

Expedited Bill No. 32-07  
Concerning: Environmental Sustainability  
- Climate Protection Plan  
Revised: 4/22/2008 Draft No. 13  
Introduced: November 20, 2007  
Enacted: April 22, 2008  
Executive: May 5, 2008  
Effective: May 5, 2008  
Sunset Date: None  
Ch. 9, Laws of Mont. Co. 2008

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

---

By: Councilmembers Berliner, Leventhal, Andrews, Elrich, Floreen, and Ervin

---

**AN EXPEDITED ACT** to:

- (1) establish goals to reduce Countywide greenhouse gas emissions by certain amounts by certain dates;
- (2) create and specify the membership and duties of a Sustainability Working Group;
- [[2]] (3) require the [[Director of the Department of Environmental Protection]] Sustainability Working Group to prepare a Climate Protection Plan designed to achieve Countywide goals for greenhouse gas emissions;
- [[3]] (4) require the [[Directors of the Department of Environmental Protection and Department of Finance]] Sustainability Working Group to evaluate the costs and benefits of converting the fuel energy tax to a carbon tax;
- [[4]] (5) require the [[Director of the Department of Environmental Protection]] Sustainability Working Group to recommend whether the County should join a cap and trade program;
- [[5]] (6) make stylistic changes; and
- [[6]] (7) generally amend the law relating to energy and environmental policy.

By amending

Montgomery County Code  
Chapter 18A, Energy Policy  
Sections 18A-1, 18A-5, 18A-8, and 18A-10

By adding

Montgomery County Code  
Chapter 18A, Energy Policy  
Article [[I]] 2. Climate Protection

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

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

1           **Sec. 1.** The title to Chapter 18A and Section 18A-1, Section 18A-5,  
2 Section 18A-8, and Section 18A-10 are amended as follows:

3                           **Chapter 18A. [ENERGY POLICY] ENVIRONMENTAL**  
4   **SUSTAINABILITY.**

5   **Article [ ] 1. Energy.**

6 **18A-1. Findings and statement of purpose.**

- 7           **(a)** In the interest of maintaining an adequate and reliable energy supply at  
8 reasonable cost, the County government recognizes the need to  
9 institutionalize through legislation an energy policy and energy planning  
10 program. In addition, the efficient use of energy directly benefits air  
11 quality, demonstrating the linkages necessary to achieve essential  
12 environmental goals. For this reason, the responsibilities of the  
13 Advisory Committee on Energy Conservation are expanded to include  
14 an advisory function with respect to air quality.
- 15           **(b)** The intent of this [Chapter] Article is to provide the initiative for  
16 County government to address energy issues and plan for a future which  
17 may be energy resource-constrained. It establishes the means to  
18 formulate ongoing policies, plans, programs and activities designed to  
19 foster energy conservation and to promote cost-effective alternatives to  
20 existing sources of energy and patterns of energy consumption while  
21 *maintaining* efforts to meet environmental goals.
- 22           **(c)** This [Chapter] Article is intended to serve as a vehicle for the  
23 promotion of energy consciousness throughout all segments of the  
24 community and for the development and implementation of immediate  
25 and long-range cooperative energy planning efforts in both the public  
26 and private sectors.

27 **18A-5. Energy and Air Quality Advisory Committee; establishment; terms**  
28 **of office; ex-officio members [; etc].**

29 (a) There is hereby established an Advisory Committee on Energy and Air  
30 Quality[, hereinafter referred to as the Committee,] to assist the County  
31 Council and the County Executive in carrying out the purposes of this  
32 [Chapter] Article and Chapter 3. The Committee consists of 15  
33 members appointed by the County Executive, subject to confirmation  
34 by the County Council. One member must be designated by the  
35 Executive and confirmed by the Council to serve as chair of the  
36 Committee. [Appointees] Each appointee must be [citizens] a resident  
37 of the County who [are] is technically knowledgeable and interested in  
38 energy and air quality.

39 \* \* \*

40 **18A-8. Duties and responsibilities.**

41 The Committee has the following duties:

42 (a) Advise the County Executive and the County Council of the activities of  
43 the Committee in furthering the goals of this [Chapter] Article and  
44 Chapter 3;

45 \* \* \*

46 (f) Carry out [such other] duties [as may be] assigned from time to time by  
47 the County Executive and the County Council to assist in fulfilling the  
48 purposes of this [Chapter] Article.

49 **18A-10. Administrative arrangements; support and organizational duties**  
50 **and functions of county government.**

51 (a) The County Executive must designate a senior officer or employee of  
52 the executive branch of County government to provide executive

53 direction to the performance of the functions and responsibilities  
54 delineated in this [Chapter] Article and to report annually to the  
55 Executive and Council on the activities undertaken to further the goals  
56 of this [Chapter] Article.

57 (b) The County Executive may also establish [such] organizational and  
58 administrative arrangements as appropriate to promote the policies and  
59 purposes of this [Chapter] Article, including the following functions:

60 \* \* \*

61 **Sec. 2. Chapter 18A is amended by adding Article II. Climate Protection**  
62 **as follows:**

63 **Article [[II]] 2. Climate Protection.**

64 **18A-12. Definitions**

65 In this Article, the following words have the meanings indicated:

66 “Cap and trade program” means a program that places a limit on the  
67 aggregate net greenhouse gas emissions of the participants, while allowing the  
68 transfer or sale of greenhouse gas emission allowances.

69 “Carbon dioxide equivalent” means a given weight of a greenhouse gas that  
70 has the same global warming potential, measured over a specified time, as a  
71 given weight of carbon dioxide.

72 “Climate Protection Plan” means the plan to reduce the level of Countywide  
73 greenhouse gas emissions prepared under Section [[18A-13]] 18A-14.

74 “Countywide greenhouse gas emissions” means the total annual greenhouse  
75 gas emissions in the County, measured in tons of carbon dioxide equivalents,  
76 including all emissions from electricity generated outside the County but  
77 consumed in the County.

78 “Department” means the Department of Environmental Protection.

79 “Director” means the Director of the Department or the Director’s designee.  
 80 “Greenhouse gas” includes carbon dioxide, methane, nitrous oxide,  
 81 hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and any other  
 82 gas or substance the Director finds to be a significant contributor to global  
 83 warming.

84 **18A-13. Sustainability Working Group.**

85 (a) Definition. In this Section, “Group” means the Sustainability Working  
 86 Group.

87 (b) Established. The Executive must appoint, subject to confirmation by  
 88 the Council, a Sustainability Working Group.

89 (c) Members.

90 (1) The Group has [[25]] 26 members.

91 (2) The Executive must appoint a representative from each of the  
 92 following Departments to serve as an ex officio member:

93 (A) Environmental Protection;

94 (B) Economic Development;

95 (C) Finance;

96 (D) General Services;

97 (E) Management and Budget;

98 (F) Permitting Services;

99 (G) Public Information; and

100 (H) Transportation.

101 (3) The Executive must invite one representative from each of the  
 102 following to serve as an ex officio member:

103 (A) County Council;

104 (B) County Planning Board;

105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128

- (C) Washington Suburban Sanitary Commission;
- (D) Montgomery County Public Schools;
- (E) Montgomery College; [[and]]
- (F) a municipal government in the County[.]; and
- (G) an appropriate regional organization.

(4) The Executive must appoint 11 public members. The public members should include:

- (A) representatives of the business community;
- (B) representatives of land development or building interests;
- (C) representatives of energy distribution or supply firms;
- (D) persons with expertise in stormwater management;
- (E) persons with expertise in clean energy and air quality;
- (F) persons with expertise in forest and habitat protection;
- (G) members of civic organizations active in County affairs;
- (H) persons with scientific and academic expertise; and
- (I) representatives of communications and media interests.

(5) The term of each member is 3 years. If a member is appointed to fill a vacancy before a term expires, the successor serves the rest of the unexpired term.

(d) Voting, officers, chairs, meetings, and compensation.

- (1) Each member of the Group is a voting member.
- (2) The Executive must [[designated]] designate the Director of the Department of Environmental Protection and a public member to be Co-chairs.

- 129           (3)   The Group meets at the call of the Co-chairs. The Group must  
130                   meet as often as necessary to perform its duties, but not less than  
131                   quarterly.
- 132           (4)   A member serves without compensation. However, a member  
133                   may request reimbursement for mileage and dependent care costs  
134                   at rates established by the County.
- 135           (e)   Subcommittees. [[The Group may establish and appoint one or more  
136                   subcommittees, which may include persons who are not members of the  
137                   Group.]] The Co-chairs, with the approval of the Group, may create  
138                   one or more subcommittees to assist in carrying out any function of the  
139                   Group. Any subcommittee must consist of at least 3 members. Any  
140                   subcommittee action is not the action of the Group and must not bind  
141                   the Group or its members. The Co-chairs must select the chair and  
142                   members of each subcommittee, which may include persons who are  
143                   not members of the Group. However, the chair of each subcommittee  
144                   must be a member of the Group.
- 145           (f)   Duties. By January 15, 2009, the Group must:
- 146                   (1)   conduct the greenhouse gas emissions inventory and recommend  
147                   the Climate Protection Plan as required under Section 18A-14;
- 148                   (2)   conduct the annual inventory of the County's sport utility  
149                   vehicles and develop criteria to identify positions in County  
150                   government that should be assigned sports utility vehicles as  
151                   required under Section 18A-19;
- 152                   (3)   evaluate the costs and benefits of a car share program as required  
153                   under Section 18A-22;



- 154           (4) prepare a Telecommuting Action Plan as required under Section  
155                 33-24;
- 156           (5) develop an energy baseline, energy unit savings plan, and energy  
157                 cost savings plan for each County building as required under  
158                 Section 8-14B;
- 159           (6) evaluate options to create incentives for owners of commercial,  
160                 multi-family residential, and single-family residential buildings to  
161                 modify those buildings to increase their energy efficiency[.] as  
162                 required under Section 8-14C;
- 163           (7) evaluate options to [[encourage the private sector to achieve]]  
164                 minimize the impact on affordable housing of achieving the  
165                 ENERGY STAR rating[.] as required under Section 8-14C;
- 166           (8) evaluate options to encourage homeowners to conduct energy  
167                 audits[.] as required under Section 40-13B; [[and]]
- 168           (9) prepare a Renewable Energy Action Plan as required under  
169                 Section 18A-16[.] and
- 170           (10) evaluate the costs and benefits of adopting the ASHRAE/  
171                 USGBC/IESNA Standard 189.1 as required under Section 8-53.
- 172           (g) Additional duties. The Group may also recommend, as appropriate, any  
173                 action that promotes the improvement of air and water quality, habitat  
174                 restoration, economic vitality, and a high quality of life for all County  
175                 residents. This and other duties of the Group must not infringe on or  
176                 restrict the County Planning Board's authority under state and County  
177                 laws to conduct land use and transportation planning and other relevant  
178                 planning and analysis.

- 179 [[g]] (h) Annual report. By January 15 each year, the Group must submit to  
 180 the Executive and Council an annual report on:  
 181 (1) its activities, accomplishments, plans, and objectives;  
 182 (2) actions taken to implement the Climate Protection Plan, and  
 183 whether the County is meeting the goals identified in the Climate  
 184 Protection Plan[[,]] as required under Section 18A-14;  
 185 (3) the use of biodiesel fuels in County vehicles, results of the sport  
 186 utility vehicle inventory, and the average fuel economy for  
 187 passenger vehicles and light trucks in the County fleet[[,]] as  
 188 required under Section 18A-23;  
 189 (4) actions taken in the preceding year to implement the  
 190 Telecommuting Action Plan as required under Section 33-24; and  
 191 (5) steps taking in the preceding year to implement the energy unit  
 192 savings plan and energy cost savings plan for each County  
 193 building as required under Section 8-14B.

194 [[h]] (i) Advocacy. The Group must not engage in any legislative advocacy  
 195 at the State or federal levels unless that activity is approved by the  
 196 Office of Intergovernmental Relations.

197 [[i]] (i) Staff. The Chief Administrative Officer must provide appropriate  
 198 staff to the Group.

199 **[[18A-13]] 18A-14. Climate Protection Plan.**

- 200 (a) Inventory. The [[Director]] Sustainability Working Group must conduct  
 201 a greenhouse gas emissions inventory to determine the amount of  
 202 greenhouse gases emitted in the County and submit a written report on  
 203 the inventory to the County Executive and County Council by [[July 1,  
 204 2008]] January 15, 2009.

- 205           (b) Reduction of greenhouse gas emissions. The [[Director]] Sustainability  
 206           Working Group must prepare a Climate Protection Plan by January [[1]]  
 207           15, 2009 that outlines a plan to reduce Countywide greenhouse gas  
 208           emissions to 80% below the amount of greenhouse gas emissions in the  
 209           base year identified in the inventory prepared under subsection (a) by  
 210           January 1, 2050, including a plan to stop increasing Countywide  
 211           greenhouse gas emissions by 2010 and achieve a 10% reduction every 5  
 212           years through 2050.
- 213           (c) Climate Protection Plan. The Climate Protection Plan must:
- 214           (1) identify a strategy, including short-, mid-, and long-term goals to  
 215           reduce Countywide greenhouse gas emissions to the levels  
 216           required in subsection (b);
- 217           (2) explain how the Climate Protection Plan relates to the Energy  
 218           Policy approved by the Council under Section 18A-3 and  
 219           [[identifies]] identify any recommended changes to the Energy  
 220           Policy that are needed to implement the Climate Protection Plan;
- 221           (3) identify existing cap and trade programs and [[recommends]]  
 222           recommend whether the County should join a cap and trade  
 223           program;
- 224           (4) identify ways to increase sequestration of greenhouse gases,  
 225           including a Tree Canopy Initiative that contains a plan for  
 226           increasing the County's tree canopy;
- 227           (5) include an education and outreach plan designed to educate  
 228           County residents and businesses about:
- 229           (A) global climate change;
- 230           (B) County efforts to reduce greenhouse gas emissions;

- 231 (C) sequestration of carbon; and  
 232 (D) best practices for reducing greenhouse gas emissions;  
 233 [[and]]
- 234 (6) include a strategy to achieve a significant improvement in the  
 235 average County fleet fuel economy standards as required under  
 236 Section 18A-20;
- 237 (7) identify a strategy to reduce vehicle miles traveled in the County;  
 238 and
- 239 (8) estimate the time and resources necessary to implement the  
 240 Climate Protection Plan.
- 241 (d) Preparation. In preparing the Climate Protection Plan, the [[Director]]  
 242 Sustainability Working Group must:
- 243 (1) consider greenhouse gas emissions reduction programs in other  
 244 jurisdictions;
- 245 (2) evaluate the potential costs and benefits of different options for  
 246 reducing greenhouse gas emissions to the County's economy,  
 247 environment, health, safety, and welfare; and
- 248 (3) use the best available economic models, emissions estimating  
 249 techniques, and other scientific methods.
- 250 (e) Annual report. The [[Director]] Sustainability Working Group must  
 251 submit a report to the County Executive and County Council by  
 252 [[September 1]] January 15 of each year that specifies:
- 253 (1) the actions taken to implement the Climate Protection Plan in the  
 254 preceding fiscal year; and
- 255 (2) whether the County is meeting the goals identified in the Climate  
 256 Protection Plan.

257 **18A-15. Carbon tax.**

258 (a) In this Section, the following words have the meanings indicated:

259 “Carbon tax” means a tax that is proportionate to the amount of carbon  
260 dioxide produced by an energy source.

261 “Fuel energy tax” means the fuel energy tax imposed under Section  
262 52-14.

263 (b) The [[Directors of the Department of Environmental Protection and  
264 Department of Finance]] Sustainability Working Group must:

265 (1) evaluate the costs and benefits of converting the fuel energy tax  
266 to a carbon tax; and

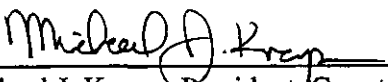
267 (2) submit findings and recommendations to the County Executive  
268 and County Council by [[July 1, 2008]] January 15, 2009,  
269 including a recommended methodology for converting the fuel  
270 energy tax to a carbon tax.

271 **Sec. 3. Expedited Effective Date.**

272 The Council declares that this legislation is necessary for the immediate  
273 protection of the public interest. This Act takes effect on the date when it becomes  
274 law.

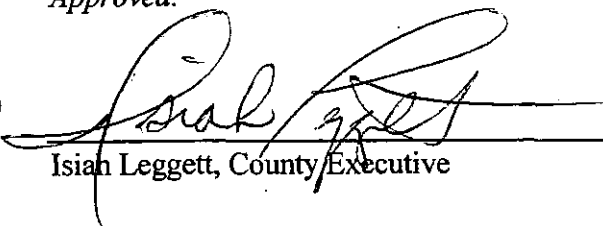
275 *Approved:*

276

277  25 Apr 08  
278 Michael J. Knapp, President, County Council Date

279 *Approved:*

280

 MAY 5 2008  
Isiah Leggett, County Executive Date

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

282 *Linda M. Lauer*  
Linda M. Lauer, Clerk of the Council

*May 5, 2008*  
Date