

MEMORANDUM

March 15, 2012

TO: Planning, Housing and Economic Development Committee

FROM: Robert H. Drummer, Senior Legislative Attorney 

SUBJECT: **Worksession:** Bill 5-12, Administration – Small Business Navigator - Established

Bill 5-12, Administration – Small Business Navigator - Established, sponsored by Council President Berliner, was introduced on February 7, 2012. A public hearing was held on February 28.

Background

Bill 5-12 would require the Executive to designate an employee in the Office of the Executive or the Office of the Chief Administrative Officer as the Small Business Navigator. Among other duties, the Navigator must:

- (1) advise the Executive, the Council, the Chief Administrative Officer, County Department heads, the Planning Board, and any other appropriate government agency, of any action needed to assist small businesses to comply with County requirements and regulations;
- (2) serve as primary point of contact between a small business and each County department or agency that the small business must interact with;
- (3) develop and maintain a database of information necessary for a small business to comply with County requirements and regulations; and
- (4) advise small businesses on how to comply with County requirements and regulations.

Public Hearing

Georgette “Gigi” Godwin, representing the Montgomery County Chamber of Commerce (©6-7), Zorayda Moreira-Smith, representing Casa de Maryland (©8), and Don Spence, representing the Associated Builders and Contractors all testified in support of the Bill at the February 28 public hearing. No speakers opposed the Bill. The Council also received correspondence supporting the Bill from the Greater Silver Spring Chamber of Commerce (©9-10), the Greater Bethesda-Chevy Chase Chamber of Commerce (©11-12), the Gaithersburg-Germantown Chamber of Commerce, Inc. (©13), and the Maryland-National Capital Building Industry Association (©14-15).

Issues

1. What is the fiscal and economic impact of the Bill?

OMB was unable to complete the Fiscal and Economic Impact Statement before this packet was printed. The notice of the delay is at ©5. The fiscal impact of the Bill depends on whether the Executive can staff this position with existing resources in the Executive's Office or the CAO's Office. The Bill would permit the Executive to designate an existing staff member as the small business navigator.

2. Should the Bill be amended to require the navigator to identify regulations and policies that can be eliminated or modified to facilitate small business compliance?

The Greater Silver Spring Chamber of Commerce (©9-10) and the Maryland-National Capital Building Association (BIA) (©14-15) suggested that the Bill be amended to require the small business navigator to identify County regulations and requirements that can be eliminated or modified to assist small businesses. Although this is probably within the implied scope of duties listed in the Bill, expressly requiring the navigator to do this would increase the likelihood that it is done.

Council staff recommendation: *add the following after line 26:*

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

Amend line 27-28 as follows:

- (d) Reports. On or before September 15 of each year, the Executive must report to the Council on the activities and recommendations of the Navigator.

3. Should the Bill be amended to clarify that the small business navigator must not also enforce County regulations?

The Greater Silver Spring Chamber (©9-10), the Greater Bethesda-Chevy Chase Chamber (©11-12), and the Gaithersburg-Germantown Chamber (©13) each expressed concern that a small business could seek help from the navigator and thereby expose the business to an enforcement action for non-compliance with a County regulation or requirement. Clearly this is neither the intent nor the likely result of the Bill. However, an amendment that would remove authority from a staff person in the CAO's Office or the County Executive's Office to report non-compliance with County regulations or requirements to the appropriate enforcement official is unwise. Each County official has a duty of loyalty to the County government. **Council staff recommendation:** do not amend the Bill to remove enforcement authority from the navigator.

4. Should the navigator be empowered to assist any County business without regard to size?

The Greater Bethesda-Chevy Chase Chamber (©11-12) suggested that the navigator's role be expanded to assist businesses of all sizes if it is successful in helping small businesses. While many large businesses may benefit from a business navigator, the concept of the Bill is that these large businesses are financially able to retain attorneys and consultants to assist them with compliance, where necessary. In a time of dwindling County resources, it is necessary to direct valuable resources where they are needed most. **Council staff recommendation:** do not amend the Bill to include all businesses.

5. Should the Bill be amended to clarify that a small business does not have to use the navigator?

The Montgomery County Chamber (©6-7) and the BIA (©14-15) each suggested amending the Bill to clarify that a small business does not need to use the navigator. There is nothing in the Bill that would require any small business to contact or seek assistance from the small business navigator to operate in the County. We do not believe this amendment is necessary to clarify the Bill. **Council staff recommendation:** do not amend the Bill for this purpose.

This packet contains:	<u>Circle #</u>
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Bill No. 5-12
Concerning: Administration – Small
Business Navigator – Established
Revised: February 2, 2012 Draft No. 5
Introduced: February 7, 2012
Expires: August 7, 2013
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President Berliner

AN ACT to:

- (1) establish a program to assist certain small businesses located in the County;
- (2) require the appointment of a dedicated staff member to assist small businesses to comply with County requirements and regulations; and
- (3) generally amend the law concerning small businesses.

By adding

Montgomery County Code
Chapter 2. Administration.
Section 2-25B

Boldface	<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. Section 2-25B is added as follows:**

2 **2-25B. Small Business Navigator.**

3 (a) Definitions. As used in this Section:

4 Navigator means the Small Business Navigator.

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

7 (b) Establishment of Program. The Executive must create and administer a
8 Small Business Assistance Program with a Small Business Navigator to
9 help small businesses comply with County policies and regulations.

10 (c) Small Business Navigator. The Executive must designate an employee
11 in the Office of the Executive or the Office of the Chief Administrative
12 Officer as the Small Business Navigator. Among other duties, the
13 Navigator must:

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

19 (2) serve as primary point of contact between a small business and
20 each County department or agency that the small business must
21 interact with;

22 (3) develop and maintain a database of information necessary for a
23 small business to comply with County requirements and
24 regulations; and

25 (4) advise small businesses on how to comply with County
26 requirements and regulations.

27 (d) Reports. On or before September 15 of each year, the Executive must
28 report to the Council on the activities of the Navigator.

29 *Approved:*

30

Roger Berliner, President, County Council

Date

31 *Approved:*

32

Isiah Leggett, County Executive

Date

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

34

Linda M. Lauer, Clerk of the Council

Date

LEGISLATIVE REQUEST REPORT

Bill 5-12

Administration – Small Business Navigator - Established

DESCRIPTION:	This Bill would require the Executive to appoint a dedicated staff member to assist small businesses to comply with County requirements and regulations.
PROBLEM:	Small businesses often have trouble understanding and complying with County requirements and regulations. Currently, there is no dedicated staff member available to help small businesses meet County requirements.
GOALS AND OBJECTIVES:	To help small businesses comply with County requirements and regulations.
COORDINATION:	CAO, DED Director, DGS Director
FISCAL IMPACT:	To be requested.
ECONOMIC IMPACT:	To be requested.
EVALUATION:	To be requested.
EXPERIENCE ELSEWHERE:	To be researched.
SOURCE OF INFORMATION:	Robert H. Drummer, Senior Legislative Attorney, 240-777-7895
APPLICATION WITHIN MUNICIPALITIES:	To be researched.
PENALTIES:	Not applicable.

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ROCKVILLE, MARYLAND

MEMORANDUM

March 12, 2012

TO: Roger Berliner, President, County Council

FROM: Jennifer A. Hughes, Director, Office of Management and Budget
Joseph F. Beach, Director, Department of Finance

SUBJECT: Bill 5-12 - Administration - Small Business Navigator - Established

As required by Section 2-81A of the County Code, we are informing you that transmittal of the fiscal and economic impact statement for the above referenced legislation will be delayed because more time is needed to coordinate with the affected departments, collect information, and complete our analysis. The Office of Management and Budget and Department of Finance will transmit the fiscal and economic impact statement no later than March 23, 2012.

JAH:df

c: Kathleen Boucher, Assistant Chief Administrative Officer
Lisa Austin, Offices of the County Executive
Joy Nurmi, Special Assistant to the County Executive
Patrick Lacefield, Director, Public Information Office
Michael Coveyou, Department of Finance
Alex Espinosa, Office of Management and Budget
Angela Dizelos, Office of Management and Budget
Bryan Hunt, Office of Management and Budget
Naeem Mia, Office of Management and Budget



The Voice of Montgomery County Business

TOM MCELROY, CHAIRMAN

ORI REISS, CHAIR-ELECT

GEORGETTE "GIGI" GODWIN, PRESIDENT & CEO

MONTGOMERY COUNTY COUNCIL

BILL 5-12, ADMINISTRATION - SMALL BUSINESS NAVIGATOR - ESTABLISHED

FEBRUARY 28, 2012

TESTIMONY BY GIGI GODWIN

MONTGOMERY COUNTY CHAMBER OF COMMERCE

Good Evening.

My name is Gigi Godwin and I am the President & CEO of the Montgomery County Chamber of Commerce. The Chamber **supports** the idea of the County employing a Small Business Navigator, but respectfully offers recommendations regarding the scope of this proposed position.

Many small businesses in Montgomery County would benefit from assistance with County laws and regulations. Our Chamber has heard many anecdotes from our small business members who have had issues with inspections, permits, and general compliance. Employing a Small Business Navigator could help relieve some of these issues.

Given that the County is already undertaking a regulatory review, we suggest leveraging this opportunity to help guide the portfolio of this new proposed position.

Rather than limit this new position to matters of compliance, we suggest that the position be expanded to also function as a small business "ombudsman". This new ombudsman could advise the County-Executive and the County Council on how to help Montgomery County small businesses grow. We further recommend that the new ombudsman would coordinate with the Department of Economic Development, the Department of Permitting Services, and any other necessary agencies to address regulatory obstacles. We believe that the collaboration of these departments could help clarify the regulatory system for small businesses and result in job growth.

The Chamber is looking forward to understanding the budgetary implications of this legislation. It is not clear to us what elements of the budget would be reduced, eliminated, or increased to fund the Navigator/Ombudsman position.

The Chamber believes that the idea to establish a Small Business Navigator/Ombudsman is a good one. That said, we support a position in County government that would function more as an advocate than as a compliance officer. We look forward to working with the County Council to further explore this opportunity to support Montgomery County's small businesses.

Thank you.

February 28, 2012

Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

Re: CASA de Maryland, Inc. SUPPORTS Bill 5-12 and Bill 6-12

Testimony: Zorayda Moreira-Smith, Staff Attorney, CASA de Maryland, Inc.

Good evening, my name is Zorayda Moreira-Smith, staff attorney with CASA de Maryland, Inc. CASA is the state's largest non-profit serving the Latino and immigrant community. Our offices are located throughout the State of Maryland, specifically and relevant to tonight's public hearing, are our welcome centers located in Wheaton and Silver Spring. We are dedicated to the Wheaton and Long Branch communities.

CASA is a member of the Coalition for the Fair Redevelopment of Wheaton advocating on behalf of the community to ensure that the Wheaton redevelopment project benefits the existing community. CASA is also a member of the state-wide and local Fair Development Coalition, advocating for equitable development around transportation projects, specifically the proposed Purple Line.

CASA is dedicated to the preservation and retention of existing small businesses. Small businesses represent the larger business community and efforts must be made to encourage their viability and their growth during redevelopment. We applaud this Council's leadership in committing itself to small businesses by introducing Bill 5-12 and Bill 6-12. CASA supports both bills. This should be the beginning of an ongoing effort to support local small businesses.

Bills 5-12 and 6-12 are important pieces of legislation that give the small business community the hope that the County will be available and open to assist them during times of need. It is critical that the benefits that these bills create are broadly available to small businesses. In regards to Bill 6-12, we strongly believe the community should be given the opportunity to provide comments and testimony once the Executive proposes regulations to implement the program.

This Council should look at what happened to the small businesses in the development of Downtown Silver Spring. There were five main issues that small businesses suffered: (1) rapidly rising rents, (2) construction related disruptions, (3) insufficient exchange of information between businesses and the County, (4) competitive disadvantage created by large national retail stores, and (5) the failure to incorporate the overall community. It is imperative that this Council understand that small businesses in other redevelopment areas are going to face these same challenges and if we, as a community, fail to mitigate these issues then we fail our small businesses and our community.

CASA is excited about this Council's commitment to local existing small businesses in areas of redevelopment. It is clear, that this Council is listening to the concerns of the community. Special thanks to all of the sponsors of the Bills for taking on the challenge and beginning the process of addressing the concerns.



Handwritten initials: Hau { BD / CC



066981



RECEIVED
MONTGOMERY COUNTY
COUNCIL

2012 FEB 28 PM 3:08

February 27, 2012

Honorable Roger Berliner, President
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

Bill 5-12 – Administration – Small Business Navigator – Established

Dear Council President Berliner:

On behalf of the Greater Silver Spring Chamber of Commerce, I am writing to support your efforts to make doing business easier for Montgomery County's small businesses and offer our observations on Bill 5-12 – Administration – Small Business Navigator.

Navigating the myriad Montgomery County laws, regulations, and requirements is indeed a daunting task, even for those with experience working through our County's various processes and departments. Businesses in Silver Spring recall the time, not so many years ago, when the Silver Spring Urban District staff included an individual whose job it was to manage our "Green Tape Zone." This individual was, in essence, a "small business navigator," though he also provided critical knowledge and assistance to any business working to contribute to the economic development of Silver Spring. Unfortunately, budget cuts in recent years eliminated this valuable resource.

Historically, the Chamber has advocated for reducing, even eliminating much of what the business community feels is over-regulation and unnecessary "red tape." We will continue to do so because of the excessive burden these regulations place on business in terms of cost and time, and the fact that we see over-regulation as a roadblock to the economic development so critical to the future of our County. That said, the leadership of our Chamber recognizes the intentions of this bill and, until such time as the burden of regulation can be reduced, we see the value in having a knowledgeable expert to help especially small businesses navigate the system.

We do see great value in having a database of information necessary for small businesses to comply with County policies and regulations. As this database is created, it would be our hope that a number of unnecessary and over-burdensome regulations and requirements would come to light. In the spirit of making it easier for small businesses to "navigate" the system, we respectfully suggest an amendment to the bill that would direct the Small Business Navigator to file an annual report that identifies those regulations, laws, and requirements that should be eliminated as a way to ease small business compliance.

We realize that the Department of Permitting Services is currently consolidating many processes with the goal of a more "streamlined development process." We would expect the Small Business Navigator to become a part of this process and to provide advice and feedback to DPS on whether its efforts are making it easier for small businesses to comply.

We also recommend coordination with the Department of Economic Development, which has been very helpful in assisting business owners to "navigate" the system. We do have some concern that the efforts of the Small Business Navigator could be redundant to the small business support provided by DED. And, we wonder whether the database of information might be more appropriately housed within DED.

We also have concerns about potential unintended consequences that could result if the Navigators role as “advisor,” as opposed to government “enforcer” is not clearly spelled out. The bill states that the navigator’s job will be to “advise” various government entities of action needed to bring the business into compliance. The concern is that the navigator could be called in to help a small business, see where that a business is not in compliance, and contact the relevant agencies, whose representatives would then come out and fine the business for non-compliance. We are certain that this is not the intent of the bill, but would suggest that clarification is necessary to assure that the navigator will indeed be an asset to small business.

We thank you for your ongoing support of the business community and for your efforts to make it easier for small businesses to operate in Montgomery County. Should you have any questions about our observations or comments, do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jane Redicker".

Jane Redicker
President



THE GREATER BETHESDA-CHEVY CHASE CHAMBER OF COMMERCE

7910 Woodmont Avenue, Suite 1204
Bethesda, MD 20814
T: (301) 652-4900
F: (301) 657-1973
staff@bccchamber.org
www.bccchamber.org

VIA EMAIL

Your Business Is Our Only Business

February 28, 2012

066979

The Honorable Roger Berliner, President
and Members of the Montgomery County Council
100 Maryland Avenue, 6th Floor
Rockville, Maryland 20850



RECEIVED
MONTGOMERY COUNTY
COUNCIL

2012 FEB 28 PM 3:32

Re: Bill 5-12, Administration – Small Business Navigator – Established – Support

Dear Mr. Berliner and Members of the County Council:

On behalf of The Greater Bethesda-Chevy Chase Chamber of Commerce (B-CC Chamber), we are writing to express our support for Bill 5-12, Administration – Small Business Navigator – Established, which proposes that the County Executive designate an employee in the Office of the Executive or the Office of the Chief Administrative Officer as the Small Business Navigator.

As we understand, the Navigator would serve as a primary point of contact between a small business and each County department or agency the business must interact with; develop and maintain a database of information necessary for a small business to comply with County requirements and regulations; and advise small businesses on how to comply with County requirements and regulations. This bill would also require the Small Business Navigator to advise Government leadership of any action needed to assist small businesses to comply with County requirements and regulations.

At a time when navigating the various regulations and requirements for businesses – large or small – is daunting at the least, the concept of a “Navigator” is a welcome addition to not only small businesses but businesses of all sizes in the County. We hope that the person in this position would be able to help a business through the red tape process, similar to what other area jurisdictions already provide. The County needs to be able to provide businesses with an expert who understands what it takes for someone who is just starting a business (such as restaurants or retailers), a company considering opening a branch, or a company considering relocating to Montgomery County from elsewhere with the information they need to navigate the process. This would definitely send a message that Montgomery County is open for business and wants to help companies succeed.

Similarly, upon complaints from the business community regarding concerns with the inspection process and the numerous fire regulations, the Montgomery County Fire and Rescue Service created the position of an “Ombudsman” who can help businesses through any issues or questions they may have with regulations or the inspection process. This has been instrumental in helping business and Government work through many of the previous issues they were experiencing.

The concept of the database of information on County requirements and regulations is long overdue and would be an enormous asset to the business community – small and large. We realize that the focus of this legislation is on small business, but do ask that upon implementation and success of this program, you consider expanding it to businesses of all sizes.

The Honorable Roger Berliner
February 28, 2012
Page Two

Finally, we realize that there are parts of the legislation that need to be addressed based on recommendations from fellow chambers of commerce. These include the need for coordination with the Department of Economic Development, which has been instrumental in helping small businesses throughout the County, as well as with the Department of Permitting Services. In addition, the role of the Navigator needs to be that of an "advisor" rather than an "enforcer" of County regulations and requirements. It is also important that there is a better understanding of what services may have to be reduced or eliminated in order to fund this program. Once these issues have been successfully clarified, we look forward to working with the County government in implementing this new role.

Thank you for your consideration of our recommendations.

Sincerely,



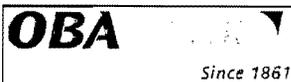
Giianne M. Italiano, IOM
President & CEO



Gaithersburg-Germantown Chamber of Commerce, Inc.

4 Professional Drive, Suite 132, Gaithersburg, Maryland 20879-3426, (301) 840-1400, Fax (301) 963-3918

Corporate Sponsors



February 23, 2012

066980

Honorable Roger Berliner, President
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

Re: Support of Proposed Council Bill 5-12

Dear Council President Berliner,

Thank you for the opportunity to comment on Bill 5-12 proposing the establishment of a Small Business Navigator. Based on the feedback we receive from our members, this service would be very helpful to small businesses. I would expect that the database of information necessary for small businesses to comply with County policies and regulations would be particularly helpful. I would like to make a few comments and recommendations:

- We agree that there must be coordination with the Department of Economic Development. DED has been very helpful in the past in assisting business owners "navigate" the system. We would not want the Small Business Navigator and DED to have redundant efforts.
- We also encourage coordination with the Department of Permitting Services. As DPS is currently going through their Streamlining Development Process we would expect the Small Business Navigator to be in communication with DPS and to provide specific feedback to the process.
- We fully support the intensions of the Bill, however we do have some concern about unintended consequences. It would be unfortunate if a small business went to the County for assistance in complying with County regulations and was then fined for non-compliance. Stranger things have happened. There has to be a level of trust between the small business owner and the navigator in terms of how the navigator will resolve non-compliance issues. This directly relates to where (budgetarily and physically) the "Navigator" will be housed.
- Our support of this Bill is conditional on what services might be reduced or eliminated in order to fund this program. Without knowing the full budgetary impact, it would be premature to state that we support this program over all others.

We want to thank you for your ongoing support of the business community. This program is exactly the type of service that can have direct positive results for our small businesses.

Warm Regards,

Marilyn Balcombe

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MONTGOMERY COUNTY
COUNCIL
2012 FEB 29 PM 3:08



Have { BD / CC

D'Ovidio, Lou

From: Robert Kaufman [bkaufman@mncbia.org]
Sent: Tuesday, February 28, 2012 2:34 PM
To: Berliner's Office, Councilmember
Cc: D'Ovidio, Lou; Montgomery County Council; Faden, Michael
Subject: Bill 5-12 Small Business Navigator



066982

RECEIVED
MONTGOMERY COUNTY
COUNCIL

2012 FEB 28 PM 3:08



To: Council President Roger Berliner
Montgomery County Council
February 28, 2012

Re: Bill 5-12, Administration - Small Business Navigator

The MNCBIA supports the effort to help small businesses navigate the complicated and time consuming regulatory processes within Montgomery County and supports Bill 5-12 with clarifications. Most members of the MNCBIA qualify as a small business and often struggle to keep up with all the rules, regulations and policies associated with both running the small business and meeting County requirements in the deployment of their mission or business. Especially for home builders, the changing landscape of permit requirements can seem daunting and add unnecessary delay, costs and roadblocks.

It is critical that small business see that the job of the navigator is to assist the small business with discretion, help guide the small business through the processes, help coordinate between conflicting departments, help break logjams and assure good communication between the small business and the regulating department or agency. The job of compliance remains with the approving department or agency and is not the responsibility of the Navigator.

To accomplish this we propose;

2-25B.

(b). add "a Voluntary" before "Program," add "voluntary" before "Small Business Assistance Program..."

(c).(1) add: " that may include but not be limited to, suggesting changes to or elimination of certain regulations and policies, recommend manuals or guides for compliance, recommend orientation or training for compliance, recommend changes to procedures and recommending clarifications concerning approval authority."

(c).(2) eliminate "primary point of contact" and add "...trusted intermediary..."

(c).(3) replace "necessary" with "helpful"

Add:

(c).(5) "develop and maintain a database of the time it takes for a small business to obtain approval once a complete application is received by the approving agency or department; identify recurring delays, overlapping or duplicative procedures, misunderstandings or issues of compliance for the small business and for the approving agency or department."

(d). add, "On or before March 15th and . . ." and add at the end of the sentence, "and recommendations for improving turnaround, eliminating duplication, resolving conflicts in authority and eliminating unnecessary regulations and policies."

(e). under no circumstances will a small business be required to utilize the Navigator nor shall the County add any charge or fee for the services of the Navigator."

S. Robert Kaufman
Director Government Affairs
Maryland National Capital Building Industry Association
1738 Elton Road
Suite 200
Silver Spring, Maryland 20903
bkaufman@mncbia.org
(301) 445-5408
BIA's Business Networking Events
March 1 @ BlackFinn, [click here](#)

Prince George's Liaison Breakfast – March 26
To register [click here](#)

Celebrity Chefs – March 28
To sign up as a Chef or to Register [click here](#)

Check out NAHB's Member Advantage Program at www.nahb.org/ma

BUILDING HOMES, CREATING NEIGHBORHOODS