **Action** – Approval of Minutes

Approved the minutes of May 12, 13, 14, 17, and 18, 2021, and the Bi-County Meeting minutes of May 13, 2021, without objection. Mr. Jawando was temporarily absent.

(2) **COUNCIL SITTING AS BOARD OF HEALTH**

A. **Update** - [Novel Coronavirus (COVID-19) and County Public Health Planning](#)

Participating in the discussion were Dr. Gayles, County Health Officer and Chief of Public Health Services, Dr. Bridgers, Deputy County Health Officer, Department of Health and Human Services (DHHS); and Dr. Stoddard, Director, Office of Emergency Management and Homeland Security (OEMHS).

Dr. Gayles reviewed current COVID-related statistics, noting the upward trend in positive cases and hospitalizations and that 80 percent of new cases are in those individuals who are not fully vaccinated. Vaccine rates by zip code are available on the County website. There are a few breakthrough cases among those vaccinated, but they have not resulted in hospitalizations. Currently, the County is a leader in the country with 70 percent of eligible residents having been vaccinated and Dr. Gayles encouraged everyone eligible to get the vaccine. He noted that vaccination of homebound individuals is ongoing, and that there is no new guidance from the Centers for Disease Control and Prevention (CDC) regarding the need for a booster vaccine. They are meeting later today to discuss face covering policies in Montgomery County Public Schools (MCPS). He noted that businesses can require patrons to provide proof of vaccination for entry or to receive service, stressing that it is important to drive community transmission levels down in order to avoid interruptions to businesses and services. He requested a contingency plan be put in place based on metrics for potential action should case numbers and hospitalizations continue to increase to help keep people safe. He recommended residents visiting states with high case rates (particularly Florida, Texas, or Missouri) get tested upon return.

Dr. Stoddard cautioned that if case numbers and hospitalizations continue to increase, action by the Board of Health may be needed to address the situation. He noted that the Rental Relief program provided $2 million in relief funds to residents last week.

Mr. Friedson inquired about data on the number of County employees that have been vaccinated, suggested the data be published, and strongly urged moving toward requiring County employees to be vaccinated with additional restrictions, should they be needed, targeted toward the unvaccinated.
B. Update - Coronavirus Relief Fund (CRF)

Participating in the discussion were Mr. Howard, Council Deputy Director; Mr. Madaleno, Chief Administrative Officer; Dr. Stoddard; and Mr. Gottesman, Office of Management and Budget (OMB).

Received an update on COVID-related expenditures and Federal Emergency Management Agency (FEMA) reimbursements, as shown on circle pages 4 through 8 of the staff report, noting that the Executive Branch had been waiting to book specific costs to the CRF Non-departmental Account (NDA) until it had received FEMA’s reimbursement decisions. Because it is unlikely that the County will receive FEMA reimbursements for hazard pay differential costs, $70 million for those costs will be booked to the CRF.

Mr. Friedson commented on the lack of correct information provided to the Council pertaining to FEMA reimbursements, noting that the County’s FY22 operating budget was balanced partially on FEMA reimbursement assumptions, and inquired about contingency plans should the reimbursements not be received as anticipated. He requested Executive Branch staff provide information on how much has been spent to prepare the FEMA reimbursements, including the cost of the FEMA consultant, and suggested a running total be kept of staff time dedicated to reimbursement preparation and the reimbursement amounts provided by FEMA.

(3) INTERVIEWS - County Executive’s Appointments of Regional Services Center Directors: Luisa Cardona, Peter Fosselman, Jacob Newman, Greg Wims

Interviewed Luisa Cardona, Peter Fosselman, Jacob Newman, and Greg Wims, candidates for appointment as Regional Services Center Directors. Action is scheduled for later in the afternoon.

(4) DISTRICT COUNCIL SESSION

D. Action - ZTA 19-07, Telecommunications Towers - Limited Use

In his opening remarks, Council President Hucker said this matter has been before this, and the previous Council, for a total of six years. The matter is unusual because the ZTA must comply with the federal order and 5G regulations. The County Attorney has expressed the opinion that unless the County liberalizes its cell tower citing rules, it is vulnerable to legal challenges. Mr. Hucker said the Council can monitor implementation of the ZTA and return to consider any necessary modifications, if needed.
Mr. Riemer, Chair of the Planning, Housing, and Economic Development (PHED) Committee, stated that current telecommunication towers are not sufficient for the future of wireless technology, and the ZTA seeks to allow antennas to be placed closer together where needed.

Mr. Jawando, stating his opposition to the ZTA, said the Council should wait to hear the outcome of the current lawsuit pending in the D.C. Circuit Court of Appeals that challenges the Federal Communications Commission’s (FCC) current 5G radio frequency guidelines, and expressed concern that the FCC’s safety guidelines have not been updated since 1996.

Mr. Katz agreed with Mr. Jawando that the Council should wait until the outcome of the pending federal court case is known before acting on the ZTA.

Enacted **Ordinance 19-17**, approving draft #7 of ZTA 19-07. The PHED Committee made the motion and the Ordinance was enacted by a roll call vote:

YEAS: Glass, Riemer, Navarro, Rice, Friedson, Albornoz, Hucker
NAYS: Jawando, Katz

A. **Introduction - Zoning Text Amendment (ZTA) 21-05 - Rural Village Center (RVC) Overlay Zone - Vehicle Repair**

Introduced draft #1 of ZTA 21-05, sponsored by Mr. Glass. A public hearing is scheduled for September 14, 2021, at 1:30 P.M.

B. **Action - Subdivision Regulation Amendment (SRA) 21-01, Exemptions - Alcohol Production and Agritourism**

Enacted **Ordinance 19-18**, approving draft #3 of SRA 21-01.

The PHED Committee made the motion and the Ordinance was enacted by a roll call vote:


C. **Action - ZTA 21-01, Sign Ordinance - Bus Shelter Advertising**

Enacted **Ordinance 19-19**, approving draft #2 of ZTA 21-01.
The PHED Committee made the motion and the Ordinance was enacted by a roll call vote:


E. **Action - Additions to the Office of Zoning and Administrative Hearings’ Comprehensive Fee Schedule**

Ms. Navarro, Chair of the Government Operations and Fiscal Policy (GO) Committee reviewed the Committee’s recommendation as contained in the staff report.

Adopted **Resolution 19-951**, approving the additions to the Office of Zoning and Administrative Hearings’ Comprehensive Fee Schedule.

The GO Committee made the motion, which carried without objection.

(5) **CONSENT CALENDAR**

Approved the following consent calendar items listed below. Mr. Rice made the motion, which carried without objection.


B. **Adopted Resolution 19-953**, approving the Office of Legislative Oversight’s (OLO) FY 22 Work Program.

C. **Adopted Resolution 19-954**, approving the FY22 schedule of revenue estimates and appropriations.

D. **Adopted Resolution 19-955**, designating WorkSource Montgomery as the County’s Workforce Development Organization.

E. **Adopted Resolution 19-956**, appointments to the Public Election Fund Committee.

F. **Received and Released** the OLO’s Report 2021-10, A Study on Reassigning Traffic Enforcement from the Montgomery County Police Department to the Montgomery County Department of Transportation.

G. **Received and Released** the OLO’s Report 2021-9: The Impact of the COVID-19 Pandemic on Women.
H. Adopted Resolution 19-957, to Petition the State for Grants for the Montgomery College FY22 Capital Budget: $3,000,000 for furniture and equipment for the Takoma Park/Silver Spring Math and Science Center Project.

I. Adopted Resolution 19-958, confirming the County Executive’s appointments to the Animal Matters Hearing Board: Al Ferruggiaro, Pamela Easson, Norman Evans.

J. Adopted Resolution 19-959, confirming the County Executive’s appointment to the Domestic Violence Coordinating Council: Dinesh Patil.

K. Adopted Resolution 19-960, confirming the County Executive’s appointments to the Commission on Landlord-Tenant Affairs: Oma Ngwobia, Michael Rosenzweig, Stefanie Milovic.


M. Adopted Resolution 19-962, confirming the County Executive’s appointment to the Washington Suburban Sanitary Commission: T. Eloise Foster.

N. Approved the appointment of Mark Gheiler, William M. Hoffman, and David E. Miller to provide legal advice and representation to the County in connection with real estate transactions.

O. Introduced a special appropriation to County Government’s FY22 Operating Budget, Community Grants Non-Departmental Account (NDA) - $197,500 for Commission of Dominique Dawes Sculpture (Source of Funds: General Fund Reserves) and Amendment to Fiscal Year 2022 Operating Budget Resolution 19-872 Section G, FY22 Designation of Entities for Non-Competitive Contract Award Status: Hanlon Sculpture Studio LLC. A public hearing and action are scheduled for September 14, 2021, at 1:30 P.M.

The Council recessed at 12:56 P.M. and reconvened at 1:35 P.M.
6)  **PUBLIC HEARING** - Sectional Map Amendment (SMA) H-139 to implement the Approved and Adopted Germantown Plan for the Town Sector Zone

The public hearing was conducted. Mr. Friedson, Ms. Navarro and Mr. Riemer were temporarily absent. Additional material for the Council’s consideration should be submitted by the close of business on July 30, 2021. A Planning, Housing and Economic Development (PHED) Committee worksession will be scheduled at a later date.

7)  **PUBLIC HEARING/ACTION** - Special Appropriation to the County Government’s FY22 Operating Budget, Department of Health and Human Services (DHHS) COVID-19 Response: $2,665,260 for Maryland Department of Housing and Community Development, Neighborhood Revitalization for the Emergency Housing Program

The public hearing was conducted and the record closed.

Adopted Resolution 19-963, approving the subject special appropriation.

Mr. Katz made the motion, which carried without objection. Ms. Navarro was temporarily absent.

8)  **PUBLIC HEARING/ACTION** - Special Appropriation to the County Government’s FY22 Operating Budget COVID-19 Human Services and Community Assistance Non-Departmental Account (NDA) - $2,946,776 for Por Nuestra Salud y Bienestar (For Our Health and Wellbeing)

The public hearing was conducted and the record closed.

Supported, without objection, the following staff amendment, as contained in the staff report:

The County will seek reimbursement from FEMA for any eligible costs and will seek and allocate other grant resources that may appropriately fund the activities of Por Nuestra Salud y Bienestar.

Adopted Resolution 19-964, approving the subject special appropriation, as amended.

Mr. Albornoz made the motion, which carried without objection. Ms. Navarro was temporarily absent.
PUBLIC HEARING/ACTION - Special Appropriation to the County Government’s FY22 Operating Budget COVID-19 Human Services and Community Assistance Non-Departmental Account (NDA) - $1,701,809 for African American Health Program COVID Response and Resolution to Amend the County Government’s FY22 Operating Budget Resolution 19-872, Section G, Designation of Entities for Non-Competitive Contract Award Status: The National Center for Children and Families, Inc.

The public hearing was conducted and the record closed.

Adopted Resolution 19-965, approving the subject special appropriation.

Mr. Rice made the motion, which carried without objection. Ms. Navarro was temporarily absent.

PUBLIC HEARING/ACTION - Special Appropriation to the County Government’s FY22 Operating Budget, Department of Health and Human Service - $1,150,000 for Asian American Health Initiative COVID Response

The public hearing was conducted and the record closed.

Adopted Resolution 19-966, approving the subject special appropriation.

Mr. Albornoz made the motion, which carried without objection. Ms. Navarro was temporarily absent.

INTRODUCTION/ACTION - Resolution to Amend FY22 Operating Budget Resolution 19-872, Section G, Fiscal Year 2022 Designation of Entities for Non-Competitive Contract Award Status: Primary Care Coalition (for Asian American Health Initiative)

Introduced the subject resolution.


Mr. Katz made the motion, which carried without objection. Ms. Navarro was temporarily absent.
PUBLIC HEARING/ACTION - Special Appropriation to the County Government’s FY22 Operating Budget, DHHS – [$2,903,172] $3,183,185; Department of Recreation - $300,000; Community Engagement Cluster - $330,000; and Montgomery County Public Schools (MCPS) - $1,585,633 for Newcomers Enhancements and Assistance

The public hearing was conducted and the record closed.

Mr. Albornoz, Chair of the Health and Human Services (HHS) Committee, and Senior Legislative Analyst McMillan reviewed two amendments to the special appropriation made in the joint Health and Human Services (HHS) and Education and Culture (E&C) Committee: add $280,013 to fund four positions and two vans to enhance Street Outreach Network (SON) services; and shift $93,000 within the recommendation to allow the Department of Recreation to hire a merit administrator rather than a contractor.

Adopted Resolution 19-968, approving the subject special appropriation, as amended in Committee.

Mr. Albornoz made the motion, which carried without objection. Ms. Navarro was temporarily absent.

PUBLIC HEARING/ACTION - Special Appropriation to the County Government’s FY22 Operating Budget, DHHS - $816,067 for Community Services Block Grant (CARES)

The public hearing was conducted and the record closed.

Adopted Resolution 19-969, approving the subject special appropriation, as submitted by the County Executive.

Mr. Rice made the motion, which carried without objection. Ms. Navarro was temporarily absent.

PUBLIC HEARING/ACTION - Special Appropriation to the County Government’s FY22 Operating Budget, DHHS - $970,360 for FY22 American Rescue Plan Funding Increase for Head Start Programs

The public hearing was conducted and the record closed.

Adopted Resolution 19-970, approving the subject special appropriation, as submitted by the County Executive.
Mr. Albornoz made the motion, which carried without objection. Ms. Navarro was temporarily absent.

(14) PRESENTATION - OLO Report 2021-9: The Impact of the COVID-19 Pandemic on Women

Ms. Latham, Senior Legislative Analyst, and Ms. Simmons, Legislative Analyst, OLO, presented findings and recommendations in the subject OLO report.

Mr. Albornoz, Chair of the HHS Committee, thanked Mr. Jawando for initiating the study and for hosting a town hall on the subject.

(15) PRESENTATIONS - Montgomery County Council Summer Fellows

Eva Acevedo, Council Fellow; Iisis Chestnut, Office of Racial Equity and Social Justice Fellow; Madison Hollon, Department of Technology and Enterprise Business Solutions (TEBS) Fellow; Jamie Panarites, TEBS Fellow; David Paul, Council Fellow; Jonathan Robison, MCDOT Fellow; Rachel Schafer, Office of Innovation Fellow; and Andrew Wen, Council Fellow, presented their research papers and responded to questions from Councilmembers. Eva Acevedo presented a paper on A Framework for a Guaranteed Basic Income Pilot in Montgomery County; Iisis Chestnut presented a paper on A Year Post-Pandemic: An Analysis of Montgomery County’s Vaccine Response for BIPOC Communities; Madison Hollon presented a paper on Closing the Digital Divide: Expanding Broadband and Technology Accessibility in Montgomery County through Administrative Expansion; Jamie Panarites presented a paper on Technology Innovations from COVID-19 to Now: An Analysis and Framework to Evaluate Technology Innovations from the Pandemic; David Paul presented a paper on Care, not Custody: Implementing the Homeless Persons Docket; Jonathan Robison presented a paper on Green Access: A Transit to Trails Proposal for Montgomery County; Rachel Schafer presented a paper on Lessons in Outreach: Testing the Use of Behaviorally Informed Messaging 2021; and Andrew Wen presented a paper on Food Security in Montgomery County: Lessons Learned from the County’s COVID-19 Response Efforts.

(16) ACTION - Confirmation of County Executive’s appointments of Regional Services Center Directors: Luisa Cardona, Peter Fosselman, Jacob Newman, Greg Wims

Adopted Resolution 19-971, confirming the County Executive’s appointment of Luisa Cardona as Mid-County Regional Services Center Director; adopted Resolution 19-972, confirming the County Executive’s appointment of Peter Fosselman as Bethesda Regional Services Center Director; adopted Resolution
19-973, confirming the County Executive’s appointment of Jacob Newman, as Silver Spring Regional Services Center Director; and adopted Resolution 19-974, confirming the County Executive’s appointment of William Gregory Wims as Upcounty Regional Services Center Director.

Supported, without objection, Mr. Jawando’s motion to adopt the resolutions en bloc. Ms. Navarro was temporarily absent.

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION - Day #20

(16.5) Introduction of Bills:

A. Expedited Bill 33-21, Personnel - Employee’s Retirement System - Group E - Amendments

Introduced draft #1 of Expedited Bill 33-21, sponsored by the Council President at the request of the County Executive. A public hearing will be is scheduled for September 14, 2021, at 1:30 P.M.

(17) Call of Bills for Final Reading:

A. Bill 20-21, Swimming Pools - Lifeguard Requirement - Amendments

Mr. Albornoz, Chair of the HHS Committee, and Mr. Katz, one of the lead sponsors, gave comments on the purpose of subject legislation.

Enacted draft #4 of Bill 20-21, as shown at the end of these minutes.

The HHS Committee made the motion and the bill was enacted by a roll call vote.

YEAS: Glass, Jawando, Riemer, Katz, Rice, Friedson, Albornoz, Hucker
ABSENT: Navarro.

B. Bill 3-21 - Special Taxing Area Laws - Silver Spring Business Improvement District (BID) Established

Participating in the discussion was Mr. Drummer, Senior Legislative Attorney.
Mr. Riemer, as Chair of the PHED Committee, reviewed the purpose of the subject legislation to create a business improvement district in Silver Spring to provide marketing and promotion for the district. He also noted that creating a Main Street program for the Fenton Village area in the district will be taken up in the fall for the smallest businesses in Silver Spring.

Mr. Jawando expressed concerns about the BID governance structure; and the lack of involvement of small, minority business owners and the potential negative impacts on racial equity and social justice.

Several Councilmembers stated that they wished they had had more time to work through various issues and proposals, but noted it was best to move forward with the legislation and indicated that changes could be made at a later date. Stated the importance of continuing conversations on how to improve Silver Spring, especially with small business owners.

Discussed the legal requirements of the BID governance structure and the impact of restructuring the BID corporation. Mr. Jawando made a motion to table the legislation. The motion did not receive a second.

Enacted draft #9 of Bill 3-21, without change from the bill as amended by the joint PHED/GO Committee, as shown at the end of these minutes.

The joint PHED/GO Committee made the motion and the bill was enacted by a roll call vote:

YEAS: Glass, Riemer, Katz, Rice, Friedson, Albornoz, Hucker
NAYS: Jawando
ABSENT: Navarro.

The meeting adjourned at 4:23 P.M.

This is a correct copy of Council action.

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

(1) define the term “health club”
(2) exempt certain swimming pools at certain facilities from the requirement to have a lifeguard on duty when the pool is open for use;
(3) require posting of certain signage translated in certain languages;
(4) require health club contract to include a certain provision;
(5) require certain facilities with a swimming pool to have an emergency alert system;
(5) require an employee to regularly inspect swimming pool area; and
(6) generally amend County law relating to swimming pools.

By amending
Montgomery County Code
Chapter 51, Swimming Pools
Sections 51-1 and 51-10

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

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Sec. 1. Sections 51-1 and 51-10 are amended as follows:

51-1. Definitions.
In this Chapter, the following words have the following meanings:

* * *

Automatic pool cover means a mechanical device that completely covers the swimming pool surface automatically when activated, and meets the requirements of a power safety cover established by the American Society for Testing and Materials.

Health club means any licensed and registered corporation or business which offers or provides to the public, on a paid membership basis, services, facilities, instruction, training, or assistance in body building, weight loss, exercising, muscle toning, aerobics, or any other similar physical activity.

Hotel has the same meaning as in Code § 54-1.

* * *

51-10. Safety standards; lifeguards, [and] spa guards[,] and exemptions.

(b) Lifeguards.
(1) Except for public spas, health clubs, and hotels, as provided in paragraph (c), (d), and (e) [(d)], every public swimming pool must have at least one lifeguard with a valid infant/child/adult cardiopulmonary resuscitation (CPR) certificate from the American Red Cross, the American Heart Association, the National Safety Council, or a comparable program approved by the state Department of Health and Mental Hygiene, present when the pool is open for use.

(c) Public spas. A public spa must have at least one spa guard present when the spa is open for use. The spa guard must be available immediately to help in an emergency.

(d) Health club. A swimming pool located on the grounds of a health club is not subject to paragraph (b) of this section, if it:

(1) has a water surface area less than or equal to 2,500 square feet and maximum depth of five feet;

(2) is used only for members or guests who are at least 16 years of age; [(and)]

(3) includes posted safety, health, and warning signs, as required under subsection (f), translated in Spanish, French, Chinese, Korean, and other languages, as determined necessary by the Approving authority; and

(4) the owner complies with subsection (f) of this subtitle and all other provisions under Code of Maryland Regulations (COMAR) 10.17.01, Public Swimming Pools and Spas.

(e) Health club contracts – Disclosure Statement Required.
(1) A health club not subject to paragraph (b) of this section, must provide:

(A) a contract for health club services, at the initial point of sale, that includes a disclosure statement, signed and dated by the member, that indicates the facility will not have a lifeguard on duty while the swimming pool is in use.

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

(1) the hotel is properly licensed under Chapter 54; and

(2) [the hotel posts warning signs that meet the following:] the owner complies with subsection (f) of this subtitle and all other provisions under Code of Maryland Regulations (COMAR) 10.17.01, Public Swimming Pools and Spas.

(g) [][f] Safety Signs Required; Emergency Alert System.
(1) An owner of a public spa, health club, or hotel must post warning signs that meet the following:

(A) the size, color, design, application, symbol, and visual layout of a safety sign is in compliance with the ANSI Z-535 series of standards for Safety Signs and Colors as referenced in American National Standard for Public Spas;

(B) a safety sign is posted in a permanent location adjacent to a health club or hotel in compliance with the American National Standard for Public Spas;

(C) the safety sign includes the user load of the pool;
(D) a chemical warning sign is posted at the entrance door to a chemical storage area
and includes the text "Caution! Chemical Storage Area";

(E) a chemical vat, feeder, pump, and line is labeled to identify the chemical in use;

(F) a chlorine gas warning sign reading "Danger—Chlorine Gas" is posted at the
entrance to a chlorine gas feed room and storage area;

(G) other warning, health advisory, and safety signs are posted, as required by
Executive Regulation, if necessary to protect the public health and safety; and

(H) a pool that does not have a lifeguard on duty has a conspicuous sign posted
adjacent to entrances to the pool reading “Warning: No lifeguard on duty.
SWIM AT YOUR OWN RISK. Children under the age of [15] 16 are not
permitted to use the pool without adult supervision”; and

(2) the pool area has a functional and visible emergency alert system approved by
the Director of the Department of Health and Human Services that:

(A) connects directly to 9-1-1; and

(B) notifies an employee of the health club or hotel when activated; and

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

(4) the owner of the health club must have an employee who regularly inspects the
swimming pool area to ensure the well-being and safety of its members and guests.

Sec. 2. Transition. Following the effective date of this Act, the Department of Health and Human Services,
is allotted up to 120 days, to prepare and plan an educational training program that provides an overview of
COMCOR 51.00.02, Manual on Public Swimming Pool Operation, other related materials, and technical
assistance for applicable health clubs exempt from the lifeguard requirement under Section 51-10(d), as
amended.
AN ACT to:

(1) establish a business improvement district in Silver Spring;
(2) establish guidelines for the District and authorize a district corporation to manage the District;
(3) authorize a tax on nonexempt property located in the District to finance the operations of the district corporation; and
(4) generally amend the laws governing a business improvement district in Silver Spring.

By adding

Montgomery County Code
Chapter 62, Silver Spring Business Improvement District

**Boldface**

*Heading or defined term.*

**Underlining**

*Added to existing law by original bill.*

[**Single boldface brackets**]

*Deleted from existing law by original bill.*

**Double underlining**

*Added by amendment.*

[**Double boldface brackets**]

*Deleted from existing law or the bill by amendment.*

**Existing law unaffected by bill.**

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Sections 62-1, 62-2, 62-3, 62-4, 62-5, 62-6, 62-7, 62-8, and 62-9 are added as follows:

Chapter 62. [Reserved] Silver Spring Business Improvement District.

62-1. Definitions. As used in this Chapter:

Board means the board of directors of the Silver Spring Business Improvement District corporation.

Commercial tenant means a lessee or other lawful occupant, other than the owner, of nonexempt property within the District.

Condominium means property subject to a condominium regime as stated in §11-101 of the Real Property Article of the Annotated Code of Maryland.

Cooperative housing corporation means a corporation where each stockholder or member, by virtue of such ownership or membership, has a cooperative interest in the corporation as defined in §5-6B-01 of the Corporations and Associations Article of the Annotated Code of Maryland.

Department means the Department of Transportation or another County department or office designated by the Executive to perform functions under this Chapter.

District means the Silver Spring Business Improvement District established under this Chapter and covering the geographic area of the County described in Section 62-2.

District corporation means the Downtown Silver Spring Business Improvement District, Inc. which was formed to operate the Silver Spring Business Improvement District in accordance with this Chapter.

Homeowners association means an incorporated or unincorporated association with the authority to enforce the provisions of a declaration imposing a mandatory fee for the benefit of some or all of the lots in a development as defined in §11B-101 of the Real Property Article.

[[Maintaining streetscape amenities means cleaning, repairing, rehabilitating, or replacing streetscape amenities.]]

[[Maintaining the streetscape includes cleaning sidewalks, driveways, streets, and other public areas; collecting trash; and caring for trees and other plantings. Maintaining the streetscape includes streetscaping of the medians and street sweeping but does not include maintaining the road or the curbs.]]

Members of the district means the owners of nonexempt property in the District.

Nonexempt property means all real property in the District that is not exempt from paying real property taxes except as:

(1) condominium unit or cooperative housing corporation unit that exists on or before the date this law takes effect;

(2) homeowner’s association; and

(3) residential property with fewer than 4 dwelling units.

[[Streetscape amenity includes such items as bulletin boards and electronic displays; communication systems; containers for growing things; fountains and pools; drinking fountains; functional and decorative lighting; outdoor seating; restrooms; seating and other street furniture; shelters for pedestrians and persons using public transportation; non-standard paving; sidewalks; trees and other plantings; trash containers; vending booths and kiosks; works of art; any outdoor item that an optional method developer agreed to install and maintain as a condition of site plan approval; and other items of a similar character or purpose.]]


(a) Findings. The Council, after receiving an application to establish a district corporation and conducting a public hearing on the application, as required by §§12-608 and 12-609 of the Economic Development Article of the Annotated Code of Maryland, finds that a business improvement district would promote the general welfare of the residents, employers, employees, property owners, commercial tenants, consumers and the general public within the downtown area of Silver Spring.

(b) Established. The Silver Spring Business Improvement District is established pursuant to §§12-601 to 12-612 of the Economic Development Article of the Annotated Code of Maryland.

(c) Boundary. The Silver Spring Business Improvement District includes all land in the thirteenth election district of the County within the area described as follows:

[[(1) beginning at a point on the Maryland-District of Columbia boundary line at the intersection of the west right-of-way of Georgia Avenue with the Maryland-District of Columbia boundary line, and running in a northwesterly direction along the Maryland-District of Columbia boundary line, and crossing Sixteenth Street along an extension of that boundary line to its intersection with the west right-of-way line of Sixteenth Street;]]
then in a northerly direction along the west right-of-way line of Sixteenth Street, crossing
East-West Highway to its intersection with a southwesterly extension of the northerly
right-of-way line of Spring Street;
(3) then in a northeasterly direction along that extension crossing Sixteenth Street to its
intersection with the east right-of-way line of Sixteenth Street;
(4) then in a northeasterly direction along the northern right-of-way line of Spring Street,
crossing Second Avenue, First Avenue, Georgia Avenue, and Alton Parkway, then
continuing southeasterly crossing Fairview Road and Cameron Street, to its intersection
with Colesville Road;
(5) then in a southeastern direction along the extension of the northeastern boundary of
Spring Street across Colesville Road, crossing Roeder Road and across its intersection
with Ellsworth Drive;
(6) then in a southwesterly direction along the southeast right-of-way line of Cedar Street;
(7) then in a southeasterly direction along the northeast right-of-way line of Cedar Street,
crossing Wayne Avenue, to its intersection with the southeast right-of-way line of Wayne
Avenue;
(8) then in a southwesterly direction along the southeast right-of-way line of Wayne Avenue
to its intersection with Fenton Street;
(9) then in a southern direction along the eastern right-of-way of Fenton Street crossing
Bonifant Street, Easley Street, Thayer Avenue, and Silver Spring Avenue, Sligo Avenue,
to its intersection with Gist Avenue;
(10) then in a southern direction along the extension of the eastern right-of-way of Fenton
Street crossing Gist Avenue to the extension of its intersection with the south right-of-
way line of Gist Avenue;
(11) then in a western direction along the extension of the south right-of-way of Gist Avenue
crossing Fenton Street to its intersection with the west right-of-way line of Fenton Street;
(12) then in a western direction approximately 260 feet to the extension of the northeast corner
of Lot 44, Block C-1, Blair, as shown in Plat No. 23916, recorded November 20, 2008,
among the land records of Montgomery County, Maryland;
(13) then in a south and southwesterly direction along the east line of Lot 44, as shown in Plat
No. 23916, recorded November 20, 2008, among the land records of Montgomery
County, Maryland, to the northeast right-of-way line of Philadelphia Avenue;
(14) then crossing Philadelphia Avenue to the intersection of the southwestern right-of-way
line of Philadelphia Avenue and the east corner of Lot 58, Block H, Blair Section One, as
shown in Plat No. 7074, recorded June 20, 1963, among the land records of Montgomery
County, Maryland:
(15) then in a southwesterly direction along the lot line, which is the southeast line of Lot 58,
Block H Blair section One as shown in Plat No. 7974, recorded June 20, 1963, among
the land records of Montgomery County, Maryland, to its intersection with the northeast
lot line of Lot 34, Block H, Blair as shown in Plat No. 229, recorded June 7, 1922,
among the land records of Montgomery County, Maryland:
(16) then in a northwesterly direction along the northeast property line of Lot 34 to its
intersection with the common lot line, which is the east line of Lot 35 and the west lot
line of Lot 34, Block H, Blair, as shown in Plat 229, recorded June 7, 1922, among the
land records of Montgomery County, Maryland;
(17) then in a southwesterly direction along the common line of Lot 35 and Lot 34, Block H,
as shown in, Plat 229, recorded June 7, 1922, among the land records of Montgomery
County, Maryland, to the intersection of the northeast right-of-way line of Selim Road;
(18) then in a southeasterly direction along the northeastern right-of-way line of Selim Road
to its intersection with the northern right-of-way line of Burlington Avenue;
(19) then in a southwesterly direction along the extension of the northern right-of-way line of
Burlington Avenue crossing Selim Avenue;
(20) then in a southwesterly direction along the northern right-of-way of Burlington Avenue to
its intersection with the east right-of-way of Georgia Avenue;
(21) then in a western direction crossing Georgia Avenue to the western right-of-way.
Beginning at a point on the Maryland-District of Columbia boundary line at the intersection of the west right-of-way of Georgia Avenue with the Maryland-District of Columbia boundary line, and running in a northwesterly direction along the Maryland-District of Columbia boundary line, and crossing Sixteenth Street along an extension of that boundary line to its intersection with the west right-of-way line of Sixteenth Street;

Then in a northerly direction along the west right-of-way line of Sixteenth Street,
crossing East-West Highway to its intersection with a southwesterly extension of the northerly right-of-way line of Spring Street;

Then in a northeasterly direction along that extension crossing Sixteenth Street to its intersection with the east right-of-way line of Sixteenth Street;

Then in a southeasterly direction along the northern right-of-way line of Spring Street,
crossing Second Avenue, First Avenue, Georgia Avenue, and Alton Parkway, then southeasterly to its intersection with the northwest right-of-way line of Fairview Road;

Then in a northeasterly direction approximately 390 feet along the northwest right-of-way line of Fairview Road to its intersection with the westward extension of the southwest line of Lots 1 and 2, Block B, Section 4, Woodside Park, as recorded January 30, 1923, in Plat Book 3, Plat 244, among the land records of Montgomery County, Maryland;

Then crossing Fairview Road in a southeasterly direction along the southwest line of Lots 1 and 2, Block B, Section 4, Woodside Park, to its intersection with the southwest right-of-way line of Noves Drive;

Then in a southeasterly direction along the southwest right-of-way line of Noves Drive to its intersection with the northwest right-of-way line of Colesville Road;

Then crossing Colesville Road in a southeasterly direction to the intersection of the southeast right-of-way line of Colesville Road and the southwest line of the Silver Spring Public Library site, Parcel No. P959;

Then along that line to the southeast right-of-way line of Ellsworth Drive;

Then in a southeasterly direction along the southeast right-of-way line of Ellsworth Drive to its intersection with the common line of the Academy of the Holy Names site and the northeast line of Evanswood Sec. 1 Subdivision, also shown as the common lot line of Lot 9 and Lot 10, Evanswood Section One, as recorded March 2, 1932, in Plat Book 5, Plat 439 among the land records of Montgomery County, Maryland;

Then in a southeasterly direction along the northeast lot lines of Lots 1 through 9 as shown in Plat Book 5, Plat 439, recorded March 2, 1932, among the land records of Montgomery County, Maryland, crossing Pershing Drive along an extension of that line to its intersection with the southeast right-of-way line of Pershing Drive;

Then in a southeasterly direction along the southeast right-of-way line of Cedar Street;

Then in a southeasterly direction along the northeast right-of-way line of Cedar Street, crossing Wayne Avenue, to its intersection with the southeast right-of-way line of Wayne Avenue;

Then in a southeasterly direction along the southeast right-of-way line of Wayne Avenue for approximately 750 feet, to its intersection with the east lot line of Lot 24, Block 4, in Jordan's and Smith's Addition to Silver Spring Park, as recorded June 2, 1925, in Plat Book 4, Plat 301, among the land records of Montgomery County, Maryland;

Then in a southeasterly direction along the east line of Lot 24 to the southeast corner of Lot 24;

Then in a southeasterly direction approximately 15 feet to the northeast corner of Lot 14, Block 4, Jordan's and Smith's Addition to Silver Spring Park, as shown in Plat Book 4, Plat 301, recorded June 2, 1925, among the land records of Montgomery County, Maryland;
Then in a southeasterly direction along the east line of Lot 14, as shown in Plat Book 4, Plat 301, recorded June 2, 1925, among the land records of Montgomery County, Maryland, to the northwest right-of-way line of Bonifant Street;

Then in a southerly direction crossing Bonifant Street to the intersection of the southeastern right-of-way line of Bonifant Street and the northeast corner of Lot 5, Block U, Silver Spring Park, as shown in Plat Book 1, Plat 99, recorded April 4, 1909, among the land records of Montgomery County, Maryland, which is also the same as the northeast corner of Montgomery County Public Parking Facility 29;

Then in a southerly direction along the common lot line, which is the east line of Lot 5 and the west line of Lot 6 as shown in Plat Book 1, Plat 99, recorded April 4, 1909, among the land records of Montgomery County, Maryland, crossing Easley Street along the southern extension of that line to its intersection with the south right-of-way line of Easley Street;

Then in a westerly direction along the south right-of-way line of Easley Street approximately 50 feet to its intersection with the common lot line, which is the west line of Lot 7 and the east lot line of Lot 28, Block P, Silver Spring Park, as shown in Plat Book 1, Plat 99, recorded April 4, 1909, among the land records of Montgomery County, Maryland;

Then in a southerly direction along the common line of Lot 7 and Lot 28, Block P and the common line of Lot 18 and Lot 19, Block P, Silver Spring Park, as shown in Plat Book 1, Plat 99, recorded April 4, 1909, among the land records of Montgomery County, Maryland, crossing Thayer Avenue to the intersection of the south right-of-way line of Thayer Avenue and the common lot line which is the east lot line of Lot 5 and the west lot line of Lot 6, Block G, as shown on a "Map of Building Sites for Sale at Silver Spring," as recorded May 23, 1904, in Plat Book 1, Plat 54, among the land records of Montgomery County, Maryland;

Then in a southerly direction along the common lot line of Lot 5 and Lot 6, Block G, and with an extension of that line to the south right-of-way line of a 20-foot alley dividing Block G and Block H, as shown on the "Map of Building Sites for Sale at Silver Spring;"

Then in a westerly direction approximately 50 feet along the south line of that alley to its intersection with the common lot line, which is the east line of Lot 4 and the west line of Lot 5, Block H, as shown on the "Map of Building Sites for Sale at Silver Spring;"

Then in a southerly direction along the common lot line of Lot 4 and Lot 5, Block H, to its intersection with the northern right-of-way line of Silver Spring Avenue;

Then crossing Silver Spring Avenue to the intersection of the southern right-of-way line of Silver Spring Avenue and the common lot line, which is the east line of Lot 4 and the west line of Lot 5, Block I, as shown on the "Map of Building Sites for Sale at Silver Spring;"

Then in a southerly direction along the common lot line of Lot 4 and Lot 5, Block I, crossing a 20-foot alley dividing Block I and Block J, as shown on the "Map of Building Sites for Sale at Silver Spring," to its intersection with the south right-of-way line of that alley and the common lot line, which is the east line of Lot 4 and the west line of Lot 5, Block J, as shown on the "Map of Building Sites for Sale at Silver Spring;"

Then in a southerly direction along the common lot line of Lot 4 and Lot 5, Block J, to its intersection with the northern right-of-way line of Sligo Avenue;

Then along a southern extension of that common lot line of Lot 4 and Lot 5, Block J, to its intersection with the southern right-of-way line of Sligo Avenue;

Then in a northwesterly direction along the southern right-of-way line of Sligo Avenue to its intersection with the northeast corner of Lot 19, Block A, shown on a plat of Blair Section 1, recorded June 7, 1922, in Plat Book 3, Plat 229 among the land records of Montgomery County, Maryland;

Then in a southerly direction along the east line of Lot 19, Block A, to its intersection with the remainder of Lot 25, Block A, as shown on the plat of Blair Section 1, recorded June 7, 1922, in Plat Book 3, Plat 229, among the land records of Montgomery County, Maryland;
Then in an easterly direction approximately 15 feet to its intersection with the northwest corner of Lot 51, Block A, as shown on a plat of Blair Section 1, recorded November 16, 1935, in Plat Book 8, Plat 626, among the land records of Montgomery County, Maryland;

Then in a southerly direction along the west line of that Lot 51 to its intersection with the northern right-of-way line of Gist Avenue;

Then along a southerly extension of the west line of that Lot 51 to the southern right-of-way line of Gist Avenue;

Then in a westerly direction along the southern right-of-way line of Gist Avenue to its intersection with the eastern right-of-way line of Fenton Street;

Then in a southerly direction along the eastern right-of-way line of Fenton Street crossing Philadelphia Avenue, Isington Street, and New York Avenue to its intersection with the incorporated limit line of the City of Takoma Park;

Then in a southwesterly direction with the corporate limit line of the City of Takoma Park crossing the northeast right-of-way line of the B & O Railroad to its intersection with the southwest right-of-way line of the B & O Railroad;

Then in a southeasterly direction with the southwest right-of-way line of the B & O Railroad to its intersection with the northeast right-of-way line of Blair Road;

Then in a northwesterly direction along the northeast right-of-way line of Blair Road to its intersection with an extension of the southeast line of Parcel One, Yost's Addition to Silver Spring, as shown in Plat Book 85, Plat 8874, recorded March 13, 1968, among the land records of Montgomery County, Maryland;

Then in a southwesterly direction along that line to its intersection with the northeast line of Eastern Avenue, which is also the Maryland-District of Columbia boundary line;

Then in a northwesterly direction along the Maryland-District of Columbia boundary line to the point of beginning; and

Any lot that is partially within and partially outside of the areas under paragraphs (1) through (40).


(a) Establishment. The owners of nonexempt property in the District established a district corporation called the Downtown Silver Spring Business Improvement District, Inc., located at 8757 Georgia Avenue, Silver Spring, MD 20910, and applied to the County to manage the District. The application included:

(1) a statement setting forth:

(A) the proposed name and address of the district corporation; and

(B) the street address of each owner of nonexempt property within the District;

(2) a statement expressing the intent to establish a district corporation that is signed by:

(A) owners of at least 51% interest in the assessed value of the nonexempt property and, subject to subsection (b) of this section, a designated board member of a condominium or cooperative housing corporation within the proposed district; and

(B) owners of at least 51% of the total number of parcels of nonexempt property and, subject to subsection (b) of this section, a designated board member of a condominium or cooperative housing corporation within the District;

(3) a proposed 3-year business plan that contains:

(A) the goals and objectives of the District;

(B) the annual proposed business improvement district tax for the proposed district's common operations and the formula used to determine each member's district tax; and

(C) the maximum amount and the nature of start-up costs incurred before the District's establishment;

(4) a tax assessor's map of the geographic area of the District;

(5) a list of the proposed initial board of the proposed district corporation;

(6) the proposed articles of incorporation and the bylaws of the district corporation; and

(7) for all nonexempt property within the District:

(A) the name and mailing address of each owner; and
62-4. Board of directors.

(a) In general. A board of directors must govern the district corporation.

(b) Membership.

(1) Subject to paragraph (2) of this subsection, the board of a district corporation consists of [[at least five members, but no more than]] nine members, appointed by the members of the District.

(2) Appointment procedures.

(A) Until the first meeting of the board of directors, the entire board must consist of the 8 directors constituting the initial board of directors, as set forth in the district corporation’s articles of incorporation. Thereafter, the entire board must be comprised of [[such number of]] 2 directors [[that may be specified by resolution of the board. The directors must be classified by the time the directors hold office by dividing them into three classes, each of which shall contain the same number of directors (if necessary, one (1) class may contain one (1) more or one (1) less director than the other two (2) classes)]. After the initial members, the directors must be elected by the members. At the time of election, the Board must be comprised of:

(i) 3 representatives of an owner of property in the District assessed at more than $20 million;

(ii) 2 representatives of an owner of property in the District assessed at $20 million or less;

(iii) 1 representative of a business employing more than 50 full-time equivalent employees in the District; and

(iv) 3 representatives of a business employing 50 or less full-time equivalent employees in the District.

The Board must not include both an owner and a tenant of the same property in the District at the same time.

(B) The first election of directors by the members must be held within 120 days after the date this law takes effect. Subsequent elections must be held annually as provided in subparagraph C.

(C) The board must appoint a nominating committee, which must nominate a slate of candidates for each annual election. Members may nominate additional candidates at the meeting called for the purpose of electing directors. Members and persons other than members are eligible to become directors. Only directors may serve on a committee.

(i) Prior to the first election of directors, the nominating committee must nominate three slates of candidates; one slate to serve as the first class of directors for the term of 3 years; one slate to serve as the second class of directors for the term of 2 years and one slate to serve as the third class of directors for the term of 1 year. At the first election of
directors, the members must hold a separate election to elect each class of directors.

(ii) At each annual election of directors thereafter, the successors to the class of directors whose term expires that year must be elected for the term of 3 years, so that the term of office of one class of directors expires in each year.

(iii) For each election of directors, each member may cast no more than their total number of votes for any one candidate. Directors must not be elected through cumulative voting.

(iv) Each director elected by the members must serve until his or her successor is elected, or until his or her earlier death, resignation or removal in accordance with the district’s bylaws.

(c) Chair; officers. From among its members, the board must elect a chair and other officers.

(d) Quorum. A majority of the voting members of the board is a quorum.

The board may act on a resolution only by the affirmative vote of a majority of the voting members.

(e) Compensation; reimbursement for expenses. A member of the board:

must not receive compensation as a member of the board; but

may be reimbursed for expenses incurred in performing the member’s duties.

(f) Powers. The board must exercise its powers by resolution.

(g) Annual report. The board must file an annual report with the Executive and the Council that includes:

(a) Earnings. The net earnings of the district corporation must benefit only the district corporation.

(b) Powers.

Except as limited by its articles of incorporation, the district corporation has all the powers set forth in §§12-601 to 12-612 of the Economic Development Article of the Annotated Code of Maryland and this Chapter.

A district corporation may:

(A) receive money from the County, the State, other governmental units, or nonprofit organizations;

(B) charge fees for its services;

(C) have employees and consultants as it considers necessary; and

(D) use the services of other governmental units.

(c) Use of powers. A district corporation must operate and exercise its powers solely to accomplish one or more of the legislative purposes of §§12-601 to 12-612 of the Economic Development Article of the Annotated Code of Maryland and this Chapter.

62-6. Funding.

(a) Preliminary business improvement district tax roll. Within 10 days after the effective date of this law, the district corporation must provide the Executive and Council with a preliminary business improvement district tax roll.

(b) Imposition of business improvement district tax.

(1) The Council must impose a business improvement district tax to provide funds for the operation of the District.

(2) The Council must impose on members of the District the district tax at a rate specified by the board and approved by the Council.

(3) The tax imposed under this subsection must not count against the limits on the ad valorem weighted tax rate on real property [[tax revenue]] in Section 305 of the County Charter.
(c) Collection. The district tax must be collected in the same manner as real property taxes are
collected and distributed each quarter to the District.

(d) Reimbursement for collection costs. The district corporation must reimburse the County for the
costs incurred in collecting the district tax.

(e) Parking Lot District fees.

(1) The Council may transfer revenue from parking fees to the district corporation received
from the fees that are collected in the District.

(2) The amount of revenue from parking fees transferred to the district corporation must not
exceed the amount calculated by multiplying:

(A) the number of parking spaces in the District by
(B) the number of enforcement hours per year by
(C) $0.20 cents.]

Miscellaneous Revenue. All other revenues collected by a business improvement district
corporation, including charges for services and private contributions, must be used to benefit the
district corporation.


(a) In general. The district corporation must provide public services and facilities in the District that
are:

(1) primarily of benefit to the property and persons within the District rather than to the
County as a whole; and

(2) in addition to services and facilities that the County provides generally.

(b) Services. The district corporation must provide services that include [I:

(1) maintaining the streetscape and streetscape amenities on:

(A) public rights-of-way; and
(B) any property that is used by the general public;

(2) II promoting and programming public interest activities that benefit both residential and
commercial interests of the District (and which may incidentally benefit neighboring
communities) II;

(3) providing additional streetscape amenities and facade improvements; and

(4) monitoring activities to enhance the safety and security of persons and property in public
areas of the District[]I.

(c) Allocation of duties. The Department is not responsible for streetscaping of the medians and
street sweeping inside the curbs in the District. The Department is responsible for other
maintenance inside, and including, the curbs. Outside of the curbs, the Department is only
responsible for repair of standard concrete sidewalks. The district corporation is responsible for
brick or other non-standard sidewalk maintenance. This allocation of functions may be altered by
written agreement between the Department and the district corporation.

(d) Insurance. The district corporation must secure reasonable and appropriate insurance for its
activities.


(a) Expansion by the District. The District may expand the geographic area of the District if:

(1) a petition for inclusion is submitted from:

(A) owners of at least 51% interest in the assessed value of the nonexempt property
and, subject to subsection (b) of this section, a designated board member of a
condominium or cooperative housing corporation proposed for inclusion in the
district; and

(B) owners of at least 51% of the total number of parcels of nonexempt property
and, subject to subsection (b) of this section, a designated board member of a
condominium or cooperative housing corporation proposed for inclusion in the
district;

(2) the petition under paragraph (1) of this subsection is accepted by a majority vote of the
board of the district corporation; and

(3) the appropriate documents, as applicable, are submitted under §12-608 of the Economic
Development Article of the Annotated Code of Maryland and a hearing is held under
§12-609 of the Economic Development Article.

(b) Expansion by condominium or cooperative housing corporation.
Notwithstanding any other provision of this title and subject to paragraph (2) of this subsection, a condominium or cooperative housing corporation that is in the proposed expanded geographic area of the District may petition to join the expansion.

A condominium or cooperative housing corporation described under paragraph (1) of this subsection may petition to join the expansion only if:

(A) the condominium or cooperative housing corporation is governed by a board;

(B) the board votes to join the district corporation; and

(C) the board has a representative member of the board sign the appropriate documents required under §12-608 of the Economic Development Article.

For the purposes of the votes cast under subsection (a)(1):

(A) a condominium or cooperative housing corporation must be considered a single parcel; and

(B) the decision reached by the board must constitute the vote of the condominium or cooperative housing corporation.


(a) Review; development of procedures for evaluation. The Executive must:

(1) review the effectiveness and desirability of continuing the district every 3 years beginning from the time this Act takes effect;

(2) develop by method 2 regulation policies and procedures for evaluating the desirability of continuing the District; and

(3) recommend to the Council whether the District should continue.

(b) Effect of disapproval. If the Council adopts a resolution disapproving of the continuing existence of the District:

(1) the District must cease to exist as directed by the Council; and

(2) the district corporation must continue its existence only as long as necessary to terminate operation in a reasonable manner.