

Bill No. 4-16  
Concerning: Administration - Boards,  
Committees, and Commissions -  
Various Amendments  
Revised: April 6, 2016 Draft No. 2  
Introduced: March 1, 2016  
Enacted: April 12, 2016  
Executive: April 20, 2016  
Effective: July 20, 2016  
Sunset Date: None  
Ch. 12, Laws of Mont. Co. 2016

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Government Operations and Fiscal Policy Committee

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**AN ACT** to:

- (1) increase the membership of the Animal Matters Hearing Board, the Commission on Aging, the Commission on People with Disabilities, the Commission on Veterans Affairs, ~~[[the Commission on Child Care,]]~~ and the Library Board;
- (2) modify the membership of the Commission on Child Care;
- (3) eliminate the various geographical area recreation advisory boards;
- (4) rename the Recreation Board and modify its membership; and
- ~~[[3]]~~ (5) generally amend the law governing the appointment and operation of boards, committees, commissions, and task forces that operate as part of the County government.

By amending

Montgomery County Code  
Chapter 2, Administration  
Section 2-46

Chapter 5, Animal Control  
Section 5-104

Chapter 10A, Child Care  
Section 10A-4

Chapter 24, Health and Sanitation  
Section 24-61

Chapter 27, Human Rights and Civil Liberties  
Sections 27-35 and 27-51

Chapter 41, Recreation and Recreation Facilities  
Article III. Recreation Areas and Advisory Boards.  
Sections 41-21, 41-25, 41-26, 41-27, 41-28, 41-29, and 41-30

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<b>[Single boldface brackets]</b>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
<b>[[Double boldface brackets]]</b>	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

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

1           **Sec. 1. Sections 2-46, 5-104, 10A-4, 24-61, 27-35, 27-51, 41-21, 41-25, 41-**  
 2 **26, 41-27, 41-28, 41-29, and 41-30 are amended as follows:**

3 **2-46. Library board-Established; composition; term of members.**

4           There is a Montgomery County Library Board composed of [12] 13 members  
 5 appointed by the Executive from the County at large, including 1 member  
 6 recommended by Montgomery College, subject to the confirmation of the [county  
 7 council] Council], by the county executive]. The supervisor of school libraries is an  
 8 ex officio member of the board. A member is appointed for a term of 3 years. [, in an  
 9 appointment] A member appointed to fill a vacancy before a term expires [, the  
 10 successor] serves the rest of the unexpired term.

11 **5-104. Animal Matters Hearing Board.**

12           (a) *Jurisdiction.*

- 13           (1) As provided in this Chapter, the Animal Matters Hearing Board  
 14 has jurisdiction to hear:
- 15           (A) original complaints involving allegations of violations of  
 16 this Chapter or a violation of the terms of an adoption  
 17 agreement; and
- 18           (B) appeals from any decision or order of the Director.
- 19           (2) The Board must not enter an order that conflicts with a decision of  
 20 the County Circuit or District Court.
- 21           (3) The Board must not hear a complaint or an appeal involving the  
 22 seizure of an animal if the owner has been arrested and charged  
 23 with violating any provision of Title 10, Subtitle 6 of the Criminal  
 24 Law Article or Section 21-1004.1 of the Transportation Article of  
 25 the Maryland Code until the charges have been finally resolved by  
 26 the court with jurisdiction.

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(b) *Complaints.* A person may file a complaint with the Board alleging a violation of this Chapter or a violation of an animal shelter adoption contract. A complaint must be filed within one year after the alleged violation occurred.

(c) *Membership.*

(1) The Animal Matters Hearing Board consists of [5] 7 members appointed by the County Executive and confirmed by the County Council. The Board must include:

- (A) a representative of licensed animal fanciers;
- (B) a representative of the County Humane Society; and
- (C) [3] 5 public members.

(2) [The Executive must appoint, subject to Council confirmation, a qualified alternate for each member. The alternate may vote in place of the member when the member is absent.

(3)] The Executive may remove a member who misses three meetings during a fiscal year without permission of the Chair.

[(4)] (3) Each member [and alternate] serves for 3 years or until a successor takes office, whichever is later. A person appointed to fill a vacancy fills the remainder of the predecessor's term.

[(5)] (4) The Board must elect a Chair each year from among its members.

\* \* \*

**10A-4. Commission on child care.**

\* \* \*

(c) *Membership of Commission.*

(1) The members of the Commission are appointed by the County Executive, subject to confirmation by the County Council.

54 (2) The Commission has ~~[[18]]~~ 17 voting members and ~~[5] 6 to [7] 8~~  
55 nonvoting members. The County Executive should appoint the  
56 voting members so that:

57 [a.] (A) Seven members are providers of child care services.

58 The Executive should appoint providers of different types  
59 of child care services and providers to different age groups.  
60 These include family day care providers, group day care  
61 providers, private educational institutions, and providers  
62 serving infants, toddlers, pre-school and school-age  
63 children, and children with special needs.

64 [b.] (B) Five members are parents of children receiving child  
65 care services.

66 [c.] (C) Five members are selected from the business  
67 community and the general public.

68 [d.] ~~[[D]]~~ One member represents the Montgomery County  
69 chapter of the Maryland Municipal League.]]

70 (3) The Superintendent of Schools, the Chairman of the Montgomery  
71 County Planning Board, the President of Montgomery College, or  
72 their designees, are nonvoting members of the Commission. Two  
73 designees of the Director of the Department of Health and Human  
74 Services and one designee of the Director of the Community Use  
75 of Public Facilities are also nonvoting members of the  
76 Commission. In addition, upon recommendation of the  
77 Commission, the Executive may designate representatives of up to  
78 2 public agencies to serve as nonvoting members. The Executive  
79 may appoint these additional members to serve less than [three-  
80 year] 3-year terms.

81 (4) Each member must reside or work in Montgomery County.

82 \* \* \*

83 **24-61. Commission on Veterans Affairs.**

84 (a) Definition. In this Section "Commission" means the Commission on  
85 Veterans Affairs.

86 (b) Established. The County Executive must appoint, subject to confirmation  
87 by the Council, a Commission on Veterans Affairs.

88 (c) Composition; Term.

89 (1) The Commission has 16 voting members.

90 (2) The Executive should appoint 8 members who are veterans and  
91 may be a member of a veterans group, such as:

92 (A) Vietnam Veterans of America;

93 (B) American Veterans (AMVETS);

94 (C) Disabled American Veterans;

95 (D) Veterans of Foreign Wars;

96 (E) Women Veterans of America;

97 (F) American Legion; or

98 (G) Military Order of the Purple Heart.

99 (3) The Executive must appoint 4 members to represent the general  
100 public.

101 (4) The Executive must designate the following ex officio members:

102 (A) the Director of the Department of Health and Human  
103 Services, or the Director's designee;

104 (B) the Director of the Department of Economic Development,  
105 or the Director's designee;

106 (C) the County Executive or the Executive's designee; and

107 (D) the President of Montgomery College or the President's  
 108 designee.

109 (5) The Executive must invite a representative of the County's  
 110 Congressional delegation who is either a member of the delegation  
 111 or an individual designated to represent the delegation to be a non-  
 112 voting member of the Commission.

113 (6) The Executive must appoint a member of the Commission on  
 114 People with Disabilities as a non-voting member.

115 (7) The term of each member is 3 years.

116 [(7)] (8) The Executive must designate a chair and a vice-chair from  
 117 among the Commission's members.

118 [(8)] (9) After an appointment to fill a vacancy before a term expires,  
 119 the successor serves the rest of the unexpired term.

120 \* \* \*

121 **27-35. Creation; composition; appointment; terms and compensation of**  
 122 **members; meetings; quorum; reports.**

123 (a) *Creation and composition; appointment of members; election of officers.*

124 There is hereby established a commission on aging [. The commission  
 125 shall consist of no less than] with at least eighteen (18) members  
 126 appointed by the [county executive] Executive, subject to confirmation  
 127 by the [county council] Council. [Membership shall] After considering  
 128 the recommendations of the commission, the Executive must appoint a  
 129 majority of members who are [consist of the] older citizens. In addition,  
 130 each member must be:

131 (1) a County resident; and

132 (2) an individual who is or who has been active in business, industry,  
 133 labor, community service, religion, welfare, education, the



- 161 (B) Department of Transportation; [and]
- 162 (C) Human Rights Commission; and
- 163 (D) Commission on Veterans Affairs; and
- 164 (5) two nonvoting members from the Department of Health and
- 165 Human Services.

166 The County Executive appoints Commission members. The County Executive  
 167 appoints voting members subject to confirmation by the County Council. The  
 168 County Executive may appoint additional nonvoting members from other  
 169 governmental agencies. All appointments are for a [3 year] 3-year term  
 170 beginning October 1, except appointments to fill unexpired terms. If a vacancy  
 171 occurs on the Commission, the County Executive should appoint a successor to  
 172 complete the unexpired term within 60 days of the occurrence of the vacancy.  
 173 After receiving recommendations of Commission members, the County  
 174 Executive must appoint the chairperson and vice chairperson of the Commission,  
 175 subject to confirmation by the County Council.

176 \* \* \*

177 **Article III. Recreation Areas and Advisory Boards.**

178 \* \* \*

179 **41-21. Recreation ~~[[board]]~~ and Parks Advisory Board.**

- 180 (a) There is a County Recreation and Parks Advisory Board. Each member
- 181 is appointed by the County Executive and confirmed by the County
- 182 Council for a 3-year term beginning on July 1. A member serves until a
- 183 successor is appointed and confirmed.
- 184 (b) The voting members of the Board are:
  - 185 (1) ~~[[1 representative]]~~ 3 representatives from each recreation area
  - 186 [advisory board]; and

- 187 (2) [[15]] 6 members appointed from the County at-large to represent  
 188 a cross-section of the population of the County.
- 189 (c) The ex officio, nonvoting members of the Board are:
- 190 (1) a representative of the Department of Parks of the Maryland-  
 191 National Capital Park and Planning Commission;
- 192 (2) an administrative representative of the Board of Education;
- 193 (3) the immediate past Chair of the County Recreation Board, unless  
 194 that person serves on the Board in another capacity;
- 195 (4) a representative of the Office of Community Use of Public  
 196 Facilities;
- 197 (5) a representative of the Community Action Board;
- 198 (6) a representative of the Commission on Aging; and
- 199 (7) a representative of the Commission on People with Disabilities.

200 **[41-25. Recreation area advisory boards-Created.**

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

204 **[41-26. Same-Purpose; goals and opportunities.**

205 The recreation area advisory boards shall encourage the development of  
 206 desirable recreational and park opportunities in the designated recreation areas  
 207 of the county, so that all the people may live enriched lives, find greater  
 208 enjoyment and happiness, have better mental health, greater physical vitality  
 209 and deeper moral strength. To accomplish this purpose, each board shall be  
 210 concerned with the following recreational goals and opportunities:

- 211 (a) Opportunities that reflect the interests and needs of recreation area  
 212 residents.
- 213 (b) Opportunities within the financial ability of all the people.

- 214 (c) Equality of opportunity for all people, regardless of race, origin, religion,  
215 age or sex.
- 216 (d) Year-round opportunity for all ages and both sexes.
- 217 (e) A wide range and diversity of individual choices (e.g., camping, dance,  
218 drama, athletics, fine arts, performing arts, games, music, social  
219 recreation, crafts and special events).
- 220 (f) A balanced emphasis within the range of individual choices.
- 221 (g) Opportunities for varying degrees of skill.
- 222 (h) Opportunities for the individual, the family and groups.
- 223 (i) Opportunities for progressive advancement.
- 224 (j) Opportunities for creative expression.
- 225 (k) Active and passive opportunities.
- 226 (l) Opportunities that utilize other community resources.
- 227 (m) Relating opportunities to other community agencies.
- 228 (n) Opportunities for residents to participate in recreational planning.
- 229 (o) Assistance to individuals and groups seeking their own opportunities.
- 230 (p) Indoor and outdoor recreation opportunities centrally located and easily  
231 accessible.
- 232 (q) Advice on the acquisition of open space to satisfy recreational pursuits,  
233 prevent overcrowding, make the district a more attractive place to live,  
234 conserve wooded areas and stream valleys, preserve historical, geological  
235 and horticultural features, and preserve areas of natural beauty.
- 236 (r) Recreation grounds and facilities based upon user interests and needs and  
237 population ratio.]

238 **[41-27. Membership.**

- 239 (a) Each recreation area advisory board consists of 9 members and 2  
240 alternates, each of whom resides in the designated recreation area. Each

241 member is appointed by the county executive, subject to confirmation by  
242 the county council. Individual appointments to a board must reflect a  
243 wide diversity of recreational interests. The Executive must consider  
244 geographical representation from different neighborhood centers in the  
245 recreation area. In order to maintain continuity on each recreation area  
246 advisory board, the Executive must appoint 3 members of each board  
247 annually and appoint the 2 alternates every 3 years. Each member serves  
248 3 years or until a successor is confirmed. A regular board member must  
249 not serve more than 2 consecutive full terms, but any member may be  
250 reappointed after a lapse of one year. A vacancy occurring before a term  
251 expires is filled for the remainder of the unexpired term of the  
252 predecessor. Appointments to unexpired terms are not a full term.

- 253 (b) When the Executive appoints an alternate member of a recreation area  
254 advisory board, the Executive must designate whether the appointee  
255 would serve as the primary or secondary alternate. Alternate members  
256 may participate in board discussions but must not vote unless acting for  
257 an absent board member. When a board member resigns, the first  
258 alternate becomes a full member for the remainder of the former  
259 member's term and the second alternate becomes the first alternate.
- 260 (c) A municipality with an active recreation program in a designated County  
261 recreation area may designate one or more representatives to serve as  
262 non-voting, ex officio members of the recreation area advisory board for  
263 that area.
- 264 (d) The members of each board serve without compensation. The department  
265 of recreation must designate a department employee to advise each board,  
266 and the director of the department must ask the Maryland-National

267 Capital Park and Planning Commission to have a staff member present at  
268 meetings of each board.]

269 **[41-28. Same-Chairperson and vice-chairperson.**

270 The chairperson and vice-chairperson shall be elected by each recreation area  
271 advisory board from among its members. The term of the chairperson and vice-  
272 chairperson shall be one (1) year, and each shall be eligible for reelection for an  
273 additional one-year term. No chairperson or vice-chairperson shall serve  
274 consecutively for more than two (2) years.]

275 **[41-29. Meetings; quorum.**

276 Each recreation area advisory board meets in public session on call by the  
277 chairman as frequently as necessary to perform its duties, but not less than 10  
278 times annually. Reasonable notice must be given for all meetings of the board.  
279 A majority of the members of the board is a quorum for the transaction of  
280 business, and a majority vote of those present at any meeting is required for any  
281 action taken by the board.]

282 **[41-30. Duties.**

283 Each board must advise the county recreation board, the county  
284 executive, the county council, the director of the county department of  
285 recreation, and the Montgomery County Planning Board about the appropriate  
286 number and nature of recreation programs, neighborhood and community parks,  
287 and facilities for leisure activities and the well-being of county residents. A  
288 board also may:

- 289 (a) Study and appraise the existing and future recreation needs of its  
290 recreation area in terms of program, facilities and services, and suggest  
291 plans to meet those needs.
- 292 (b) Provide general comments on annual budget requests for recreation and  
293 parks, programs and facilities.

- 294 (c) Support high standards in recreation leadership and in quality of program
- 295 service.
- 296 (d) Encourage cooperation with other related agencies and assist in
- 297 correlating community forces for the development of recreation and
- 298 parks.
- 299 (e) Render advice on the design and layout of recreation grounds and
- 300 facilities.
- 301 (f) Advise the county council on legislative and budgetary matters regarding
- 302 recreation.
- 303 (g) Inform the Regional Citizens Advisory Board about matters related to
- 304 recreation and parks, and collaborate with the Regional Board on planning,
- 305 conservation, environment, and other issues that affect park and recreation
- 306 facilities and services.]

308 *Approved:*

309 *Nancy Floreen* *April 13, 2016*  
 Nancy Floreen, President, County Council Date

310 *Approved:*

311 *Isiah Leggett* *April 20, 2016*  
 Isiah Leggett, County Executive Date

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

313 *Linda M. Lauer* *April 20, 2016*  
 Linda M. Lauer, Clerk of the Council Date