

**Action**

**MEMORANDUM**

July 10, 2009

TO: County Council

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

SUBJECT: **Action:** Bill 13-09, Consumer Protection – Advisory Committee – Membership

**Public Safety Committee recommendation:** enact Bill 13-09

Bill 13-09, Consumer Protection – Advisory Committee – Membership, sponsored by Councilmember Leventhal, was introduced on March 31, 2009. A public hearing was held on April 28 at which only a representative for the Executive testified (©6).

Bill 13-09 would modify the membership of the Advisory Committee on Consumer Protection. Current law requires 2 Committee members to be members of either the Better Business Bureau or a county-wide association of merchants. This criterion excludes individuals who are members of local merchant associations, but are not members of a county-wide association of merchants. Bill 13-09 would fill this gap. **The Public Safety Committee held a worksession on Bill 13-09 on June 25 and recommended approval.**

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Bill No. 13-09  
Concerning: Consumer Protection –  
Advisory Committee – Membership  
Revised: 3/17/2009 Draft No. 1  
Introduced: March 31, 2009  
Expires: October 1, 2010  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: \_\_\_\_\_  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Councilmember Leventhal

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**AN ACT** to:

- (a) modify the membership of the Advisory Committee on Consumer Protection; and
- (b) generally amend the law related to consumer protection.

By amending

Montgomery County Code  
Chapter 11, Consumer Protection  
Section 11-3

**Boldface**

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

\* \* \*

*Heading or defined term.*

*Added to existing law by original bill.*

*Deleted from existing law by original bill.*

*Added by amendment.*

*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:*

1           **Sec. 1. Section 11-3 is amended as follows:**

2   **11-3. Advisory Committee on Consumer Protection.**

3           (a)   *Creation [and composition; appointment of members; chair].* [There is]  
4           The County Executive must appoint, subject to confirmation by the  
5           Council, an Advisory Committee on Consumer Protection[,which  
6           consists of].

7           (b)   Composition; term.

8           (1)   The Committee has 9 [persons appointed by the County  
9           Executive, subject to confirmation by the County Council. The  
10          membership] members, which must reflect a cross-section of  
11          consumer and business interests. Of the members appointed:

12          (A)   [At] at least 2 members must be members of the Better  
13          Business Bureau, the Montgomery County Chamber of  
14          Commerce or a local chamber of commerce, or of another  
15          County-wide or local association of merchants[.];

16          (B)   [At] at least 1 member must be a member of the  
17          Community Action Board[.]; and

18          (C)   [a second] 1 member must be recommended by the  
19          Community Action Board.

20          (2)   If, after written notice to these groups, no application is received  
21          from a member of these groups, and no recommendation is  
22          received from one of these groups, the Executive may appoint a  
23          person from the public-at-large.

24          (3)   Each member serves a 3 year term. A member appointed to fill a  
25          vacancy serves the rest of the unexpired term. Each member  
26          continues in office until a successor is appointed and confirmed.

27 (c) Officers. The Committee must elect one member as chair and another  
28 member as vice chair, each to serve in that capacity at the pleasure of  
29 the Committee, and such other officers as it determines.

30 [(b)] (d) \* \* \*

31 [(c)] (e) \* \* \*

32 [(d)] (f) \* \* \*

33 *Approved:*

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Philip M. Andrews, President, County Council Date

35 *Approved:*

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Isiah Leggett, County Executive Date

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

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Linda M. Lauer, Clerk of the Council Date

## LEGISLATIVE REQUEST REPORT

Bill 13-09, *Consumer Protection – Advisory Committee – Membership*

**DESCRIPTION:** Bill 13-09 would modify the membership of the Advisory Committee on Consumer Protection; and generally amend the consumer protection law.

**PROBLEM:** The current membership criteria for the Advisory Committee requires 2 members to be members of either the Better Business Bureau or a county-wide association of merchants. This criterion excludes individuals who are members of local merchant associations, but are not members of a county-wide association of merchants.

**GOALS AND OBJECTIVES:** To provide additional flexibility for the Executive to appoint members of the business community.

**COORDINATION:** Office of Consumer Protection

**FISCAL IMPACT:** To be requested.

**ECONOMIC IMPACT:** To be requested.

**EVALUATION:** To be requested.

**EXPERIENCE ELSEWHERE:** To be researched.

**SOURCE OF INFORMATION:** Amanda Mihill, Legislative Analyst, (240) 777-7815.

**APPLICATION WITHIN MUNICIPALITIES:** To be researched.

**PENALTIES:** N/A

B13-09



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OFFICE OF MANAGEMENT AND BUDGET

Isiah Leggett  
County Executive

Joseph F. Beach  
Director

MEMORANDUM

041625

April 10, 2009



TO: Phil Andrews, President, County Council  
FROM: Joseph F. Beach, Director *Joe Beach*  
SUBJECT: Bill No. 13-09, Consumer Protection – Advisory Committee Membership

2009 APR 10 PM 2:05  
MONTGOMERY COUNTY  
OFFICE OF THE COUNTY  
COUNCIL

The purpose of this memorandum is to transmit a fiscal and economic impact statement to the Council on the subject legislation.

LEGISLATION SUMMARY

Bill 13-09 would modify the membership of the Advisory Committee on Consumer Protection and generally amend the consumer protection law. The bill would provide additional flexibility for the Executive, to appoint members of the business community to the Advisory Committee, subject to confirmation by the Council.

FISCAL and ECONOMIC IMPACT

Bill 13-09 has no fiscal or economic impact. The following contributed to and concurred with this analysis: Eric Friedman of the Office of Consumer Protection, Michael Coveyou and David Platt of the Department of Finance, and Phil Weeda of the Office of Management and Budget.

JFB:pw

- c: Kathleen Boucher, Assistant Chief Administrative Officer
- Dee Gonzalez, Offices of the County Executive
- Eric Friedman, Office of Consumer Protection
- Marc Hansen, Office of the County Attorney
- Michael Coveyou, Department of Finance
- David Platt, Department of Finance
- Angela Dizelos, Office of Management and Budget
- Brady Goldsmith, Office of Management and Budget
- Phil Weeda, Office of Management and Budget

Office of the Director

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**Testimony of Evan Johnson, Administrator  
Office of Consumer Protection  
On Behalf of County Executive Isiah Leggett  
Regarding Bill 13-09, Consumer Protection—Advisory Committee—Membership**

**Good afternoon. My name is Evan Johnson. I am an Administrator for the Office of Consumer Protection. Thank you for the opportunity to testify on behalf of the County Executive on Bill 13-09, which deals with the requirements to be a business member of the Advisory Committee on Consumer Protection.**

**Section 11-3(a) of the County Code currently specifies that at least 2 members of the 9 member Committee be members of the Better Business Bureau or another County-wide association of merchants, such as the Montgomery County Chamber of Commerce. Bill 13-09 stipulates that business members of the Advisory Committee may be members of a local chamber of commerce or another local association of merchants, and do not necessarily have to be members of a County-wide association of merchants.**

**The effect of Bill 13-09 is to somewhat broaden the definition of business members of the Advisory Committee while still ensuring that these members have the background to represent the interests of business in Montgomery County. We will work with the local chambers when it is time to recruit for these positions.**