

Introduced 02.05.2024
Public Hearing 02.20.2024
Council Action 03.04.2024
Executive Action 03.06.2024
Effective Date 05.06.2024

County Council of Howard County, Maryland

2024 Legislative Session

Legislative Day No. **2**

Bill No. 7 -2024

Introduced by: The Chairperson at the request of the County Executive

AN ACT reorganizing the Executive Branch of County Government pursuant to Section 403 of the Howard County Charter; moving the Office of Consumer Protection to the Department of County Administration; establishing an Office of Agriculture within the Department of County Administration; establishing an Opioid Restitution Fund Commission within the Department of Community Resources and Services; setting forth the duties and qualifications of the Opioid Restitution Fund Commission; providing that the Office of Community Partnerships within the Department of Community Resources and Services shall perform certain functions with regard to the receipt of Opioid Restitution Funds; setting forth the duties and qualifications of the Administrator of the Office of Agriculture; removing certain functions from the Office of Community Sustainability that will be functions of the Office of Agriculture; moving the function of administering homelessness services to the Department of Housing and Community Development; requiring that members of the Opioid Restitution Fund Commission provide certain financial disclosure statements; clarifying certain duties; making certain technical corrections; and generally relating to the Executive Branch of County Government.

Introduced and read first time Feb 5, 2024. Ordered posted and hearing scheduled.

By order Michelle Harrod
Michelle Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on Feb 20, 2024.

By order Michelle Harrod
Michelle Harrod, Administrator

This Bill was read the third time on Mar 4, 2024 and Passed ✓, Passed with amendments ✓, Failed .

By order Michelle Harrod
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 5 day of Mar, 2024 at 2⁰⁰ a.m./p.m.

By order Michelle Harrod
Michelle Harrod, Administrator

Approved/Vetoed by the County Executive March 6, 2024

Calvin Ball
Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 ***Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the***
2 *Howard County Code is amended as follows:*

3 *By amending:*

4 *Title 6 – County Executive and the Executive Branch*
5 *Section 6.201 “Department of County Administration”*

6
7 *Title 6 – County Executive and the Executive Branch*
8 *Section 6.202 “Department of community resources and services”*

9
10 *Title 6. County Executive and the Executive Branch.*
11 *Section 6.407 “Office of Community Sustainability”.*

12
13 *Title 12. Health and Social Services.*
14 *Section 12.901 “Department of Community Resources and Services”.*

15
16 *Title 12. Health and Social Services.*
17 *Section 12.1900 “Office of Community Partnerships”.*

18
19 *Title 13 “Housing and Community Development”*
20 *Section 13.101 “Department of Housing and Community Development”*

21
22 *Title 15 “Natural Resources”*
23 *Section 15.500 “Short-title; findings; purpose”.*

24
25 *Title 15 “Natural Resources”*
26 *Section 15.501 “Nonapplicability”.*

27
28 *Title 15 “Natural Resources”.*
29 *Section 15.502 “Definitions”.*

30
31 *Title 15 “Natural Resources”.*

1 *Section 15.503 “Agricultural Preservation Board”.*

2
3 *Title 15 “Natural Resources”.*

4 *Section 15.505 “Easement administration”.*

5
6 *Title 15 “Natural Resources”.*

7 *Section 15.507 “Process for buying easements”.*

8
9 *Title 15 “Natural Resources”.*

10 *Section 15.507A “Alternate process for the purchase of easements”.*

11
12 *Title 15 “Natural Resources”.*

13 *Section 15.508 “Process for acquiring an easement by donation”.*

14
15 *Title 15 “Natural Resources”.*

16 *Section 15.509 “Process for acquiring an easement by dedication of a preservation*
17 *parcel”.*

18
19 *Title 15 “Natural Resources”.*

20 *Section 15.513 “Enforcement/penalties”.*

21
22 *Title 17. “Public Protection Services”.*

23 *Section 17.401 “Office of Consumer Protection”.*

24 *Subsection (b)*

25
26 *Title 22 “General Provisions”.*

27 *Section 22.206 “Financial Disclosure Statements”.*

28 *Subsection (c)*

29
30 *By Adding:*

31 *Title 6. “County Executive and the Executive Branch”.*

1 *Section 6.351 “Opioid Restitution Fund Commission”.*

3 *Title 12. “Health Code”*

4 *Subtitle 25 “Opioid Restitution Fund Commission”.*

6 **Title 6. County Executive and the Executive Branch**

7 **Subtitle 2. Administrative Departments and Offices.**

9 **Section 6.201. Department of County Administration.**

10 (a) *Department of County Administration.* There is a Department of County Administration. The
11 qualifications of its Director and the nature of its duties and responsibilities are set forth in
12 subtitle 4, "Department of County Administration," of this title 6, "County Executive and the
13 Executive Branch," of the Howard County Code.

14 (b) *Office of Budget.* There is an Office of Budget. The qualifications of its Administrator and
15 the nature of its duties and responsibilities are set forth in section 22.400A, "Office of Budget,"
16 of subtitle 4, "Budget Procedures," of title 22, "General Provisions, Penalties, etc.," of the
17 Howard County Code.

18 (c) *Office of Human Rights and Equity.* There is an Office of Human Rights and Equity. The
19 qualifications of its Administrator and the nature of its duties and responsibilities are set forth in
20 subtitle 2, "Human Rights," of title 12, "Health and Human Services," of the Howard County
21 Code.

22 (d) *Office of Central Services.* There is an Office of Central Services. The qualifications of its
23 Administrator and the nature of its duties and responsibilities are set forth in subtitle 4,
24 "Department of County Administration" of this title 6, "County Executive and the Executive
25 Branch" of the Howard County Code.

26 (e) *Office of Human Resources.* There is an Office of Human Resources. The qualifications of
27 its Administrator and the nature of its duties and responsibilities are set forth in subtitle 1,
28 "Human Resources Administration" of title 1 "Human Resources," of the Howard County Code.

29 (f) *Office of Public Information.* There is an Office of Public Information. The qualifications of
30 its Administrator and the nature of its duties and responsibilities are set forth in subtitle 4,

"Department of County Administration," of this title 6, "County Executive and the Executive Branch," of the Howard County Code.

(g) *Office of Procurement and Contract Administration.* There is an Office of Procurement and Contract Administration. The qualifications of its Administrator and the nature of its duties and responsibilities are set forth in subtitle 4, "Department of County Administration," of title 6, "County Executive and the Executive Branch," of the Howard County Code.

(h) *Office of Community Sustainability.* There is an Office of Community Sustainability. The qualifications of its Administrator and the nature of its duties and responsibilities are set forth in subtitle 4, "Department of County Administration" of this title of the Howard County Code.

(i) *Office of Transportation.* There is an Office of Transportation. The qualifications of its Administrator and the nature of its duties and responsibilities are set forth in subtitle 4, "Department of County Administration" of this title of the Howard County Code.

(j) *Office of Workforce Development.* There is an Office of Workforce Development. The qualifications of its Administrator and the nature of its duties and responsibilities are set forth in subtitle 4, "Department of County Administration" of this title of the Howard County Code.

(K) *OFFICE OF CONSUMER PROTECTION.* THERE IS AN OFFICE OF CONSUMER PROTECTION. THE QUALIFICATIONS OF ITS ADMINISTRATOR AND THE NATURE OF ITS DUTIES AND RESPONSIBILITIES ARE SET FORTH IN SUBTITLE 4, "CONSUMER PROTECTION," OF TITLE 17, "PUBLIC PROTECTION SERVICES," OF THIS CODE.

(L) *OFFICE OF AGRICULTURE.* THERE IS AN OFFICE OF AGRICULTURE. THE QUALIFICATIONS OF ITS ADMINISTRATOR AND THE NATURE OF ITS DUTIES AND RESPONSIBILITIES ARE SET FORTH IN SUBTITLE 5, "AGRICULTURAL PRESERVATION," OF TITLE 15, "NATURAL RESOURCES," OF THIS CODE.

Section 6.202. Department of community resources and services.

(a) *Department of Community Resources and Services.* There is a Department of Community Resources and Services. The qualifications of its Director and the nature of its duties and responsibilities are set forth in subtitle 9, "Department of Community Resources and Services," of title 12, "Health and Social Services," of this Code.

(b) *Office on Aging and Independence.* There is an Office on Aging and Independence. The qualifications of its Administrator and the nature of its duties and responsibilities are set forth in subtitle 5, "Older Howard Countians Act," of title 12, "Health and Social Services," of this Code.

[(c) *Office of Consumer Protection.* There is an Office of Consumer Protection. The qualifications of its Administrator and the nature of its duties and responsibilities are set forth in subtitle 4, "Consumer Protection," of title 17, "Public Protection Services," of this Code.]]

[(d)](C) There is an Office of Children and Families and the nature of its duties and responsibilities are set forth in title 12, subtitle 15 of this Code.

[(e)](D) There is an Office of Community Partnerships and the nature of its duties and responsibilities are set forth in title 12, subtitle 19 of this Code.

Title 6. County Executive and the Executive Branch

Subtitle 3. Boards and Commissions.

SECTION 6.351. OPIOID RESTITUTION FUND COMMISSION.

THERE IS AN OPIOID RESTITUTION FUND COMMISSION. ITS MEMBERSHIP, DUTIES, AND RESPONSIBILITIES ARE SET FORTH IN TITLE 12, SUBTITLE 25 OF THIS CODE.

Title 6. County Executive and the Executive Branch

Subtitle 4. Department of County Administration.

Section 6.407. Office of Community Sustainability.

(a) *General Provisions.* General provisions applicable to this Office are set forth in subtitle 2, "Administrative Departments and Offices," of this title of the Howard County Code.

(b) *Head.* The Administrator of the Office of Community Sustainability shall head the Office of Community Sustainability under the general supervision of the Chief Administrative Officer.

(c) *Qualifications of the Administrator of the Office of Community Sustainability.* The Administrator of the Office of Community Sustainability shall have considerable knowledge of the principles and best practices of various aspects of sustainability including economic, environmental, infrastructure, and [[agricultural]] sustainability. At the time of appointment, the

1 Administrator shall have had at least five years of increasingly responsible experience in the
2 administration of a sustainability program, including at least two years in a supervisory role.

3 (d) *Duties and Responsibilities.* The Office of Community Sustainability shall promote and
4 enhance sustainability within County Government by performing the following functions:

5 (1) Assessing the economic, [[agricultural,]] infrastructure, and environmental impacts of
6 all initiatives and programs across the County;

7 (2) Developing and advocating for programs, policies, and actions by government,
8 citizens, businesses, farmers, and institutions to improve the long term environmental,
9 [[agricultural,]] social, and economic viability of the County;

10 (3) Serving as a single point of contact and resource for residents, businesses, [[farmers,]]
11 and institutions that are looking to become economically and environmentally
12 sustainable or that are looking to further their economic and environmental
13 sustainability;

14 (4) Providing leadership in conservation and energy initiatives including exploring the
15 potential for and implementation of the use of alternative fuels;

16 [[(5)] In order to resolve complaints and concerns raised by citizens, assisting in the
17 coordination of inspectors already existing in other agencies, including State and
18 Federal entities, as applicable;]]

19 [[(6)]](5) Working closely with the Howard County Environmental Sustainability Board to
20 recommend policies and funding proposals to the County Executive and County
21 Council concerning the sustainability of the County's natural resources;

22 [[(7)]](6) Working closely with all Boards and Commissions that may play a role in the
23 sustainability of the County's economic, environmental, AND infrastructure[[, and
24 agricultural]] resources;

25 [[(8)]](7) Working closely with GOVERNMENT AGENCIES AND ORGANIZATIONS[[the
26 Economic Development Authority, Howard Soil Conservation District, University of
27 Maryland Extension and Maryland Department of Agriculture]] to ensure [[agricultural
28 innovation and]] economic and environmental sustainability;

29 [[(9)]](8) Coordinating, exploring, and obtaining grant funding related to all areas of
30 sustainability; AND

31 [[(10)] Providing an Executive Secretary of the Agricultural Preservation Board;]]

1 [[(11) Administering activities under the Agricultural Sustainability and Land
2 Preservation Act that support farming and agricultural endeavors on the County's
3 Agricultural Land Preservation easements and generally, within the County; and]]
4 ([[12]](9) Performing other functions as maybe prescribed by directive of the County
5 Executive or by law.
6

7 **Title 12. Health and Social Services.**

8 **Subtitle 9. Department of Community Resources and Services.**
9

10 **Section 12.901. Department of Community Resources and Services.**

11 (a) *Head:* The Director of Community Resources and Services shall head the Department of
12 Community Resources and Services.

13 (b) *Qualifications of the Director.* The Director shall be thoroughly trained and experienced in
14 the principles and practices of human services and their administration. The Director shall have
15 had at least ten years of increasingly responsible experience in human services administration,
16 including a minimum of five years in a managerial position.

17 (c) *Duties and Responsibilities.* The Department is responsible for the County's human services
18 programs, including but not limited to:

19 (1) Overall supervision of program development and operations for the following functions:

20 (i) Aging.

21 (ii) [[Consumer protection.]]ADMINISTERING THE DISTRIBUTION AND USE OF OPIOID
22 RESTITUTION FUNDS.

23 (iii) Children and family services.

24 (iv) Support services for veterans.

25 (v) Services for persons with disabilities.

26 (vi) Community partnerships.

27 (vii) Coordination of the Americans with Disabilities Act.

28 (viii) Selected emergency management responsibilities.

29 [[(ix) Administering the Plan to End Homelessness.]]

30 (2) *Other duties and responsibilities.* The Department shall perform such other functions as
31 may be prescribed by directive of the County Executive or by law.

1 (3) *Setting of fees.* The Department may set fees for programs, which may include the
2 establishment of a procedure for payment of a reduced fee based upon a participant's
3 financial ability to pay.

4 (d) *Authority to Adopt Regulations.* The Director may adopt regulations to establish eligibility
5 for those County Government human service programs that provide financial support for elderly,
6 disabled, or low or moderate income individuals, families and households and the requirements
7 of the Administrative Procedure Act as defined in title 2 of the Howard County Code shall be
8 followed with regard to the adoption of the regulations described in this subsection.

9
10 **Title 12. Health and Social Services.**

11 **Subtitle 19. Office of Community Partnerships.**

12
13 **Section 12.1900. Office of Community Partnerships.**

14 (a) *Office.* There is an Office of Community Partnerships in the Department of Community
15 Resources and Services.

16 (b) *General Provisions.* General provisions applicable to this Office are set forth in subtitle 2,
17 "Administrative Departments and Offices," of title 6, "County Executive and the Executive
18 Branch," of the Howard County Code.

19 (c) *Head.* The Administrator of the Office of Community Partnerships shall head the Office of
20 Community Partnerships and the Administrator is under the general supervision of the Director
21 of the Department of Community Resources and Services.

22 (d) *Qualifications of Administrator.* The Administrator of the Office of Community Partnerships
23 shall have a thorough knowledge of human service delivery systems including, but not limited to,
24 principles of strategic community planning; management of site based social service delivery
25 models; grant making from local, state and national sources relevant to a wide range of human
26 services; [[coordinated models that reduce homelessness;]] KNOWLEDGE OF THE PRINCIPLES AND
27 BEST PRACTICES OF SOCIAL SERVICE AND BEHAVIORAL HEALTH PROGRAMS; and the role of non-
28 profit organizations as part of the human service system. At the time of appointment the
29 Administrator shall have had at least five years experience in human service systems and at least
30 two years in a managerial capacity.

(e) *Duties and Responsibilities.* Under the direction of the Director of Community Resources and Services, the Office of Community Partnerships shall:

(1) *Administration of grants.* Administer the Community Service Partnership Grant program, the Howard County Government funding program; coordinate with relevant state and federal grants; provide technical support to nonprofit grantees or contractors; and monitor the effectiveness of programs and grantees.

(2) *Participation.* Participate in community-based organizations with membership of nonprofit agencies to integrate human service and housing efforts of County Government with nonprofit agencies.

[[(3) *Implementing Plans.* Administer the Continuum of Care system and related organizational units in the Plan to End Homelessness]].

[[(4) *Facilities.* Administer site- or center-based programs that offer consumers access to multiple services in a single community based location.

[[(5) *Policy recommendations.* Review and formulate policy recommendations for the County Executive and County Council in reference to publicly funded plans and programs that have an impact on populations seeking affordable housing, moving out of homelessness, or other issues covered in this Office.]]

(4) *ADMINISTRATION OF OPIOID RESTITUTION FUNDS.* ADMINISTER THE DISTRIBUTION OF OPIOID RESTITUTION FUNDS, INCLUDING GRANTS MANAGEMENT, COMPLIANCE, AND MONITORING; STAFF THE OPIOID RESTITUTION FUND COMMISSION; TRACK THE RECEIPT OF OPIOID RESTITUTION FUNDS; FORMULATE GUIDANCE ON THE ELIGIBLE USE OF OPIOID RESTITUTION FUNDS; AND WORK IN COLLABORATION WITH OTHER GOVERNMENT AGENCIES THAT PROVIDE SERVICES RELATED TO SUBSTANCE USE DISORDER PREVENTION, TREATMENT, AND RECOVERY.

[[(6)] (5) Initiate and carry out any appropriate action, where relevant, to implement the above objectives, or other related objectives, as they become necessary and are deemed appropriate.

Title 12. Health Code

SUBTITLE 25. OPIOID RESTITUTION FUND COMMISSION.

SECTION 12.2500. OPIOID RESTITUTION FUND COMMISSION ESTABLISHED; GENERAL PROVISIONS; PURPOSE; MEMBERSHIP; METHOD OF APPOINTMENT; STAFFING; MEETINGS; DUTIES; ANNUAL REPORT.

(A) *GENERAL PROVISIONS.* GENERAL PROVISIONS APPLICABLE TO THE COMMISSION ARE SET FORTH IN SUBTITLE 3, "BOARDS AND COMMISSIONS," OF TITLE 6, "COUNTY EXECUTIVE AND THE EXECUTIVE BRANCH" OF THIS CODE.

(B) *PURPOSE.* THE PURPOSE OF THE COMMISSION IS TO ASSIST IN DETERMINING THE USE OF SETTLEMENT FUNDS RECEIVED AS PART OF THE NATIONAL SETTLEMENT AGREEMENT IN RESPONSE TO MULTI-STATE OPIOID LITIGATION.

(C) *NUMBER OF MEMBERS.* THE COMMISSION SHALL CONSIST OF 11~~9~~ VOTING MEMBERS AND 10 NONVOTING EX OFFICIO MEMBERS.

(D) *MEMBERSHIP.* THE COMMISSION SHALL BE COMPRISED OF:

(1) THE FOLLOWING APPOINTED VOTING MEMBERS:

- (i) FOUR ~~THREE~~ MEMBERS WHO SHALL BE EITHER AN INDIVIDUAL OR THE FAMILY MEMBERS OF AN INDIVIDUAL WITH AN OPIOID USE DISORDER;
- (ii) FOUR ~~THREE~~ ADVOCATES OR SUBSTANCE USE DISORDER PROFESSIONALS THAT PROVIDE EDUCATION, TREATMENT, OR PREVENTION;
- (iii) TWO ~~ONE~~ CERTIFIED PEER RECOVERY ~~SPECIALIST~~ SPECIALISTS; AND
- (iv) ONE STUDENT REPRESENTATIVE UNDER THE AGE OF 19 AT THE TIME OF THEIR APPOINTMENT. ~~WHO SHALL SERVE A TERM THAT RUNS FROM JULY 1 THROUGH JUNE 30; AND~~
- ~~(v) ONE STUDENT WHO RESIDES IN HOWARD COUNTY AND WHO ATTENDS A COLLEGE OR UNIVERSITY WHO SHALL SERVE A TERM THAT RUNS FROM JULY 1 THROUGH JUNE 30.~~

(2) THE FOLLOWING NONVOTING EX OFFICIO MEMBERS:

- (i) THE DIRECTOR OF THE DEPARTMENT OF COMMUNITY RESOURCES AND SERVICES OR THE DIRECTOR'S DESIGNEE;
- (ii) THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS OR THE DIRECTOR'S DESIGNEE;
- (iii) THE DIRECTOR OF THE HOWARD COUNTY DEPARTMENT OF FIRE AND RESCUE SERVICES OR THE DIRECTOR'S DESIGNEE;
- (iv) THE HOWARD COUNTY STATE'S ATTORNEY OR THE STATE'S ATTORNEY'S DESIGNEE;

(v) THE CHIEF OF THE HOWARD COUNTY DEPARTMENT OF POLICE OR THE CHIEF'S
DESIGNEE;

(vi) THE SUPERINTENDENT OF THE HOWARD COUNTY PUBLIC SCHOOL SYSTEM OR THE
SUPERINTENDENT'S DESIGNEE;

(vii) THE HOWARD COUNTY HEALTH OFFICER OR THE HEALTH OFFICER'S DESIGNEE;

(viii) THE DIRECTOR OF THE LOCAL DEPARTMENT OF SOCIAL SERVICES OR THE
DIRECTOR'S DESIGNEE;

(ix) THE ADMINISTRATIVE JUDGE OF THE CIRCUIT COURT (5TH JUDICIAL DISTRICT) OR THE
JUDGE'S DESIGNEE FROM THE DISTRICT OR CIRCUIT COURTS IN HOWARD COUNTY;

(x) THE DISTRICT PUBLIC DEFENDER FOR THE 5TH JUDICIAL DISTRICT OR THE DISTRICT
PUBLIC DEFENDER'S DESIGNEE;

(E) *METHOD OF APPOINTMENT*. EACH APPOINTED MEMBER SHALL BE APPOINTED BY THE COUNTY
EXECUTIVE AND CONFIRMED BY THE COUNTY COUNCIL.

(F) *EXECUTIVE SECRETARY AND OTHER STAFF*. THE DIRECTOR OF THE DEPARTMENT OF
COMMUNITY RESOURCES AND SERVICES OR THE DIRECTOR'S DESIGNEE SHALL SERVE AS THE
EXECUTIVE SECRETARY OF THE COMMISSION AND SHALL ATTEND ALL MEETINGS OF THE
COMMISSION AND, IN ADDITION TO THE DUTIES SPECIFIED IN THIS SUBTITLE, SHALL PERFORM
DUTIES AS PRESCRIBED BY THE COMMISSION. THE COUNTY EXECUTIVE MAY ALSO DESIGNATE A
COUNTY EMPLOYEE TO SERVE AS A LIAISON TO THE COMMISSION.

(G) *MEETINGS*. THE COMMISSION SHALL MEET AT LEAST QUARTERLY.

(H) *DUTIES*. THE COMMISSION SHALL:

(1) CONSISTENT WITH PERMISSIBLE USE OF FUNDS SET FORTH IN NATIONAL AND STATE
SUBDIVISION AGREEMENTS TO WHICH THE COUNTY IS A PARTY, MAKE RECOMMENDATIONS
TO THE COUNTY ON THE USE OF OPIOID RESTITUTION FUNDS;

(2) REVIEW GRANT APPLICATIONS AND MAKE RECOMMENDATIONS REGARDING THE
DISTRIBUTION OF GRANT FUNDS; AND

(3) PROVIDE GUIDANCE ON THE FREQUENCY OF INITIATING NEW GRANT ROUNDS.

(I) *ANNUAL REPORT*. ON OR BEFORE FEBRUARY 28 OF EACH YEAR, THE COMMISSION SHALL
SUBMIT AN ANNUAL REPORT WHICH SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 22.1000
OF THIS CODE TO THE COUNTY COUNCIL AND THE COUNTY EXECUTIVE ON ITS ACTIVITIES DURING

1 THE PREVIOUS CALENDAR YEAR. THE REPORT MAY INCLUDE RECOMMENDATIONS ON ANY MATTER
2 RELATED TO THE WORK OF THE COMMISSION.

3 4 **Title 13. Housing and Community Development**

5 **Subtitle 1. Department of Housing and Community Development.**

6 7 **Section 13.101. - Department of Housing and Community Development.**

8 (a) *Head.* The Director of Housing and Community Development shall head the Department of
9 Housing and Community Development.

10 (b) *Qualifications of Director of Housing and Community Development.* The Director of
11 Housing and Community Development shall have a thorough knowledge of the methods and
12 principles of community development, housing management, rehabilitation of existing housing,
13 and community planning, including grant programs associated with these functions. At the time
14 of appointment the Director shall have had at least five years' experience in community
15 development, housing and/or real estate, including at least two years in a managerial capacity.

16 (c) *Executive Secretary.* The Director of Housing and Community Development shall serve as
17 Executive Secretary of the Housing and Community Development Board.

18 (d) *Duties and Responsibilities.* The Department of Housing and Community Development
19 develops, manages and implements various programs designed to secure safe and decent housing
20 for the citizens of Howard County, including but not limited to the following:

21 (1) *Policy and plans.* Consulting with other County agencies and with public and private
22 organizations to develop policy and plans related to housing, community development
23 and urban renewal. REVIEW AND FORMULATE POLICY RECOMMENDATIONS IN REFERENCE
24 TO PUBLICLY FUNDED PLANS AND PROGRAMS THAT HAVE AN IMPACT ON POPULATIONS
25 SEEKING AFFORDABLE HOUSING OR MOVING OUT OF HOMELESSNESS, OR OTHER ISSUES
26 COVERED IN THIS DEPARTMENT.

27 (2) *Coordination.* Reviewing, analyzing and coordinating housing or community
28 development projects, especially those which involve more than one Department of
29 County Government.

30 (3) *Grants.* Designing, writing and negotiating housing and community development related
31 grant proposals and applications. ADMINISTER THE COMMUNITY SERVICE PARTNERSHIP

GRANTS FOR HOMELESS SERVICES PROGRAMS OF THE HOWARD COUNTY GOVERNMENT FUNDING PROGRAM; COORDINATE WITH ~~RELEVANT~~ OTHER RELEVANT STATE AND FEDERAL GRANTS; PROVIDE TECHNICAL SUPPORT TO NONPROFIT GRANTEEES OR CONTRACTORS; AND MONITOR THE EFFECTIVENESS OF PROGRAMS AND GRANTEEES.

(4) ~~[[Liaison.]]~~*PARTNERSHIPS.* Maintaining ~~[[liaison]]~~*PARTNERSHIPS* with other County, State and Federal agencies with programs or services affecting housing policy and specific housing and community development programs. PARTICIPATE IN COMMUNITY-BASED ORGANIZATIONS WITH MEMBERSHIPS OF NONPROFIT AGENCIES TO INTEGRATE HOMELESS SERVICES AND HOUSING EFFORTS OF COUNTY GOVERNMENT WITH NONPROFIT AGENCIES.

(5) *Administering programs.* Administering various local, State and Federal loan and grant programs for moderate- and low-income individuals and families including, but not limited to, the overall supervision of program development and operations for the following:

- (i) The Community Development Block Grant Program;
- (ii) The Home Investment Partnership Program; and
- (iii) The Community Legacy Program and other programs offered by the State of Maryland.

(6) *HOMELESSNESS SERVICES AND RELATED PLANS.* ADMINISTER THE CONTINUUM OF CARE SYSTEM AND RELATED ORGANIZATIONAL UNITS IN THE PLAN TO END HOMELESSNESS AND MANAGE A COORDINATED HOMELESSNESS RESPONSE SYSTEM.

(7) *FACILITIES.* ADMINISTER SITE- OR CENTER-BASED PROGRAMS THAT OFFER CONSUMERS ACCESS TO SERVICES IN A SINGLE COMMUNITY BASED LOCATION.

~~[[(6)]]~~(8) *Other duties and responsibilities.* Performing such other functions as may be prescribed by directive of the County Executive or by law.

Title 15. Natural Resources.

Subtitle 5. Agricultural Preservation.

Section 15.500. - Short title; findings; purpose; NONAPPLICABILITY.

1 (a) *Short Title*. This subtitle may be known as the Howard County Agricultural Sustainability
2 and Land Preservation Act.

3 (b) *Findings*. Much of the agricultural land in the County is in jeopardy of being lost for any
4 agricultural purpose because of development pressures stemming from rapid growth in the
5 region's population. It is in the public interest to preserve these agricultural lands and a robust
6 agricultural economy because:

7 (1) Agricultural lands enhance the material and aesthetic quality of life in the County and are
8 valued by both urban and rural residents;

9 (2) Maintaining viable farms makes possible the provision of fresh, high quality food close to
10 the consumer;

11 (3) Agricultural lands serve as valued natural and ecological resources by providing needed
12 open spaces for clean-air sheds, watershed, and floodplain protection;

13 (4) Preservation of agricultural land provides an eventual saving in the cost of public services
14 that development would otherwise require.

15 (c) *Purpose*. The purpose of this act is to protect the health, safety and well-being of present and
16 future residents of Howard County by advancing the sustainability of agriculture as a viable
17 sector of the County's economy and by conserving and protecting 30,000 acres of agricultural
18 land as a resource of major importance. The County intends to acquire development rights by
19 purchase of the land, by purchase of the development rights and by acceptance of dedicated
20 remainders from cluster subdivision pursuant to the subdivision and zoning regulations. The
21 County also intends to support farming, agricultural endeavors and its investment in easements
22 by offering technical assistance, promoting agribusiness innovation, and developing future
23 market opportunities.

24 (D) *NONAPPLICABILITY*. EXCEPT AS EXPRESSLY PROVIDED IN THIS SUBTITLE, THE PROVISIONS OF
25 THIS SUBTITLE DO NOT APPLY TO AGRICULTURAL LAND PRESERVATION EASEMENTS ACQUIRED BY
26 THE COUNTY OR DISTRICTS ESTABLISHED BEFORE MAY 1, 1993. THE LAW IN EFFECT AT THE TIME
27 AN EASEMENT WAS ACQUIRED WILL CONTINUE TO GOVERN EASEMENTS ACQUIRED BEFORE MAY 1,
28 1993.

29
30 **Section 15.501.** [[Nonapplicability]]**OFFICE OF AGRICULTURE.**

1 [[Except as expressly provided in this subtitle, the provisions of this subtitle do not apply to
2 agricultural land preservation easements acquired by the County or districts established before
3 the effective date of this act [May 1, 1993]. The law in effect at the time an easement was
4 acquired will continue to govern easements acquired before the effective date of this act.]]

5 (A) *GENERAL PROVISIONS*. THE GENERAL PROVISIONS APPLICABLE TO THIS OFFICE ARE SET FORTH
6 IN SUBTITLE 2, "ADMINISTRATIVE DEPARTMENTS AND OFFICES," OF TITLE 6 "COUNTY EXECUTIVE
7 AND EXECUTIVE BRANCH" OF THE HOWARD COUNTY CODE.

8 (B) *HEAD*. THE ADMINISTRATOR OF THE OFFICE OF AGRICULTURE SHALL HEAD THE OFFICE OF
9 AGRICULTURE UNDER THE GENERAL SUPERVISION OF THE CHIEF ADMINISTRATIVE OFFICER.

10 (C) *QUALIFICATIONS OF THE ADMINISTRATOR*. THE ADMINISTRATOR SHALL HAVE CONSIDERABLE
11 KNOWLEDGE OF THE PRINCIPLES AND BEST PRACTICES OF VARIOUS ASPECTS OF AGRICULTURE. AT
12 THE TIME OF APPOINTMENT, THE ADMINISTRATOR SHALL HAVE HAD AT LEAST FIVE YEARS OF
13 INCREASINGLY RESPONSIBLE EXPERIENCE IN THE ADMINISTRATION OF AN AGRICULTURAL
14 PROGRAM, INCLUDING AT LEAST TWO YEARS IN A SUPERVISORY ROLE.

15 (D) *DUTIES AND RESPONSIBILITIES*. THE OFFICE SHALL PROMOTE AND ENHANCE COLLABORATION
16 BETWEEN ALL DEPARTMENTS AND ORGANIZATIONS WORKING IN THE HOWARD COUNTY
17 AGRICULTURAL SECTOR BY PERFORMING THE FOLLOWING FUNCTIONS:

- 18 (1) ASSESSING THE AGRICULTURAL IMPACTS OF ALL INITIATIVES AND PROGRAMS ACROSS THE
19 COUNTY;
- 20 (2) DEVELOPING, ADVOCATING FOR, AND IMPLEMENTING PROGRAMS, POLICIES, AND ACTIONS
21 BY GOVERNMENT, CITIZENS, BUSINESSES, FARMERS, AND INSTITUTIONS TO IMPROVE THE
22 LONG-TERM AGRICULTURAL VIABILITY OF THE COUNTY;
- 23 (3) IN ORDER TO RESOLVE COMPLAINTS AND CONCERNS RAISED BY CITIZENS, ASSISTING IN THE
24 COORDINATION OF INSPECTORS ALREADY EXISTING IN OTHER AGENCIES, INCLUDING STATE
25 AND FEDERAL ENTITIES, AS APPLICABLE;
- 26 (4) WORKING CLOSELY WITH ALL BOARDS AND COMMISSIONS THAT MAY PLAY A ROLE IN THE
27 SUSTAINABILITY OF THE COUNTY'S AGRICULTURAL RESOURCES;
- 28 (5) WORKING CLOSELY WITH GOVERNMENT AGENCIES AND ORGANIZATIONS, INCLUDING BUT
29 NOT LIMITED TO THE ECONOMIC DEVELOPMENT AUTHORITY, DEPARTMENT OF
30 RECREATION AND PARKS, DEPARTMENT OF PLANNING AND ZONING, HOWARD SOIL
31 CONSERVATION DISTRICT, UNIVERSITY OF MARYLAND EXTENSION AND MARYLAND

1 DEPARTMENT OF AGRICULTURE TO ENSURE AGRICULTURAL INNOVATION AND ECONOMIC
2 AND ENVIRONMENTAL SUSTAINABILITY;

3 (6) COORDINATING, EXPLORING, AND OBTAINING GRANT FUNDING RELATED TO ALL AREAS OF
4 AGRICULTURE;

5 (7) PROVIDING AN EXECUTIVE SECRETARY FOR THE AGRICULTURAL PRESERVATION BOARD;

6 (8) ADMINISTERING ACTIVITIES UNDER THIS ACT THAT SUPPORT THE COUNTY'S FARMING AND
7 AGRICULTURAL ENDEAVORS;

8 (9) FOSTERING COLLABORATION AND RESOURCE SHARING TO ENHANCE CUSTOMER SERVICE
9 AND PROGRAM DELIVERY FOR HOWARD COUNTY'S ENTIRE AGRICULTURAL COMMUNITY;

10 (10) MANAGING A MARKETING PROGRAM TO PROMOTE LOCAL PRODUCERS AND FACILITATE
11 VARIOUS FARMING-RELATED DONATION PROGRAMS; AND

12 (11) PERFORMING OTHER FUNCTIONS AS MAYBE PRESCRIBED BY THE DIRECTIVE OF THE
13 COUNTY EXECUTIVE OR BY LAW.

14
15 **Section 15.502. Definitions.**

16 For purposes of this subtitle, the following terms shall have the meanings indicated:

17 [[(a) *Administrator* means the Director of the Department of Planning and Zoning or the
18 Director's designee.]]

19 ([[b]]A) *Agricultural endeavors* means those agricultural uses that require the filing of a
20 Schedule F for federal income tax purposes.

21 ([[c]]B) *Agricultural use* means farming and includes:

22 (1) Dairying, pasturage, growing crops, bee keeping, horticulture, floriculture, orchards,
23 plant nurseries, viticulture, silviculture, aquaculture, and animal and poultry husbandry;

24 (2) The breeding, raising, training and general care of livestock for uses other than food, such
25 as sport or show purposes;

26 (3) Construction and maintenance of barns, silos and other similar structures, the use of farm
27 machinery, the primary processing of agricultural products and the sale of agricultural
28 products produced on the land where the sales are made; and

29 (4) Other uses directly related to or as an accessory use of the premises for farming and
30 agricultural purposes.

1 ([d])C) *Agricultural land preservation program* means the acquisition and stewardship of
2 County agricultural land preservation easements and programs to support farming and
3 agricultural endeavors. The program may be referred to as the "ALP Program".

4 ([e])D) *Board* means the Howard County Agricultural Preservation Board as described in
5 section 15.503 of this subtitle. The Board may also be referred to as the "APB".

6 ([f])E) *Dedication* or *dedicated* refers to the process by which a landowner places a preservation
7 parcel under a restrictive easement of the ALP Program.

8 ([g])F) *Department* means the Department of Planning and Zoning.

9 ([h])G) *Development right* means the right to develop the parcel for purposes other than
10 agricultural uses. *Development right* includes, but is not limited to, the right to use the property
11 for industrial or commercial uses, for residential purposes (except as set forth in this subtitle), or
12 the storage or depositing of trash, junk, rubbish or debris.

13 ([i])H) *Easement; agricultural land preservation easement* means a recorded restriction on
14 exercising the development rights on land.

15 (I) *EASEMENT ADMINISTRATOR* MEANS THE EMPLOYEE IN THE DEPARTMENT OF PLANNING AND
16 ZONING WHO OVERSEES THE COUNTY’S AGRICULTURAL LAND PRESERVATION EASEMENTS.

17 (j) *Grantor* means the landowner who conveyed an easement on a parcel to the County.

18 (k) *Landowner* means the legal owner or owners of a parcel.

19 (L) *OFFICE* MEANS THE OFFICE OF AGRICULTURE.

20 [(1)](M) *Preservation parcel* means a parcel of land:

21 (1) Which is created in a subdivision after clustering; or

22 (2) That is:

23 (i) The sending parcel on a density exchange option or on a cluster exchange option
24 pursuant to the zoning regulations; and

25 (ii) Subject to an agricultural land preservation easement.

26 [(m)](N) *Pricing formula* means a formula adopted by resolution of the County Council to
27 assign point values for various characteristics of a farm which make its preservation as
28 agricultural land more or less valuable to the County.

29 [(n)](O) *Public interest use* means a use which:

30 (1) Does not unduly interfere with the agricultural use of property subject to an easement;
31 and

(2) Has been determined by the County Council to be a public interest use.
[[(o)]] (P) *Tenant housing* means housing for workers fully engaged in operation of the agricultural use and their families.

Section 15.503. Agricultural Preservation Board.

(a) *General Provisions.* General provisions applicable to this Board are set forth in subtitle 3, "Boards and Commissions," of title 6, "County Executive and the Executive Branch," of the Howard County Code.

(b) *Establishment; Number of Members; Method of Appointment.* There is an Agricultural Preservation Board consisting of seven members who shall be appointed by the County Executive and confirmed by the County Council. When exercising the power of appointment and confirmation, the County Executive and County Council shall consider, at a minimum, the following areas including, without limitation:

(1) In order to ensure that members represent the diversity of farms and agricultural endeavors within the County, when appointing members under subsection (c)(2) of this section, consideration should be given to individuals based on the following criteria including, without limitation:

- (i) Size of the agricultural operation;
- (ii) Location of the farm or agricultural endeavor;
- (iii) Type of farming or other agricultural endeavors; or
- (iv) Participation in the ALP Program or the State of Maryland Land Preservation Foundation.

(2) When appointing members under subsection (c)(4) of this section, consideration should be given to individuals with experience or knowledge in the following areas including, without limitation:

- (i) Land easements;
- (ii) Real estate;
- (iii) Agricultural economic development;
- (iv) Sciences that relate to agriculture; or
- (v) Other relevant experience.

(c) *Membership:*

1 (1) All members shall be residents of Howard County.

2 (2) At least three of the members shall receive at least 50 percent of their annual income,
3 at the time of their appointment, from active farming;

4 (3) At least one member shall own and farm property subject to an easement in the
5 County's ALP Program;

6 (4) At least two of the members shall not receive income from agricultural endeavors.

7 (5) The Board may recommend board members to the County Executive based on the
8 criteria listed in subsections (b)(1) and (b)(2) of this section.

9 (d) *Executive Secretary.* A County employee from the Office [[of Community Sustainability]]
10 shall be assigned to serve as the Executive Secretary to the Board and shall attend all meetings.

11 (e) *Meetings.* The Board shall meet at least once every three months and more frequently as
12 necessary to conduct the affairs of the Board. Meetings may be called by the chair or by any two
13 members. The Board may decide not to meet one month in the spring and one month in the fall
14 for the planting and harvesting seasons.

15 (f) *Voting.* Any action or recommendation of the Board shall be by the affirmative vote of a
16 majority of the members, except that five affirmative votes are needed to recommend to the
17 County Executive acquisition of an easement.

18 (g) *Conflict of Interest.* If a member of the Board or the member's spouse, parent, child, or
19 affiliated business interest has a financial interest in a parcel, an offer may be made to sell an
20 easement in the parcel to Howard County, provided that:

21 (1) Pursuant to provisions of the Howard County Charter and the Howard County Code
22 regarding conflicts of interest, the County Council has authorized the member to
23 negotiate with the County for sale of the easement; and

24 (2) The Board member, in their Board capacity, does not participate in any discussions
25 concerning price, terms of purchase or other issues related to the purchase; and

26 (3) The Board member abstains from discussing and voting on the Board's
27 recommendation to the County Executive regarding the purchase of the parcel, and the
28 price and terms.

29 (h) *Duties and Responsibilities.* The Board shall have the following duties:

30 (1) For the County Executive and County Council, the Board shall:

31 (i) Make recommendations on:

- 1 c. ALP Program policy, and agricultural policy in general;
- 2 d. Agricultural and agricultural preservation issues by providing written or oral
- 3 testimony; and
- 4 (ii) Listen to concerns and ideas of individuals, institutions, and organizations on
- 5 agricultural issues affecting the County; and
- 6 (iii) Report annually on the status of the program and issues of particular interest or
- 7 concern to the agricultural community.
- 8 (2) [[For the Department, the]]THE Board shall:
- 9 (i) FOR THE DEPARTMENT, IN [[In]] accordance with the terms of the deed of
- 10 easement and this subtitle, review and make recommendations on proposals for:
- 11 a. The location of permitted lots and dwellings;
- 12 b. The construction of tenant housing;
- 13 c. Parcel subdivision of the land; and
- 14 d. Requests pertaining to an easement brought by the owners of the property
- 15 subject to the easement. This section is not intended to limit the Department's
- 16 police powers or the County's property rights under the easement;
- 17 (ii) WITH THE DEPARTMENT AND THE OFFICE, HOST, CONDUCT [[Host]] or participate
- 18 IN [[with the Department to conduct]] outreach, education, or both outreach and
- 19 education, EVENTS for potential easement applicants and existing property owners;
- 20 and
- 21 (iii) FOR THE DEPARTMENT, MAKE [[Make]] recommendations on agricultural issues,
- 22 including the evaluation of zoning related complaints and easement enforcement,
- 23 based on the Board's knowledge of common and acceptable farming practices.
- 24 This section is not intended to limit the Department's police powers related to
- 25 zoning enforcement or the County's property rights under the easement;
- 26 (3) For the Hearing Examiner, the Board shall review and make recommendations on
- 27 commercial solar facility and other conditional uses sought on easements as provided
- 28 in the Howard County Zoning Regulations.
- 29 (i) *Agricultural Preservation Advisory Board*. There is an Agricultural Preservation Advisory
- 30 Board established pursuant to Title 2, subtitle 5 of the Agricultural Article of the Annotated Code
- 31 of Maryland which makes recommendations on properties participating in the Maryland

1 Agricultural Preservation Program. The advisory Board consists of five members of the Howard
2 County Agricultural Preservation Board who are also designated as members of the Agricultural
3 Preservation Advisory Board. The other two members of the Howard County Agricultural
4 Preservation Board shall not participate in the deliberations of the Agricultural Preservation
5 Advisory Board.

6
7 **Section 15.505. Easement administration.**

8 (a) *Procedures.* The Board may develop procedures for the review of parcels offering
9 development rights to the County, the rating of desirability, the pricing of an agricultural land
10 preservation easement, and the functioning of the ALP program and other related matters.

11 (b) *Purchase Price Formula.* There is a purchase price formula for determining the price the
12 County will pay per acre to purchase an agricultural land preservation easement. The formula
13 shall be set by resolution of the County Council.

14 (c) *Maps and Records.* The official maps of parcels subject to an agricultural land preservation
15 easement are the 1 inch = 600 feet zoning maps. The EASEMENT Administrator shall update maps
16 on a regular basis to reflect the addition of new parcels and the amendment of existing parcels.

17
18 **Section 15.507. Process for buying easements.**

19 This process applies only to buying easements and does not apply to donated easements or to
20 easements acquired by dedication of a preservation parcel.

21 (a) *Applications.* An application to sell the development rights shall be submitted to the
22 EASEMENT Administrator by the landowner. The application shall be in a form approved by the
23 Department, shall contain the information required and shall be accompanied by a nonrefundable
24 application fee, the amount of which is set by resolution of the County Council.

25 (b) *Number of Applications.* A landowner may submit an application for each parcel or may
26 submit a single application as part of a package for multiple contiguous parcels.

27 (c) *Review by EASEMENT Administrator:*

28 (1) The EASEMENT Administrator shall review each application to determine if all eligibility
29 criteria for acquiring an easement are met.

30 (2) If the eligibility criteria are met, the EASEMENT Administrator shall evaluate the parcel,
31 considering geographic location, productivity, soil characteristics, accessibility, size,

1 developability, contiguity to other land on which the County holds easements, restrictions
2 and covenants on the land, comments from other County departments, and any other
3 information which may assist the Board in evaluating the desirability of the property.

4 (3) The EASEMENT Administrator shall prepare a detailed report on the parcel and the pricing
5 formula score and shall submit the report, the application and the EASEMENT
6 Administrator's evaluation and recommendation to the Board for its consideration.

7 (4) If the eligibility criteria are not met, the EASEMENT Administrator shall reject the
8 application and shall notify the landowner of the rejection and the reason(s) for rejection.
9 The landowner may request the Board to review the EASEMENT Administrator's decision
10 to reject the application.

11 (d) *Review by Board:*

12 (1) The Board may review the application, the EASEMENT Administrator's report and
13 recommendation and may make an on-site inspection of the parcel.

14 (2) The Board shall hold a public meeting to receive comments from the public as to whether
15 the parcel offered is acceptable and desirable.

16 (3) After the public meeting, the Board shall determine the price to be offered according to
17 the pricing formula and may provide any recommendations to the County Executive
18 concerning the acquisition.

19 (e) *Purchase:*

20 (1) *Offers to landowners.* After determining the price to be paid per acre, based on the
21 pricing formula, the Board shall make an offering proposal to the landowner to purchase
22 the development rights. An offer made under this section is subject to the availability of
23 adequate borrowing authority.

24 (2) *Recommendation to County Executive.* If the landowner agrees to the price, terms and
25 conditions of the offering proposal, the Board shall advise the County Executive of the
26 agreement in a written notification briefly describing the property and the price, terms
27 and conditions agreed upon.

28 (3) *Action by County Executive.* The County Executive may not modify the agreed upon
29 price, terms and conditions, and may only approve or disapprove the purchase as
30 proposed.

1 (4) *Installment purchase; multiyear agreement; Federal tax exemption.* If the County is to
2 pay the price in installments, County Council approval of a multiyear agreement is
3 required, pursuant to section 612 of the Howard County Charter. In addition, if the
4 County and the landowner intend that the interest paid under the installment purchase
5 agreement is to be exempt from federal income taxation, the transaction shall comply
6 with all relevant provisions of the Internal Revenue Code of 1986, as amended.
7

8 **Section 15.507A. Alternate process for the purchase of easements.**

9 (a) *Applicability.* Notwithstanding any other provision of this subtitle, the process under this
10 section applies to the purchase of an agricultural land preservation easement if the source of all
11 or a portion of the funds for the purchase is a State or Federal grant program that requires, as a
12 condition of the use of the funds, that a process other than that contained in this subtitle be used.

13 (b) *Price of Easement.* To determine the price the County will pay for an agricultural land
14 preservation easement the EASEMENT Administrator shall use the formula under subsection
15 15.505(b) of this subtitle or other method required by the program from which the funds
16 originate.

17 (c) *Notification to Potential Participants.* The EASEMENT Administrator may advertise the
18 requirements for participation in the program or may notify potential Applicants through any
19 means authorized under the program from which the funds originate.

20 (d) *Review by EASEMENT Administrator.* The EASEMENT Administrator shall prepare an analysis
21 of the proposed purchase of an easement based upon criteria for qualification under the program
22 from which the funds originate. If the purchase of the easement is approved by the regulatory or
23 administrative authority for the program from which the funds originate, the EASEMENT
24 Administrator shall include the analysis in a report submitted to the Board.

25 (e) *Review by Board:*

26 (1) The Board shall review the application, the EASEMENT Administrator's report and
27 recommendation and may make an on-site inspection of the parcel.

28 (2) The Board shall hold a public meeting to receive comments from the public as to whether
29 the parcel offered is acceptable and desirable.

30 (3) The Board shall make a recommendation to the County Executive regarding the purchase
31 of the easement. The Board may not revise the price to be offered for the purchase.

1 (2) The Board shall hold a public meeting to receive comments from the public as to whether
2 the parcel offered is acceptable and desirable.

3 (3) The Board shall make a recommendation to the County Executive regarding the purchase
4 of the easement. The Board may not revise the price to be offered for the purchase.

5 (f) *Process for Purchase:*

6 (1) *Confirmation of price and conditions of sale.* The EASEMENT Administrator shall confirm
7 the purchase price for the development rights and any specific conditions required with
8 the appropriate regulatory or administrative authority, and shall notify the property owner
9 in a manner consistent with the requirements of the program under which the funds are
10 provided.

11 (2) *Recommendation to the County Executive.* If the landowner agrees to the price, terms and
12 conditions of the offering proposal, the EASEMENT Administrator shall notify the County
13 Executive in writing of the agreement describing the property, the price, funding sources,
14 and the terms and conditions agreed upon.

15 (3) *Action by County Executive.* The County Executive may not modify the agreed upon
16 price, terms, and conditions, and may only approve or disapprove the purchase as
17 proposed.

18 (4) *Installment purchase; multiyear agreement.* If the County is responsible as a participating
19 party to a contract that requires the payment of funds from a fiscal year beyond the year
20 in which the contract is made, the contract shall be approved by the County Council as a
21 multiyear agreement under section 612 of the Howard County Charter.

22
23 **Section 15.508. Process for acquiring an easement by donation.**

24 This section applies only to the donation of agricultural land preservation easements.

25 (a) A landowner whose parcel meets the criteria of subsection 15.506(c) may apply to donate an
26 easement to the County.

27 (b) The application shall be completed by the landowner and submitted to the EASEMENT
28 Administrator.

29 (c) The EASEMENT Administrator shall make a report and recommendation to the Board. The
30 Board shall then make a recommendation to the County Executive whether or not to accept the
31 donation.

(d) If the County Executive agrees to accept donation of an easement, the Executive shall send a letter to the landowner accepting the offer.

Section 15.509. Process for acquiring an easement by dedication of a preservation parcel.

The EASEMENT Administrator may accept easements on preservation parcels which meet the criteria of subsection 15.506(b) during the subdivision process as set forth in the subdivision regulations and shall notify the Board of any such acquisition.

Section 15.513. Enforcement/penalties.

(a) *Inspection.* The [[Administrator]]COUNTY shall have the right, with prior notice to the landowner, to enter the land on which the County holds an agricultural land preservation easement in order to inspect for compliance with the conditions of the deed of easement.

(b) *Civil Penalties.* The County may impose civil penalties pursuant to title 24 of the Howard County Code for failure of the landowner to maintain and implement the approved soil conservation and water quality plan, which failure shall be a Class A offense.

(c) *Damages.* The County may seek monetary damages of up to 25 percent of the value of the easement from a landowner who substantially reduces the value of the easement by engaging in practices which are unacceptable to the U.S. Department of Agriculture or the Maryland Department of Agriculture.

(d) *Injunction.* In addition to other remedies, the County may seek an injunction to halt practices which violate the terms and conditions of the easement.

Title 17. Public Protection Services.

Subtitle 4. Consumer Protection.

Section 17.401. Office of Consumer Protection.

(a) *General Provisions.* General provisions applicable to this Office are set forth in subtitle 2, “Administrative Departments and Offices,” of title 6, “County Executive and the Executive Branch,” of the Howard County Code.

(b) *Head.* The Consumer Protection Administrator shall head the Office of Consumer Protection. The [[Director of Community Resources and Services]]CHIEF ADMINISTRATIVE OFFICER shall exercise administrative supervision over the Office of Consumer Protection.

(c) *Qualifications of Consumer Protection Administrator.* The Consumer Protection Administrator shall have thorough knowledge of methods and practices of protecting consumer interest, including knowledge of County, State and Federal laws, and knowledge of the methods and techniques of investigating complaints and charges of unlawful trade practices. The Administrator shall have at least five years of experience in community service or related work, including one year dealing with consumer protection or trade practices and at least one year of managerial experience.

(d) *Duties and Responsibilities.* The Office shall have the following duties:

(1) To regulate solicitors and peddlers pursuant to subtitle 7, "Solicitors and Peddlers," of title 14, "Inspections, Licenses, and Permits," of the Howard County Code.

(2) To receive, investigate and conciliate complaints and initiate its own investigation of deceptive or unfair trade practices against consumers; to hold hearings, compel the attendance of witnesses, administer oaths, take the testimony of any person under oath, and, in connection therewith, require the production of any evidence relating to any matter under investigation or in question by the Office.

(3) To issue summons to compel the attendance of witnesses and the production of documents, papers, books, records and other evidence in any matter to which this subtitle applies. Any such summons shall be served by the Sheriff or Deputy Sheriff of the political subdivision in which is located the residence of the person or the main office of the firm, association, partnership or corporation against whom or which the summons is served. In case of disobedience to a summons, the County, on behalf of the Office, may apply to a court of appropriate jurisdiction for an order requiring the attendance and testimony of witnesses and/or the production of records or a document. After notice to the person summoned as a witness or directed to produce records and documents, and upon a finding that the attendance and testimony of the witness or the production of the records and documents is relevant or necessary for the proceeding of the Office, the court may issue an order requiring the attendance and testimony of the witness and the

1 production of records and documents. Any failure to obey such an order of the court may
2 be punished as contempt of court.

3 (4) To issue cease and desist orders with respect to consumer practices declared to be in
4 violation of this subtitle by the Office. If, upon all the evidence, the Administrator of the
5 Office finds that the respondent has engaged in a deceptive or unfair trade practice within
6 the scope of any provision of this subtitle, it shall so state its findings. The Office
7 thereupon shall issue and cause to be served upon the respondent an order requiring the
8 respondent to cease and desist from the deceptive or unfair trade practice and to take such
9 affirmative action as equity and justice may require to effectuate the purposes of this
10 subtitle.

11 (5) To refer to appropriate governmental or regulatory agencies, either public or private,
12 having jurisdiction over consumer protection matters, any information concerning an
13 apparent or potential violation of any consumer protection laws.

14 (6) To present the interests of consumers before administrative and regulatory agencies and
15 legislative bodies.

16 (7) To assist, advise and cooperate with other local, State and Federal agencies and officials
17 to protect and promote the interest of the County consumer public.

18 (8) To assist, develop and conduct programs of consumer education and information through
19 public hearings, meetings, publications or other material prepared for distribution to the
20 consumer public of the County.

21 (9) To undertake activities to encourage local business and industry to maintain high
22 standards of honesty, fair business practices and public responsibility in the production,
23 promotion and sale of merchandise, goods and services and the extension of credit.

24 (10) To exercise and perform such other functions or duties consistent with the purposes or
25 provisions of this subtitle which may be deemed necessary or appropriate to protect and
26 promote the welfare of County consumers.

27 (11) To render annual reports as to the number of complaints filed, the nature thereof and the
28 disposition thereof and the other relevant activities of the Office undertaken during the
29 previous year.

30 (12) To make administrative rules and regulations as may be necessary to ensure the orderly
31 operation of the Office and to promulgate standards further defining the "unfair or

deceptive trade practices” as set forth in this subdivision. These rules and regulations and standards shall take effect no earlier than 60 days after their adoption by the Office. Any regulation adopted hereunder shall be in accordance with the HOWARD COUNTY Administrative Procedure Act.

(13) To administer subtitle 5, "New Home Contract of Sale," of title 17, "Public Protection Services," of the Howard County Code, according to the provisions of section 17.505, "Administration, Enforcement and Penalties," of subtitle 5 of title 17 of the Howard County Code.

(14) To administer subtitle 10 "Landlord Tenant Relations" of title 17 "Public Protection Services" of the Howard County Code.

(15) To adopt written regulations necessary to implement subtitle 10 "Landlord Tenant Relations" of title 17 "Public Protection Services" of the Howard County Code.

Title 22. General Provisions.

Subtitle 2. Howard County Ethics Law.

Section 22.206. Financial disclosure statements.

(c) This section applies to members of the following boards and commissions:

- (1) Board of Appeals;
- (2) Planning Board;
- (3) Recreation and Parks Board;
- (4) Public Works Board;
- (5) Ethics Commission;
- (6) Housing and Community Development Board;
- (7) Agricultural Preservation Board;
- (8) Equal Business Opportunity Commission;
- (9) Historic Preservation Commission;
- (10) Board of Library Trustees;
- (11) Howard County Housing Commission;
- (12) Economic Development Authority Board;
- (13) Howard County Pension Oversight Commission;

- 1 (14) Local Behavioral Health Advisory Board;
2 (15) Howard County Alcoholic Beverage Hearing Board;
3 (16) Howard County Revenue Authority Board;
4 (17) Design Advisory Panel;
5 (18) Animal Matters Hearing Board;
6 (19) Advisory Board on Consumer Protection;
7 (20) Board of Electrical Examiners;
8 (21) Board of Health;
9 (22) Human Rights Commission; [[and]]
10 (23) Police Accountability Board[.]; AND
11 (24) OPIOID RESTITUTION FUND COMMISSION.
12

13 **Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that,**
14 **to establish the staggering of terms of the initial voting members of the Opioid Restitution Fund**
15 **Commission, 3 appointees shall have a term of 1 year, 4 appointees shall have a term of 2 years,**
16 **and 4 appointees shall have a term of 3 years, as provided in the Resolutions that confirm the**
17 **appointments.**
18

19 **Section 23. And Be It Further Enacted by the County Council of Howard County, Maryland,**
20 **that this Act shall become effective 61 days after its enactment.**

Amendment 1 to Council Bill No. 7-2024

BY: The Chairperson at the Request
of the County Executive

Legislative Day 3
Date: March 4, 2024

Amendment No. 1

(This Amendment:

1. Clarifies the number of voting versus nonvoting members of the Opioid Restitution Fund Commission;
2. Amends the number of voting members of the Opioid Restitution Fund Commission;
3. Provides that the youth member of the Opioid Restitution Fund Commission shall be appointed prior to turning 19 and may serve a full term;
4. Provides for the staggering of the initial voting members of the Opioid Restitution Fund Commission; and
5. Makes a technical correction.)

1 On page 11, in line 10, strike “9” and substitute “11” and, in the same line, after “VOTING
2 MEMBERS” insert “AND 10 NONVOTING EX OFFICIO MEMBERS”.

3

4 On page 11, in line 13, strike “THREE” and substitute “FOUR”.

5

6 On page 11, in line 15, strike “THREE” and substitute “FOUR”.

7

8 On page 11, in line 17, strike “ONE” and substitute “TWO”, and in the same line, strike
9 “SPECIALIST” and substitute “SPECIALISTS; AND”.

10

11 On page 11, in line 18, strike “WHO SHALL SERVE A TERM” and substitute “AT THE TIME OF THEIR
12 APPOINTMENT.”.

13

14 On page 11, strike lines 19, 20 and 21, inclusive and in their entirety.

15

16 On page 13, in line 30, strike “RELEVANT” and, after “OTHER”, insert “RELEVANT”.

17

18 On page 30, in line 5, insert:

I certify this is a true copy of

AI CB7-2024

passed on March 4, 2024

Michelle Cherry
Council Administrator

1 **“Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland**
2 **that, to establish the staggering of terms of the initial voting members of the Opioid Restitution**
3 **Fund Commission, 3 appointees shall have a term of 1 year, 4 appointees shall have a term of 2**
4 **years, and 4 appointees shall have a term of 3 years, as provided in the Resolutions that confirm**
5 **the appointments.”.**

6
7 On page 30, in line 6, strike “2” and substitute “3”.

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on March 7, 2024.

Michelle R. Harrod
Michelle R. Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2024.

Michelle R. Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2024.

Michelle R. Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2024.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2024.

Michelle R. Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2024.

Michelle R. Harrod, Administrator to the County Council

Introduced 02.05.2024
Public Hearing 02.20.2024
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2024 Legislative Session

Legislative Day No. 2

Bill No. 7 -2024

Introduced by: The Chairperson at the request of the County Executive

AN ACT reorganizing the Executive Branch of County Government pursuant to Section 403 of the Howard County Charter; moving the Office of Consumer Protection to the Department of County Administration; establishing an Office of Agriculture within the Department of County Administration; establishing an Opioid Restitution Fund Commission within the Department of Community Resources and Services; setting forth the duties and qualifications of the Opioid Restitution Fund Commission; providing that the Office of Community Partnerships within the Department of Community Resources and Services shall perform certain functions with regard to the receipt of Opioid Restitution Funds; setting forth the duties and qualifications of the Administrator of the Office of Agriculture; removing certain functions from the Office of Community Sustainability that will be functions of the Office of Agriculture; moving the function of administering homelessness services to the Department of Housing and Community Development; requiring that members of the Opioid Restitution Fund Commission provide certain financial disclosure statements; clarifying certain duties; making certain technical corrections; and generally relating to the Executive Branch of County Government.

Introduced and read first time Feb 5, 2024. Ordered posted and hearing scheduled.

By order Michelle Harrod
Michelle Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on Feb 20, 2024.

By order Michelle Harrod
Michelle Harrod, Administrator

This Bill was read the third time on _____, 2024 and Passed ____, Passed with amendments ____, Failed ____.

By order _____
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ____ day of _____, 2024 at ____ a.m./p.m.

By order _____
Michelle Harrod, Administrator

Approved/Vetoed by the County Executive _____, 2024

Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 *Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the*
2 *Howard County Code is amended as follows:*

3 *By amending:*

4 *Title 6 – County Executive and the Executive Branch*
5 *Section 6.201 “Department of County Administration”*

6
7 *Title 6 – County Executive and the Executive Branch*
8 *Section 6.202 “Department of community resources and services”*

9
10 *Title 6. County Executive and the Executive Branch.*
11 *Section 6.407 “Office of Community Sustainability”.*

12
13 *Title 12. Health and Social Services.*
14 *Section 12.901 “Department of Community Resources and Services”.*

15
16 *Title 12. Health and Social Services.*
17 *Section 12.1900 “Office of Community Partnerships”.*

18
19 *Title 13 “Housing and Community Development”*
20 *Section 13.101 “Department of Housing and Community Development”*

21
22 *Title 15 “Natural Resources”*
23 *Section 15.500 “Short-title; findings; purpose”.*

24
25 *Title 15 “Natural Resources”*
26 *Section 15.501 “Nonapplicability”.*

27
28 *Title 15 “Natural Resources”.*
29 *Section 15.502 “Definitions”.*

30
31 *Title 15 “Natural Resources”.*

1 *Section 15.503 “Agricultural Preservation Board”.*

2
3 *Title 15 “Natural Resources”.*

4 *Section 15.505 “Easement administration”.*

5
6 *Title 15 “Natural Resources”.*

7 *Section 15.507 “Process for buying easements”.*

8
9 *Title 15 “Natural Resources”.*

10 *Section 15.507A “Alternate process for the purchase of easements”.*

11
12 *Title 15 “Natural Resources”.*

13 *Section 15.508 “Process for acquiring an easement by donation”.*

14
15 *Title 15 “Natural Resources”.*

16 *Section 15.509 “Process for acquiring an easement by dedication of a preservation*
17 *parcel”.*

18
19 *Title 15 “Natural Resources”.*

20 *Section 15.513 “Enforcement/penalties”.*

21
22 *Title 17. “Public Protection Services”.*

23 *Section 17.401 “Office of Consumer Protection”.*

24 *Subsection (b)*

25
26 *Title 22 “General Provisions”.*

27 *Section 22.206 “Financial Disclosure Statements”.*

28 *Subsection (c)*

29
30 *By Adding:*

31 *Title 6. “County Executive and the Executive Branch”.*

1 *Section 6.351 "Opioid Restitution Fund Commission".*

2
3 *Title 12. "Health Code"*

4 *Subtitle 25 "Opioid Restitution Fund Commission".*

5
6 **Title 6. County Executive and the Executive Branch**

7 **Subtitle 2. Administrative Departments and Offices.**

8
9 **Section 6.201. Department of County Administration.**

10 (a) *Department of County Administration.* There is a Department of County Administration. The
11 qualifications of its Director and the nature of its duties and responsibilities are set forth in
12 subtitle 4, "Department of County Administration," of this title 6, "County Executive and the
13 Executive Branch," of the Howard County Code.

14 (b) *Office of Budget.* There is an Office of Budget. The qualifications of its Administrator and
15 the nature of its duties and responsibilities are set forth in section 22.400A, "Office of Budget,"
16 of subtitle 4, "Budget Procedures," of title 22, "General Provisions, Penalties, etc.," of the
17 Howard County Code.

18 (c) *Office of Human Rights and Equity.* There is an Office of Human Rights and Equity. The
19 qualifications of its Administrator and the nature of its duties and responsibilities are set forth in
20 subtitle 2, "Human Rights," of title 12, "Health and Human Services," of the Howard County
21 Code.

22 (d) *Office of Central Services.* There is an Office of Central Services. The qualifications of its
23 Administrator and the nature of its duties and responsibilities are set forth in subtitle 4,
24 "Department of County Administration" of this title 6, "County Executive and the Executive
25 Branch" of the Howard County Code.

26 (e) *Office of Human Resources.* There is an Office of Human Resources. The qualifications of
27 its Administrator and the nature of its duties and responsibilities are set forth in subtitle 1,
28 "Human Resources Administration" of title 1, "Human Resources," of the Howard County Code.

29 (f) *Office of Public Information.* There is an Office of Public Information. The qualifications of
30 its Administrator and the nature of its duties and responsibilities are set forth in subtitle 4,

1 "Department of County Administration," of this title 6, "County Executive and the Executive
2 Branch," of the Howard County Code.

3 (g) *Office of Procurement and Contract Administration.* There is an Office of Procurement and
4 Contract Administration. The qualifications of its Administrator and the nature of its duties and
5 responsibilities are set forth in subtitle 4, "Department of County Administration," of title 6,
6 "County Executive and the Executive Branch," of the Howard County Code.

7 (h) *Office of Community Sustainability.* There is an Office of Community Sustainability. The
8 qualifications of its Administrator and the nature of its duties and responsibilities are set forth in
9 subtitle 4, "Department of County Administration" of this title of the Howard County Code.

10 (i) *Office of Transportation.* There is an Office of Transportation. The qualifications of its
11 Administrator and the nature of its duties and responsibilities are set forth in subtitle 4,
12 "Department of County Administration" of this title of the Howard County Code.

13 (j) *Office of Workforce Development.* There is an Office of Workforce Development. The
14 qualifications of its Administrator and the nature of its duties and responsibilities are set forth in
15 subtitle 4, "Department of County Administration" of this title of the Howard County Code.

16 (K) *OFFICE OF CONSUMER PROTECTION.* THERE IS AN OFFICE OF CONSUMER PROTECTION. THE
17 QUALIFICATIONS OF ITS ADMINISTRATOR AND THE NATURE OF ITS DUTIES AND RESPONSIBILITIES
18 ARE SET FORTH IN SUBTITLE 4, "CONSUMER PROTECTION," OF TITLE 17, "PUBLIC PROTECTION
19 SERVICES," OF THIS CODE.

20 (L) *OFFICE OF AGRICULTURE.* THERE IS AN OFFICE OF AGRICULTURE. THE QUALIFICATIONS OF ITS
21 ADMINISTRATOR AND THE NATURE OF ITS DUTIES AND RESPONSIBILITIES ARE SET FORTH IN
22 SUBTITLE 5, "AGRICULTURAL PRESERVATION," OF TITLE 15, "NATURAL RESOURCES," OF THIS
23 CODE.

24
25 **Section 6.202. Department of community resources and services.**

26 (a) *Department of Community Resources and Services.* There is a Department of Community
27 Resources and Services. The qualifications of its Director and the nature of its duties and
28 responsibilities are set forth in subtitle 9, "Department of Community Resources and Services,"
29 of title 12, "Health and Social Services," of this Code.

1 (b) *Office on Aging and Independence*. There is an Office on Aging and Independence. The
2 qualifications of its Administrator and the nature of its duties and responsibilities are set forth in
3 subtitle 5, "Older Howard Countians Act," of title 12, "Health and Social Services," of this Code.

4 ~~[[c) *Office of Consumer Protection*. There is an Office of Consumer Protection. The~~
5 qualifications of its Administrator and the nature of its duties and responsibilities are set forth in
6 subtitle 4, "Consumer Protection," of title 17, "Public Protection Services," of this Code.]]

7 ~~[[d)](C) There is an Office of Children and Families and the nature of its duties and~~
8 responsibilities are set forth in title 12, subtitle 15 of this Code.

9 ~~[[e)](D) There is an Office of Community Partnerships and the nature of its duties and~~
10 responsibilities are set forth in title 12, subtitle 19 of this Code.

11 12 **Title 6. County Executive and the Executive Branch**

13 **Subtitle 3. Boards and Commissions.**

14 15 **SECTION 6.351. OPIOID RESTITUTION FUND COMMISSION.**

16 THERE IS AN OPIOID RESTITUTION FUND COMMISSION. ITS MEMBERSHIP, DUTIES, AND
17 RESPONSIBILITIES ARE SET FORTH IN TITLE 12, SUBTITLE 25 OF THIS CODE.

18 19 **Title 6. County Executive and the Executive Branch**

20 **Subtitle 4. Department of County Administration.**

21 22 **Section 6.407. Office of Community Sustainability.**

23 (a) *General Provisions*. General provisions applicable to this Office are set forth in subtitle 2,
24 "Administrative Departments and Offices," of this title of the Howard County Code.

25 (b) *Head*. The Administrator of the Office of Community Sustainability shall head the Office of
26 Community Sustainability under the general supervision of the Chief Administrative Officer.

27 (c) *Qualifications of the Administrator of the Office of Community Sustainability*. The
28 Administrator of the Office of Community Sustainability shall have considerable knowledge of
29 the principles and best practices of various aspects of sustainability including economic,
30 environmental, infrastructure, and ~~[[agricultural]]~~ sustainability. At the time of appointment, the

1 Administrator shall have had at least five years of increasingly responsible experience in the
2 administration of a sustainability program, including at least two years in a supervisory role.

3 (d) *Duties and Responsibilities*. The Office of Community Sustainability shall promote and
4 enhance sustainability within County Government by performing the following functions:

5 (1) Assessing the economic, [[agricultural,]] infrastructure, and environmental impacts of
6 all initiatives and programs across the County;

7 (2) Developing and advocating for programs, policies, and actions by government,
8 citizens, businesses, farmers, and institutions to improve the long term environmental,
9 [[agricultural,]] social, and economic viability of the County;

10 (3) Serving as a single point of contact and resource for residents, businesses, [[farmers,]]
11 and institutions that are looking to become economically and environmentally
12 sustainable or that are looking to further their economic and environmental
13 sustainability;

14 (4) Providing leadership in conservation and energy initiatives including exploring the
15 potential for and implementation of the use of alternative fuels;

16 [[(5)] In order to resolve complaints and concerns raised by citizens, assisting in the
17 coordination of inspectors already existing in other agencies, including State and
18 Federal entities, as applicable;]]

19 [[(6)]](5) Working closely with the Howard County Environmental Sustainability Board to
20 recommend policies and funding proposals to the County Executive and County
21 Council concerning the sustainability of the County's natural resources;

22 [[(7)]](6) Working closely with all Boards and Commissions that may play a role in the
23 sustainability of the County's economic, environmental, AND infrastructure[[, and
24 agricultural]] resources;

25 [[(8)]](7) Working closely with GOVERNMENT AGENCIES AND ORGANIZATIONS[[the
26 Economic Development Authority, Howard Soil Conservation District, University of
27 Maryland Extension and Maryland Department of Agriculture]] to ensure [[agricultural
28 innovation and]] economic and environmental sustainability;

29 [[(9)]](8) Coordinating, exploring, and obtaining grant funding related to all areas of
30 sustainability; AND

31 [[(10)] Providing an Executive Secretary of the Agricultural Preservation Board;]]

1 [[(11) Administering activities under the Agricultural Sustainability and Land
2 Preservation Act that support farming and agricultural endeavors on the County's
3 Agricultural Land Preservation easements and generally, within the County; and]]
4 ([[12]](9) Performing other functions as may be prescribed by directive of the County
5 Executive or by law.

6
7 **Title 12. Health and Social Services.**

8 **Subtitle 9. Department of Community Resources and Services.**

9
10 **Section 12.901. Department of Community Resources and Services.**

11 (a) *Head*: The Director of Community Resources and Services shall head the Department of
12 Community Resources and Services.

13 (b) *Qualifications of the Director*. The Director shall be thoroughly trained and experienced in
14 the principles and practices of human services and their administration. The Director shall have
15 had at least ten years of increasingly responsible experience in human services administration,
16 including a minimum of five years in a managerial position.

17 (c) *Duties and Responsibilities*. The Department is responsible for the County's human services
18 programs, including but not limited to:

19 (1) Overall supervision of program development and operations for the following functions:

20 (i) Aging.

21 (ii) [[Consumer protection.]]ADMINISTERING THE DISTRIBUTION AND USE OF OPIOID
22 RESTITUTION FUNDS.

23 (iii) Children and family services.

24 (iv) Support services for veterans.

25 (v) Services for persons with disabilities.

26 (vi) Community partnerships.

27 (vii) Coordination of the Americans with Disabilities Act.

28 (viii) Selected emergency management responsibilities.

29 [[(ix) Administering the Plan to End Homelessness.]]

30 (2) *Other duties and responsibilities*. The Department shall perform such other functions as
31 may be prescribed by directive of the County Executive or by law.

1 (3) *Setting of fees.* The Department may set fees for programs, which may include the
2 establishment of a procedure for payment of a reduced fee based upon a participant's
3 financial ability to pay.

4 (d) *Authority to Adopt Regulations.* The Director may adopt regulations to establish eligibility
5 for those County Government human service programs that provide financial support for elderly,
6 disabled, or low or moderate income individuals, families and households and the requirements
7 of the Administrative Procedure Act as defined in title 2 of the Howard County Code shall be
8 followed with regard to the adoption of the regulations described in this subsection.

9
10 **Title 12. Health and Social Services.**

11 **Subtitle 19. Office of Community Partnerships.**

12
13 **Section 12.1900. Office of Community Partnerships.**

14 (a) *Office.* There is an Office of Community Partnerships in the Department of Community
15 Resources and Services.

16 (b) *General Provisions.* General provisions applicable to this Office are set forth in subtitle 2,
17 "Administrative Departments and Offices," of title 6, "County Executive and the Executive
18 Branch," of the Howard County Code.

19 (c) *Head.* The Administrator of the Office of Community Partnerships shall head the Office of
20 Community Partnerships and the Administrator is under the general supervision of the Director
21 of the Department of Community Resources and Services.

22 (d) *Qualifications of Administrator.* The Administrator of the Office of Community Partnerships
23 shall have a thorough knowledge of human service delivery systems including, but not limited to,
24 principles of strategic community planning; management of site based social service delivery
25 models; grant making from local, state and national sources relevant to a wide range of human
26 services; ~~[[coordinated models that reduce homelessness;]]~~ KNOWLEDGE OF THE PRINCIPLES AND
27 BEST PRACTICES OF SOCIAL SERVICE AND BEHAVIORAL HEALTH PROGRAMS; and the role of non-
28 profit organizations as part of the human service system. At the time of appointment the
29 Administrator shall have had at least five years experience in human service systems and at least
30 two years in a managerial capacity.

1 (e) *Duties and Responsibilities.* Under the direction of the Director of Community Resources
2 and Services, the Office of Community Partnerships shall:

3 (1) *Administration of grants.* Administer the Community Service Partnership Grant program,
4 the Howard County Government funding program; coordinate with relevant state and
5 federal grants; provide technical support to nonprofit grantees or contractors; and monitor
6 the effectiveness of programs and grantees.

7 (2) *Participation.* Participate in community-based organizations with membership of
8 nonprofit agencies to integrate human service and housing efforts of County Government
9 with nonprofit agencies.

10 [[(3) *Implementing Plans.* Administer the Continuum of Care system and related
11 organizational units in the Plan to End Homelessness]].

12 ([[4]]3) *Facilities.* Administer site- or center-based programs that offer consumers access to
13 multiple services in a single community based location.

14 [[(5) *Policy recommendations.* Review and formulate policy recommendations for the
15 County Executive and County Council in reference to publicly funded plans and
16 programs that have an impact on populations seeking affordable housing, moving out of
17 homelessness, or other issues covered in this Office.]]

18 (4) *ADMINISTRATION OF OPIOID RESTITUTION FUNDS.* ADMINISTER THE DISTRIBUTION OF
19 OPIOID RESTITUTION FUNDS, INCLUDING GRANTS MANAGEMENT, COMPLIANCE, AND
20 MONITORING; STAFF THE OPIOID RESTITUTION FUND COMMISSION; TRACK THE RECEIPT OF
21 OPIOID RESTITUTION FUNDS; FORMULATE GUIDANCE ON THE ELIGIBLE USE OF OPIOID
22 RESTITUTION FUNDS; AND WORK IN COLLABORATION WITH OTHER GOVERNMENT AGENCIES
23 THAT PROVIDE SERVICES RELATED TO SUBSTANCE USE DISORDER PREVENTION,
24 TREATMENT, AND RECOVERY.

25 ([[6]]5) Initiate and carry out any appropriate action, where relevant, to implement the
26 above objectives, or other related objectives, as they become necessary and are deemed
27 appropriate.

28 29 **Title 12. Health Code**

30 **SUBTITLE 25. OPIOID RESTITUTION FUND COMMISSION.**

SECTION 12.2500. OPIOID RESTITUTION FUND COMMISSION ESTABLISHED; GENERAL PROVISIONS; PURPOSE; MEMBERSHIP; METHOD OF APPOINTMENT; STAFFING; MEETINGS; DUTIES; ANNUAL REPORT.

(A) *GENERAL PROVISIONS.* GENERAL PROVISIONS APPLICABLE TO THE COMMISSION ARE SET FORTH IN SUBTITLE 3, "BOARDS AND COMMISSIONS," OF TITLE 6, "COUNTY EXECUTIVE AND THE EXECUTIVE BRANCH" OF THIS CODE.

(B) *PURPOSE.* THE PURPOSE OF THE COMMISSION IS TO ASSIST IN DETERMINING THE USE OF SETTLEMENT FUNDS RECEIVED AS PART OF THE NATIONAL SETTLEMENT AGREEMENT IN RESPONSE TO MULTI-STATE OPIOID LITIGATION.

(C) *NUMBER OF MEMBERS.* THE COMMISSION SHALL CONSIST OF 9 VOTING MEMBERS.

(D) *MEMBERSHIP.* THE COMMISSION SHALL BE COMPRISED OF:

(1) THE FOLLOWING APPOINTED VOTING MEMBERS:

(I) THREE MEMBERS WHO SHALL BE EITHER AN INDIVIDUAL OR THE FAMILY MEMBERS OF AN INDIVIDUAL WITH AN OPIOID USE DISORDER;

(II) THREE ADVOCATES OR SUBSTANCE USE DISORDER PROFESSIONALS THAT PROVIDE EDUCATION, TREATMENT, OR PREVENTION;

(III) ONE CERTIFIED PEER RECOVERY SPECIALIST

(IV) ONE STUDENT REPRESENTATIVE UNDER THE AGE OF 19 WHO SHALL SERVE A TERM THAT RUNS FROM JULY 1 THROUGH JUNE 30; AND

(V) ONE STUDENT WHO RESIDES IN HOWARD COUNTY AND WHO ATTENDS A COLLEGE OR UNIVERSITY WHO SHALL SERVE A TERM THAT RUNS FROM JULY 1 THROUGH JUNE 30.

(2) THE FOLLOWING NONVOTING EX OFFICIO MEMBERS:

(I) THE DIRECTOR OF THE DEPARTMENT OF COMMUNITY RESOURCES AND SERVICES OR THE DIRECTOR'S DESIGNEE;

(II) THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS OR THE DIRECTOR'S DESIGNEE;

(III) THE DIRECTOR OF THE HOWARD COUNTY DEPARTMENT OF FIRE AND RESCUE SERVICES OR THE DIRECTOR'S DESIGNEE;

(IV) THE HOWARD COUNTY STATE'S ATTORNEY OR THE STATE'S ATTORNEY'S DESIGNEE;

(V) THE CHIEF OF THE HOWARD COUNTY DEPARTMENT OF POLICE OR THE CHIEF'S DESIGNEE;

(vi) THE SUPERINTENDENT OF THE HOWARD COUNTY PUBLIC SCHOOL SYSTEM OR THE SUPERINTENDENT'S DESIGNEE;

(vii) THE HOWARD COUNTY HEALTH OFFICER OR THE HEALTH OFFICER'S DESIGNEE;

(viii) THE DIRECTOR OF THE LOCAL DEPARTMENT OF SOCIAL SERVICES OR THE DIRECTOR'S DESIGNEE;

(ix) THE ADMINISTRATIVE JUDGE OF THE CIRCUIT COURT (5TH JUDICIAL DISTRICT) OR THE JUDGE'S DESIGNEE FROM THE DISTRICT OR CIRCUIT COURTS IN HOWARD COUNTY;

(x) THE DISTRICT PUBLIC DEFENDER FOR THE 5TH JUDICIAL DISTRICT OR THE DISTRICT PUBLIC DEFENDER'S DESIGNEE;

(E) *METHOD OF APPOINTMENT.* EACH APPOINTED MEMBER SHALL BE APPOINTED BY THE COUNTY EXECUTIVE AND CONFIRMED BY THE COUNTY COUNCIL.

(F) *EXECUTIVE SECRETARY AND OTHER STAFF.* THE DIRECTOR OF THE DEPARTMENT OF COMMUNITY RESOURCES AND SERVICES OR THE DIRECTOR'S DESIGNEE SHALL SERVE AS THE EXECUTIVE SECRETARY OF THE COMMISSION AND SHALL ATTEND ALL MEETINGS OF THE COMMISSION AND, IN ADDITION TO THE DUTIES SPECIFIED IN THIS SUBTITLE, SHALL PERFORM DUTIES AS PRESCRIBED BY THE COMMISSION. THE COUNTY EXECUTIVE MAY ALSO DESIGNATE A COUNTY EMPLOYEE TO SERVE AS A LIAISON TO THE COMMISSION.

(G) *MEETINGS.* THE COMMISSION SHALL MEET AT LEAST QUARTERLY.

(H) *DUTIES.* THE COMMISSION SHALL:

(1) CONSISTENT WITH PERMISSIBLE USE OF FUNDS SET FORTH IN NATIONAL AND STATE SUBDIVISION AGREEMENTS TO WHICH THE COUNTY IS A PARTY, MAKE RECOMMENDATIONS TO THE COUNTY ON THE USE OF OPIOID RESTITUTION FUNDS;

(2) REVIEW GRANT APPLICATIONS AND MAKE RECOMMENDATIONS REGARDING THE DISTRIBUTION OF GRANT FUNDS; AND

(3) PROVIDE GUIDANCE ON THE FREQUENCY OF INITIATING NEW GRANT ROUNDS.

(I) *ANNUAL REPORT.* ON OR BEFORE FEBRUARY 28 OF EACH YEAR, THE COMMISSION SHALL SUBMIT AN ANNUAL REPORT WHICH SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 22.1000 OF THIS CODE TO THE COUNTY COUNCIL AND THE COUNTY EXECUTIVE ON ITS ACTIVITIES DURING THE PREVIOUS CALENDAR YEAR. THE REPORT MAY INCLUDE RECOMMENDATIONS ON ANY MATTER RELATED TO THE WORK OF THE COMMISSION.

Title 13. Housing and Community Development
Subtitle 1. Department of Housing and Community Development.

Section 13.101. - Department of Housing and Community Development.

(a) *Head.* The Director of Housing and Community Development shall head the Department of Housing and Community Development.

(b) *Qualifications of Director of Housing and Community Development.* The Director of Housing and Community Development shall have a thorough knowledge of the methods and principles of community development, housing management, rehabilitation of existing housing, and community planning, including grant programs associated with these functions. At the time of appointment the Director shall have had at least five years' experience in community development, housing and/or real estate, including at least two years in a managerial capacity.

(c) *Executive Secretary.* The Director of Housing and Community Development shall serve as Executive Secretary of the Housing and Community Development Board.

(d) *Duties and Responsibilities.* The Department of Housing and Community Development develops, manages and implements various programs designed to secure safe and decent housing for the citizens of Howard County, including but not limited to the following:

(1) *Policy and plans.* Consulting with other County agencies and with public and private organizations to develop policy and plans related to housing, community development and urban renewal. REVIEW AND FORMULATE POLICY RECOMMENDATIONS IN REFERENCE TO PUBLICLY FUNDED PLANS AND PROGRAMS THAT HAVE AN IMPACT ON POPULATIONS SEEKING AFFORDABLE HOUSING OR MOVING OUT OF HOMELESSNESS, OR OTHER ISSUES COVERED IN THIS DEPARTMENT.

(2) *Coordination.* Reviewing, analyzing and coordinating housing or community development projects, especially those which involve more than one Department of County Government.

(3) *Grants.* Designing, writing and negotiating housing and community development related grant proposals and applications. ADMINISTER THE COMMUNITY SERVICE PARTNERSHIP GRANTS FOR HOMELESS SERVICES PROGRAMS OF THE HOWARD COUNTY GOVERNMENT FUNDING PROGRAM; COORDINATE WITH RELEVANT OTHER STATE AND FEDERAL GRANTS;

1 PROVIDE TECHNICAL SUPPORT TO NONPROFIT GRANTEES OR CONTRACTORS; AND MONITOR
2 THE EFFECTIVENESS OF PROGRAMS AND GRANTEES.

3 (4) *[[Liaison.]]PARTNERSHIPS*. Maintaining *[[liaison]]*PARTNERSHIPS with other County,
4 State and Federal agencies with programs or services affecting housing policy and
5 specific housing and community development programs. PARTICIPATE IN COMMUNITY-
6 BASED ORGANIZATIONS WITH MEMBERSHIPS OF NONPROFIT AGENCIES TO INTEGRATE
7 HOMELESS SERVICES AND HOUSING EFFORTS OF COUNTY GOVERNMENT WITH NONPROFIT
8 AGENCIES.

9 (5) *Administering programs*. Administering various local, State and Federal loan and grant
10 programs for moderate- and low-income individuals and families including, but not
11 limited to, the overall supervision of program development and operations for the
12 following:

13 (i) The Community Development Block Grant Program;

14 (ii) The Home Investment Partnership Program; and

15 (iii) The Community Legacy Program and other programs offered by the State of
16 Maryland.

17 (6) *HOMELESSNESS SERVICES AND RELATED PLANS*. ADMINISTER THE CONTINUUM OF CARE
18 SYSTEM AND RELATED ORGANIZATIONAL UNITS IN THE PLAN TO END HOMELESSNESS AND
19 MANAGE A COORDINATED HOMELESSNESS RESPONSE SYSTEM.

20 (7) *FACILITIES*. ADMINISTER SITE- OR CENTER-BASED PROGRAMS THAT OFFER CONSUMERS
21 ACCESS TO SERVICES IN A SINGLE COMMUNITY BASED LOCATION.

22 *[[((6))](8) Other duties and responsibilities*. Performing such other functions as may be
23 prescribed by directive of the County Executive or by law.

26 **Title 15. Natural Resources.**

27 **Subtitle 5. Agricultural Preservation.**

29 **Section 15.500. - Short title; findings; purpose; NONAPPLICABILITY.**

30 (a) *Short Title*. This subtitle may be known as the Howard County Agricultural Sustainability
31 and Land Preservation Act.

1 (b) *Findings*. Much of the agricultural land in the County is in jeopardy of being lost for any
2 agricultural purpose because of development pressures stemming from rapid growth in the
3 region's population. It is in the public interest to preserve these agricultural lands and a robust
4 agricultural economy because:

5 (1) Agricultural lands enhance the material and aesthetic quality of life in the County and are
6 valued by both urban and rural residents;

7 (2) Maintaining viable farms makes possible the provision of fresh, high quality food close to
8 the consumer;

9 (3) Agricultural lands serve as valued natural and ecological resources by providing needed
10 open spaces for clean-air sheds, watershed, and floodplain protection;

11 (4) Preservation of agricultural land provides an eventual saving in the cost of public services
12 that development would otherwise require.

13 (c) *Purpose*. The purpose of this act is to protect the health, safety and well-being of present and
14 future residents of Howard County by advancing the sustainability of agriculture as a viable
15 sector of the County's economy and by conserving and protecting 30,000 acres of agricultural
16 land as a resource of major importance. The County intends to acquire development rights by
17 purchase of the land, by purchase of the development rights and by acceptance of dedicated
18 remainders from cluster subdivision pursuant to the subdivision and zoning regulations. The
19 County also intends to support farming, agricultural endeavors and its investment in easements
20 by offering technical assistance, promoting agribusiness innovation, and developing future
21 market opportunities.

22 (D) *NONAPPLICABILITY*. EXCEPT AS EXPRESSLY PROVIDED IN THIS SUBTITLE, THE PROVISIONS OF
23 THIS SUBTITLE DO NOT APPLY TO AGRICULTURAL LAND PRESERVATION EASEMENTS ACQUIRED BY
24 THE COUNTY OR DISTRICTS ESTABLISHED BEFORE MAY 1, 1993. THE LAW IN EFFECT AT THE TIME
25 AN EASEMENT WAS ACQUIRED WILL CONTINUE TO GOVERN EASEMENTS ACQUIRED BEFORE MAY 1,
26 1993.

27
28 **Section 15.501. [[Nonapplicability]]OFFICE OF AGRICULTURE.**

29 [[Except as expressly provided in this subtitle, the provisions of this subtitle do not apply to
30 agricultural land preservation easements acquired by the County or districts established before

1 the effective date of this act [May 1, 1993]. The law in effect at the time an easement was
2 acquired will continue to govern easements acquired before the effective date of this act.]]

3 (A) *GENERAL PROVISIONS*. THE GENERAL PROVISIONS APPLICABLE TO THIS OFFICE ARE SET FORTH
4 IN SUBTITLE 2, "ADMINISTRATIVE DEPARTMENTS AND OFFICES," OF TITLE 6 "COUNTY EXECUTIVE
5 AND EXECUTIVE BRANCH" OF THE HOWARD COUNTY CODE.

6 (B) *HEAD*. THE ADMINISTRATOR OF THE OFFICE OF AGRICULTURE SHALL HEAD THE OFFICE OF
7 AGRICULTURE UNDER THE GENERAL SUPERVISION OF THE CHIEF ADMINISTRATIVE OFFICER.

8 (C) *QUALIFICATIONS OF THE ADMINISTRATOR*. THE ADMINISTRATOR SHALL HAVE CONSIDERABLE
9 KNOWLEDGE OF THE PRINCIPLES AND BEST PRACTICES OF VARIOUS ASPECTS OF AGRICULTURE. AT
10 THE TIME OF APPOINTMENT, THE ADMINISTRATOR SHALL HAVE HAD AT LEAST FIVE YEARS OF
11 INCREASINGLY RESPONSIBLE EXPERIENCE IN THE ADMINISTRATION OF AN AGRICULTURAL
12 PROGRAM, INCLUDING AT LEAST TWO YEARS IN A SUPERVISORY ROLE.

13 (D) *DUTIES AND RESPONSIBILITIES*. THE OFFICE SHALL PROMOTE AND ENHANCE COLLABORATION
14 BETWEEN ALL DEPARTMENTS AND ORGANIZATIONS WORKING IN THE HOWARD COUNTY
15 AGRICULTURAL SECTOR BY PERFORMING THE FOLLOWING FUNCTIONS:

16 (1) ASSESSING THE AGRICULTURAL IMPACTS OF ALL INITIATIVES AND PROGRAMS ACROSS THE
17 COUNTY;

18 (2) DEVELOPING, ADVOCATING FOR, AND IMPLEMENTING PROGRAMS, POLICIES, AND ACTIONS
19 BY GOVERNMENT, CITIZENS, BUSINESSES, FARMERS, AND INSTITUTIONS TO IMPROVE THE
20 LONG-TERM AGRICULTURAL VIABILITY OF THE COUNTY;

21 (3) IN ORDER TO RESOLVE COMPLAINTS AND CONCERNS RAISED BY CITIZENS, ASSISTING IN THE
22 COORDINATION OF INSPECTORS ALREADY EXISTING IN OTHER AGENCIES, INCLUDING STATE
23 AND FEDERAL ENTITIES, AS APPLICABLE;

24 (4) WORKING CLOSELY WITH ALL BOARDS AND COMMISSIONS THAT MAY PLAY A ROLE IN THE
25 SUSTAINABILITY OF THE COUNTY'S AGRICULTURAL RESOURCES;

26 (5) WORKING CLOSELY WITH GOVERNMENT AGENCIES AND ORGANIZATIONS, INCLUDING BUT
27 NOT LIMITED TO THE ECONOMIC DEVELOPMENT AUTHORITY, DEPARTMENT OF
28 RECREATION AND PARKS, DEPARTMENT OF PLANNING AND ZONING, HOWARD SOIL
29 CONSERVATION DISTRICT, UNIVERSITY OF MARYLAND EXTENSION AND MARYLAND
30 DEPARTMENT OF AGRICULTURE TO ENSURE AGRICULTURAL INNOVATION AND ECONOMIC
31 AND ENVIRONMENTAL SUSTAINABILITY;

- (6) COORDINATING, EXPLORING, AND OBTAINING GRANT FUNDING RELATED TO ALL AREAS OF AGRICULTURE;
- (7) PROVIDING AN EXECUTIVE SECRETARY FOR THE AGRICULTURAL PRESERVATION BOARD;
- (8) ADMINISTERING ACTIVITIES UNDER THIS ACT THAT SUPPORT THE COUNTY'S FARMING AND AGRICULTURAL ENDEAVORS;
- (9) FOSTERING COLLABORATION AND RESOURCE SHARING TO ENHANCE CUSTOMER SERVICE AND PROGRAM DELIVERY FOR HOWARD COUNTY'S ENTIRE AGRICULTURAL COMMUNITY;
- (10) MANAGING A MARKETING PROGRAM TO PROMOTE LOCAL PRODUCERS AND FACILITATE VARIOUS FARMING-RELATED DONATION PROGRAMS; AND
- (11) PERFORMING OTHER FUNCTIONS AS MAYBE PRESCRIBED BY THE DIRECTIVE OF THE COUNTY EXECUTIVE OR BY LAW.

Section 15.502. Definitions.

For purposes of this subtitle, the following terms shall have the meanings indicated:

[[a) *Administrator* means the Director of the Department of Planning and Zoning or the Director's designee.]]

[[b]]A) *Agricultural endeavors* means those agricultural uses that require the filing of a Schedule F for federal income tax purposes.

[[c]]B) *Agricultural use* means farming and includes:

- (1) Dairying, pasturage, growing crops, bee keeping, horticulture, floriculture, orchards, plant nurseries, viticulture, silviculture, aquaculture, and animal and poultry husbandry;
- (2) The breeding, raising, training and general care of livestock for uses other than food, such as sport or show purposes;
- (3) Construction and maintenance of barns, silos and other similar structures, the use of farm machinery, the primary processing of agricultural products and the sale of agricultural products produced on the land where the sales are made; and
- (4) Other uses directly related to or as an accessory use of the premises for farming and agricultural purposes.

[[d]]C) *Agricultural land preservation program* means the acquisition and stewardship of County agricultural land preservation easements and programs to support farming and agricultural endeavors. The program may be referred to as the "ALP Program".

1 ([e])D) *Board* means the Howard County Agricultural Preservation Board as described in
2 section 15.503 of this subtitle. The Board may also be referred to as the "APB".

3 ([f])E) *Dedication* or *dedicated* refers to the process by which a landowner places a preservation
4 parcel under a restrictive easement of the ALP Program.

5 ([g])F) *Department* means the Department of Planning and Zoning.

6 ([h])G) *Development right* means the right to develop the parcel for purposes other than
7 agricultural uses. *Development right* includes, but is not limited to, the right to use the property
8 for industrial or commercial uses, for residential purposes (except as set forth in this subtitle), or
9 the storage or depositing of trash, junk, rubbish or debris.

10 ([i])H) *Easement; agricultural land preservation easement* means a recorded restriction on
11 exercising the development rights on land.

12 (I) *EASEMENT ADMINISTRATOR* MEANS THE EMPLOYEE IN THE DEPARTMENT OF PLANNING AND
13 ZONING WHO OVERSEES THE COUNTY'S AGRICULTURAL LAND PRESERVATION EASEMENTS.

14 (j) *Grantor* means the landowner who conveyed an easement on a parcel to the County.

15 (k) *Landowner* means the legal owner or owners of a parcel.

16 (L) *OFFICE* MEANS THE OFFICE OF AGRICULTURE.

17 [(l)](M) *Preservation parcel* means a parcel of land:

18 (1) Which is created in a subdivision after clustering; or

19 (2) That is:

20 (i) The sending parcel on a density exchange option or on a cluster exchange option
21 pursuant to the zoning regulations; and

22 (ii) Subject to an agricultural land preservation easement.

23 [(m)](N) *Pricing formula* means a formula adopted by resolution of the County Council to
24 assign point values for various characteristics of a farm which make its preservation as
25 agricultural land more or less valuable to the County.

26 [(n)](O) *Public interest use* means a use which:

27 (1) Does not unduly interfere with the agricultural use of property subject to an easement;
28 and

29 (2) Has been determined by the County Council to be a public interest use.

30 [(o)](P) *Tenant housing* means housing for workers fully engaged in operation of the
31 agricultural use and their families.

1
2 **Section 15.503. Agricultural Preservation Board.**

3 (a) *General Provisions.* General provisions applicable to this Board are set forth in subtitle 3,
4 "Boards and Commissions," of title 6, "County Executive and the Executive Branch," of the
5 Howard County Code.

6 (b) *Establishment; Number of Members; Method of Appointment.* There is an Agricultural
7 Preservation Board consisting of seven members who shall be appointed by the County
8 Executive and confirmed by the County Council. When exercising the power of appointment and
9 confirmation, the County Executive and County Council shall consider, at a minimum, the
10 following areas including, without limitation:

11 (1) In order to ensure that members represent the diversity of farms and agricultural
12 endeavors within the County, when appointing members under subsection (c)(2) of this
13 section, consideration should be given to individuals based on the following criteria
14 including, without limitation:

- 15 (i) Size of the agricultural operation;
16 (ii) Location of the farm or agricultural endeavor;
17 (iii) Type of farming or other agricultural endeavors; or
18 (iv) Participation in the ALP Program or the State of Maryland Land Preservation
19 Foundation.

20 (2) When appointing members under subsection (c)(4) of this section, consideration should
21 be given to individuals with experience or knowledge in the following areas including,
22 without limitation:

- 23 (i) Land easements;
24 (ii) Real estate;
25 (iii) Agricultural economic development;
26 (iv) Sciences that relate to agriculture; or
27 (v) Other relevant experience.

28 (c) *Membership:*

- 29 (1) All members shall be residents of Howard County.
30 (2) At least three of the members shall receive at least 50 percent of their annual income,
31 at the time of their appointment, from active farming;

1 (3) At least one member shall own and farm property subject to an easement in the
2 County's ALP Program;

3 (4) At least two of the members shall not receive income from agricultural endeavors.

4 (5) The Board may recommend board members to the County Executive based on the
5 criteria listed in subsections (b)(1) and (b)(2) of this section.

6 (d) *Executive Secretary*. A County employee from the Office [[of Community Sustainability]]
7 shall be assigned to serve as the Executive Secretary to the Board and shall attend all meetings.

8 (e) *Meetings*. The Board shall meet at least once every three months and more frequently as
9 necessary to conduct the affairs of the Board. Meetings may be called by the chair or by any two
10 members. The Board may decide not to meet one month in the spring and one month in the fall
11 for the planting and harvesting seasons.

12 (f) *Voting*. Any action or recommendation of the Board shall be by the affirmative vote of a
13 majority of the members, except that five affirmative votes are needed to recommend to the
14 County Executive acquisition of an easement.

15 (g) *Conflict of Interest*. If a member of the Board or the member's spouse, parent, child, or
16 affiliated business interest has a financial interest in a parcel, an offer may be made to sell an
17 easement in the parcel to Howard County, provided that:

18 (1) Pursuant to provisions of the Howard County Charter and the Howard County Code
19 regarding conflicts of interest, the County Council has authorized the member to
20 negotiate with the County for sale of the easement; and

21 (2) The Board member, in their Board capacity, does not participate in any discussions
22 concerning price, terms of purchase or other issues related to the purchase; and

23 (3) The Board member abstains from discussing and voting on the Board's
24 recommendation to the County Executive regarding the purchase of the parcel, and the
25 price and terms.

26 (h) *Duties and Responsibilities*. The Board shall have the following duties:

27 (1) For the County Executive and County Council, the Board shall:

28 (i) Make recommendations on:

29 a. The acquisition of easements as provided in this subtitle;

30 b. The criteria and method for calculating the price for purchase of an
31 easement;

- 1 c. ALP Program policy, and agricultural policy in general;
- 2 d. Agricultural and agricultural preservation issues by providing written or oral
- 3 testimony; and
- 4 (ii) Listen to concerns and ideas of individuals, institutions, and organizations on
- 5 agricultural issues affecting the County; and
- 6 (iii) Report annually on the status of the program and issues of particular interest or
- 7 concern to the agricultural community.
- 8 (2) ~~[[For the Department, the]]~~THE Board shall:
- 9 (i) FOR THE DEPARTMENT, IN ~~[[In]]~~ accordance with the terms of the deed of
- 10 easement and this subtitle, review and make recommendations on proposals for:
- 11 a. The location of permitted lots and dwellings;
- 12 b. The construction of tenant housing;
- 13 c. Parcel subdivision of the land; and
- 14 d. Requests pertaining to an easement brought by the owners of the property
- 15 subject to the easement. This section is not intended to limit the Department's
- 16 police powers or the County's property rights under the easement;
- 17 (ii) WITH THE DEPARTMENT AND THE OFFICE, HOST, CONDUCT ~~[[Host]]~~ or participate
- 18 IN ~~[[with the Department to conduct]]~~ outreach, education, or both outreach and
- 19 education, EVENTS for potential easement applicants and existing property owners;
- 20 and
- 21 (iii) FOR THE DEPARTMENT, MAKE ~~[[Make]]~~ recommendations on agricultural issues,
- 22 including the evaluation of zoning related complaints and easement enforcement,
- 23 based on the Board's knowledge of common and acceptable farming practices.
- 24 This section is not intended to limit the Department's police powers related to
- 25 zoning enforcement or the County's property rights under the easement;
- 26 (3) For the Hearing Examiner, the Board shall review and make recommendations on
- 27 commercial solar facility and other conditional uses sought on easements as provided
- 28 in the Howard County Zoning Regulations.
- 29 (i) *Agricultural Preservation Advisory Board*. There is an Agricultural Preservation Advisory
- 30 Board established pursuant to Title 2, subtitle 5 of the Agricultural Article of the Annotated Code
- 31 of Maryland which makes recommendations on properties participating in the Maryland

1 Agricultural Preservation Program. The advisory Board consists of five members of the Howard
2 County Agricultural Preservation Board who are also designated as members of the Agricultural
3 Preservation Advisory Board. The other two members of the Howard County Agricultural
4 Preservation Board shall not participate in the deliberations of the Agricultural Preservation
5 Advisory Board.

6
7 **Section 15.505. Easement administration.**

8 (a) *Procedures*. The Board may develop procedures for the review of parcels offering
9 development rights to the County, the rating of desirability, the pricing of an agricultural land
10 preservation easement, and the functioning of the ALP program and other related matters.

11 (b) *Purchase Price Formula*. There is a purchase price formula for determining the price the
12 County will pay per acre to purchase an agricultural land preservation easement. The formula
13 shall be set by resolution of the County Council.

14 (c) *Maps and Records*. The official maps of parcels subject to an agricultural land preservation
15 easement are the 1 inch = 600 feet zoning maps. The EASEMENT Administrator shall update maps
16 on a regular basis to reflect the addition of new parcels and the amendment of existing parcels.

17
18 **Section 15.507. Process for buying easements.**

19 This process applies only to buying easements and does not apply to donated easements or to
20 easements acquired by dedication of a preservation parcel.

21 (a) *Applications*. An application to sell the development rights shall be submitted to the
22 EASEMENT Administrator by the landowner. The application shall be in a form approved by the
23 Department, shall contain the information required and shall be accompanied by a nonrefundable
24 application fee, the amount of which is set by resolution of the County Council.

25 (b) *Number of Applications*. A landowner may submit an application for each parcel or may
26 submit a single application as part of a package for multiple contiguous parcels.

27 © *Review by EASEMENT Administrator:*

28 (1) The EASEMENT Administrator shall review each application to determine if all eligibility
29 criteria for acquiring an easement are met.

30 (2) If the eligibility criteria are met, the EASEMENT Administrator shall evaluate the parcel,
31 considering geographic location, productivity, soil characteristics, accessibility, size,

1 developability, contiguity to other land on which the County holds easements, restrictions
2 and covenants on the land, comments from other County departments, and any other
3 information which may assist the Board in evaluating the desirability of the property.

4 (3) The EASEMENT Administrator shall prepare a detailed report on the parcel and the pricing
5 formula score and shall submit the report, the application and the EASEMENT
6 Administrator's evaluation and recommendation to the Board for its consideration.

7 (4) If the eligibility criteria are not met, the EASEMENT Administrator shall reject the
8 application and shall notify the landowner of the rejection and the reason(s) for rejection.
9 The landowner may request the Board to review the EASEMENT Administrator's decision
10 to reject the application.

11 (d) *Review by Board:*

12 (1) The Board may review the application, the EASEMENT Administrator's report and
13 recommendation and may make an on-site inspection of the parcel.

14 (2) The Board shall hold a public meeting to receive comments from the public as to whether
15 the parcel offered is acceptable and desirable.

16 (3) After the public meeting, the Board shall determine the price to be offered according to
17 the pricing formula and may provide any recommendations to the County Executive
18 concerning the acquisition.

19 © *Purchase:*

20 (1) *Offers to landowners.* After determining the price to be paid per acre, based on the
21 pricing formula, the Board shall make an offering proposal to the landowner to purchase
22 the development rights. An offer made under this section is subject to the availability of
23 adequate borrowing authority.

24 (2) *Recommendation to County Executive.* If the landowner agrees to the price, terms and
25 conditions of the offering proposal, the Board shall advise the County Executive of the
26 agreement in a written notification briefly describing the property and the price, terms
27 and conditions agreed upon.

28 (3) *Action by County Executive.* The County Executive may not modify the agreed upon
29 price, terms and conditions, and may only approve or disapprove the purchase as
30 proposed.

1 (4) *Installment purchase; multiyear agreement; Federal tax exemption.* If the County is to
2 pay the price in installments, County Council approval of a multiyear agreement is
3 required, pursuant to section 612 of the Howard County Charter. In addition, if the
4 County and the landowner intend that the interest paid under the installment purchase
5 agreement is to be exempt from federal income taxation, the transaction shall comply
6 with all relevant provisions of the Internal Revenue Code of 1986, as amended.
7

8 **Section 15.507A. Alternate process for the purchase of easements.**

9 (a) *Applicability.* Notwithstanding any other provision of this subtitle, the process under this
10 section applies to the purchase of an agricultural land preservation easement if the source of all
11 or a portion of the funds for the purchase is a State or Federal grant program that requires, as a
12 condition of the use of the funds, that a process other than that contained in this subtitle be used.

13 (b) *Price of Easement.* To determine the price the County will pay for an agricultural land
14 preservation easement the EASEMENT Administrator shall use the formula under subsection
15 15.505(b) of this subtitle or other method required by the program from which the funds
16 originate.

17 (c) *Notification to Potential Participants.* The EASEMENT Administrator may advertise the
18 requirements for participation in the program or may notify potential Applicants through any
19 means authorized under the program from which the funds originate.

20 (d) *Review by EASEMENT Administrator.* The EASEMENT Administrator shall prepare an analysis
21 of the proposed purchase of an easement based upon criteria for qualification under the program
22 from which the funds originate. If the purchase of the easement is approved by the regulatory or
23 administrative authority for the program from which the funds originate, the EASEMENT
24 Administrator shall include the analysis in a report submitted to the Board.

25 (e) *Review by Board:*

26 (1) The Board shall review the application, the EASEMENT Administrator's report and
27 recommendation and may make an on-site inspection of the parcel.

28 (2) The Board shall hold a public meeting to receive comments from the public as to whether
29 the parcel offered is acceptable and desirable.

30 (3) The Board shall make a recommendation to the County Executive regarding the purchase
31 of the easement. The Board may not revise the price to be offered for the purchase.

1 (f) *Process for Purchase:*

2 (1) *Confirmation of price and conditions of sale.* The EASEMENT Administrator shall confirm
3 the purchase price for the development rights and any specific conditions required with
4 the appropriate regulatory or administrative authority, and shall notify the property owner
5 in a manner consistent with the requirements of the program under which the funds are
6 provided.

7 (2) *Recommendation to the County Executive.* If the landowner agrees to the price, terms and
8 conditions of the offering proposal, the EASEMENT Administrator shall notify the County
9 Executive in writing of the agreement describing the property, the price, funding sources,
10 and the terms and conditions agreed upon.

11 (3) *Action by County Executive.* The County Executive may not modify the agreed upon
12 price, terms, and conditions, and may only approve or disapprove the purchase as
13 proposed.

14 (4) *Installment purchase; multiyear agreement.* If the County is responsible as a participating
15 party to a contract that requires the payment of funds from a fiscal year beyond the year
16 in which the contract is made, the contract shall be approved by the County Council as a
17 multiyear agreement under section 612 of the Howard County Charter.

18
19 **Section 15.508. Process for acquiring an easement by donation.**

20 This section applies only to the donation of agricultural land preservation easements.

21 (a) A landowner whose parcel meets the criteria of subsection 15.506(c) may apply to donate an
22 easement to the County.

23 (b) The application shall be completed by the landowner and submitted to the EASEMENT
24 Administrator.

25 (c) The EASEMENT Administrator shall make a report and recommendation to the Board. The
26 Board shall then make a recommendation to the County Executive whether or not to accept the
27 donation.

28 (d) If the County Executive agrees to accept donation of an easement, the Executive shall send a
29 letter to the landowner accepting the offer.

30
31 **Section 15.509. Process for acquiring an easement by dedication of a preservation parcel.**

1 The EASEMENT Administrator may accept easements on preservation parcels which meet the
2 criteria of subsection 15.506(b) during the subdivision process as set forth in the subdivision
3 regulations and shall notify the Board of any such acquisition.
4

5 **Section 15.513. Enforcement/penalties.**

6 (a) *Inspection.* The [[Administrator]]COUNTY shall have the right, with prior notice to the
7 landowner, to enter the land on which the County holds an agricultural land preservation
8 easement in order to inspect for compliance with the conditions of the deed of easement.

9 (b) *Civil Penalties.* The County may impose civil penalties pursuant to title 24 of the Howard
10 County Code for failure of the landowner to maintain and implement the approved soil
11 conservation and water quality plan, which failure shall be a Class A offense.

12 (c) *Damages.* The County may seek monetary damages of up to 25 percent of the value of the
13 easement from a landowner who substantially reduces the value of the easement by engaging in
14 practices which are unacceptable to the U.S. Department of Agriculture or the Maryland
15 Department of Agriculture.

16 (d) *Injunction.* In addition to other remedies, the County may seek an injunction to halt practices
17 which violate the terms and conditions of the easement.
18

19 **Title 17. Public Protection Services.**

20 **Subtitle 4. Consumer Protection.**
21

22 **Section 17.401. Office of Consumer Protection.**

23 (a) *General Provisions.* General provisions applicable to this Office are set forth in subtitle 2,
24 “Administrative Departments and Offices,” of title 6, “County Executive and the Executive
25 Branch,” of the Howard County Code.

26 (b) *Head.* The Consumer Protection Administrator shall head the Office of Consumer
27 Protection. The [[Director of Community Resources and Services]]CHIEF ADMINISTRATIVE
28 OFFICER shall exercise administrative supervision over the Office of Consumer Protection.

29 (c) *Qualifications of Consumer Protection Administrator.* The Consumer Protection
30 Administrator shall have thorough knowledge of methods and practices of protecting consumer
31 interest, including knowledge of County, State and Federal laws, and knowledge of the methods

1 and techniques of investigating complaints and charges of unlawful trade practices. The
2 Administrator shall have at least five years of experience in community service or related work,
3 including one year dealing with consumer protection or trade practices and at least one year of
4 managerial experience.

5 (d) *Duties and Responsibilities*. The Office shall have the following duties:

6 (1) To regulate solicitors and peddlers pursuant to subtitle 7, "Solicitors and Peddlers," of
7 title 14, "Inspections, Licenses, and Permits," of the Howard County Code.

8 (2) To receive, investigate and conciliate complaints and initiate its own investigation of
9 deceptive or unfair trade practices against consumers; to hold hearings, compel the
10 attendance of witnesses, administer oaths, take the testimony of any person under oath,
11 and, in connection therewith, require the production of any evidence relating to any
12 matter under investigation or in question by the Office.

13 (3) To issue summons to compel the attendance of witnesses and the production of
14 documents, papers, books, records and other evidence in any matter to which this subtitle
15 applies. Any such summons shall be served by the Sheriff or Deputy Sheriff of the
16 political subdivision in which is located the residence of the person or the main office of
17 the firm, association, partnership or corporation against whom or which the summons is
18 served. In case of disobedience to a summons, the County, on behalf of the Office, may
19 apply to a court of appropriate jurisdiction for an order requiring the attendance and
20 testimony of witnesses and/or the production of records or a document. After notice to
21 the person summoned as a witness or directed to produce records and documents, and
22 upon a finding that the attendance and testimony of the witness or the production of the
23 records and documents is relevant or necessary for the proceeding of the Office, the court
24 may issue an order requiring the attendance and testimony of the witness and the
25 production of records and documents. Any failure to obey such an order of the court may
26 be punished as contempt of court.

27 (4) To issue cease and desist orders with respect to consumer practices declared to be in
28 violation of this subtitle by the Office. If, upon all the evidence, the Administrator of the
29 Office finds that the respondent has engaged in a deceptive or unfair trade practice within
30 the scope of any provision of this subtitle, it shall so state its findings. The Office
31 thereupon shall issue and cause to be served upon the respondent an order requiring the

1 respondent to cease and desist from the deceptive or unfair trade practice and to take such
2 affirmative action as equity and justice may require to effectuate the purposes of this
3 subtitle.

4 (5) To refer to appropriate governmental or regulatory agencies, either public or private,
5 having jurisdiction over consumer protection matters, any information concerning an
6 apparent or potential violation of any consumer protection laws.

7 (6) To present the interests of consumers before administrative and regulatory agencies and
8 legislative bodies.

9 (7) To assist, advise and cooperate with other local, State and Federal agencies and officials
10 to protect and promote the interest of the County consumer public.

11 (8) To assist, develop and conduct programs of consumer education and information through
12 public hearings, meetings, publications or other material prepared for distribution to the
13 consumer public of the County.

14 (9) To undertake activities to encourage local business and industry to maintain high
15 standards of honesty, fair business practices and public responsibility in the production,
16 promotion and sale of merchandise, goods and services and the extension of credit.

17 (10) To exercise and perform such other functions or duties consistent with the purposes or
18 provisions of this subtitle which may be deemed necessary or appropriate to protect and
19 promote the welfare of County consumers.

20 (11) To render annual reports as to the number of complaints filed, the nature thereof and the
21 disposition thereof and the other relevant activities of the Office undertaken during the
22 previous year.

23 (12) To make administrative rules and regulations as may be necessary to ensure the orderly
24 operation of the Office and to promulgate standards further defining the "unfair or
25 deceptive trade practices" as set forth in this subdivision. These rules and regulations and
26 standards shall take effect no earlier than 60 days after their adoption by the Office. Any
27 regulation adopted hereunder shall be in accordance with the HOWARD COUNTY
28 Administrative Procedure Act.

29 (13) To administer subtitle 5, "New Home Contract of Sale," of title 17, "Public Protection
30 Services," of the Howard County Code, according to the provisions of section 17.505,

1 "Administration, Enforcement and Penalties," of subtitle 5 of title 17 of the Howard
2 County Code.

3 (14) To administer subtitle 10 "Landlord Tenant Relations" of title 17 "Public Protection
4 Services" of the Howard County Code.

5 (15) To adopt written regulations necessary to implement subtitle 10 "Landlord Tenant
6 Relations" of title 17 "Public Protection Services" of the Howard County Code.

7
8 **Title 22. General Provisions.**

9 **Subtitle 2. Howard County Ethics Law.**

10
11 **Section 22.206. Financial disclosure statements.**

12 (c) This section applies to members of the following boards and commissions:

- 13 (1) Board of Appeals;
- 14 (2) Planning Board;
- 15 (3) Recreation and Parks Board;
- 16 (4) Public Works Board;
- 17 (5) Ethics Commission;
- 18 (6) Housing and Community Development Board;
- 19 (7) Agricultural Preservation Board;
- 20 (8) Equal Business Opportunity Commission;
- 21 (9) Historic Preservation Commission;
- 22 (10) Board of Library Trustees;
- 23 (11) Howard County Housing Commission;
- 24 (12) Economic Development Authority Board;
- 25 (13) Howard County Pension Oversight Commission;
- 26 (14) Local Behavioral Health Advisory Board;
- 27 (15) Howard County Alcoholic Beverage Hearing Board;
- 28 (16) Howard County Revenue Authority Board;
- 29 (17) Design Advisory Panel;
- 30 (18) Animal Matters Hearing Board;
- 31 (19) Advisory Board on Consumer Protection;
- 32 (20) Board of Electrical Examiners;

- 1 (21) Board of Health;
2 (22) Human Rights Commission; [[and]]
3 (23) Police Accountability Board[.]; AND
4 (24) OPIOID RESTITUTION FUND COMMISSION.
5

6 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County, Maryland,
7 *that this Act shall become effective 61 days after its enactment.*