

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

County Council Of Howard County, Maryland

2015 Legislative Session

Legislative Day No. 2

Bill No. 3-2015

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; changing the name of the Office of Environmental Sustainability; amending the qualifications of the Office administrator; amending the duties and responsibilities of the Office; making certain technical corrections; and generally relating to the Executive Branch of County Government.

Introduced and read first time _____, 2015. Ordered posted and hearing scheduled.

By order _____
Jessica Feldmark, 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 _____, 2015.

By order _____
Jessica Feldmark, Administrator

This Bill was read the third time on _____, 2015 and Passed ____, Passed with amendments ____, Failed ____.

By order _____
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ____ day of _____, 2015 at ____ a.m./p.m.

By order _____
Jessica Feldmark, Administrator

Approved by the County Executive _____, 2015

Allan H. Kittleman, 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.

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

1. By amending subsection (b)(3):

Title 1 – Human Resources

Section 1.306 “Executive exempt”

2. By amending subsection (h):

Title 6- County Executive and the Executive Branch

Section 6.201 “Department of County Administration”

3. By amending:

Title 6- County Executive and the Executive Branch

Section 6.407 “Office of Environmental Sustainability”

4. By amending:

Title 20 - Taxes, Charges and Fees:

a. Section 20.1101 “Definitions”;

b. Section 20.1108 “Adjustment of the watershed protection and restoration fee”;

c. Section 20.1110 “Appeals”;

d. Section 20.1111 “Report”;

e. Subsections (d) and (f) of Section 20.1105 “Credits”; and

f. Subsections (c) and (e) of Section 20.1106 “Reimbursements”.

Title 1. Human Resources.

Subtitle 3. Pay Plan.

Section 1.306. Executive exempt.

(b) Appointing Authorities. Appointing authorities for Executive exempt employees are as provided in this subsection:

(3) *Chief Administrative Officer.* The Chief Administrative Officer, with the approval of the County Executive, is the appointing authority for the following positions:

Administrative Assistant, serving as the Secretary to the Chief Administrative Officer;

Administrator of the Office of [[Environmental]] COMMUNITY Sustainability;

Administrator of the Office of Transportation;

Executive Assistant I, serving as the Assistant to the Chief Administrative Officer;

Executive Assistant II, Assistant to the Chief Administrative Officer;

Budget Administrator;

Deputy Chief Administrative Officer;

Human Services Manager I, serving as the Workforce Development Administrator;

Human Resources Administrator;

Human Services Manager II, serving as the Human Rights Administrator;

Labor Relations Coordinator; and

Public Information Administrator.

Title 6. County Executive and the Executive Branch.

Subtitle 2. Administrative Departments and Offices.

Section 6.201. Department of County Administration.

(h) *Office of [[Environmental]] COMMUNITY Sustainability.* There is an Office of [[Environmental]] 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.

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

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

3
4 **Section 6.407. Office of [[Environmental]] COMMUNITY Sustainability.**

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

8 (b) *Head.* The Administrator of the Office of [[Environmental]] COMMUNITY
9 Sustainability shall head the Office of [[Environmental]] COMMUNITY Sustainability
10 under the general supervision of the Chief Administrative Officer.

11 (c) *Qualifications of the Administrator of the Office of [[Environmental]] COMMUNITY*
12 *Sustainability.* The Administrator of the Office of [[Environmental]] COMMUNITY
13 Sustainability shall have considerable knowledge of the principles and BEST practices of
14 VARIOUS ASPECTS OF SUSTAINABILITY INCLUDING ECONOMIC, ENVIRONMENTAL,
15 INFRASTRUCTURE, AND AGRICULTURAL SUSTAINABILITY [[air and water quality, energy
16 use, land preservation and environmental education]]. At the time of appointment, the
17 Administrator shall have had at least five years of increasingly responsible experience in
18 [[environmental]] THE ADMINISTRATION OF A sustainability [[work]] PROGRAM, including
19 at least two years in a supervisory role.

20 (d) *Duties and Responsibilities.* The Office of [[Environmental]] COMMUNITY
21 Sustainability shall promote and enhance [[environmental]] sustainability [[service]]
22 within County Government by performing the following functions:

23 (1) ASSESSING THE ECONOMIC, AGRICULTURAL, INFRASTRUCTURE, AND
24 ENVIRONMENTAL IMPACTS OF ALL INITIATIVES AND PROGRAMS ACROSS THE
25 COUNTY;

26 (2) DEVELOPING AND ADVOCATING FOR PROGRAMS, POLICIES, AND ACTIONS BY
27 GOVERNMENT, CITIZENS, BUSINESSES, FARMERS, AND INSTITUTIONS TO
28 IMPROVE THE LONG TERM ENVIRONMENTAL, AGRICULTURAL, SOCIAL, AND
29 ECONOMIC VIABILITY OF THE COUNTY;

30 ([1])3)Serving as a single point of contact and resource for residents, businesses,
31 FARMERS, and institutions that are looking to become ECONOMICALLY OR

- 1 ~~ECONOMIC OR~~ AND environmentally sustainable or that are looking to further their
- 2 ECONOMIC ~~OR~~ AND environmental sustainability;
- 3 ([[2]]4) Providing leadership in conservation and energy initiatives including
- 4 exploring the potential for and implementation of the use of alternative
- 5 fuels;
- 6 ([[3]]5) In order to resolve complaints and concerns raised by citizens, assisting in
- 7 the coordination of inspectors already existing in other agencies, including
- 8 State and Federal entities, as applicable;
- 9 ([[4]]6) Working closely with the Howard County Environmental Sustainability
- 10 Board to recommend policies and funding proposals to the County
- 11 Executive and County Council concerning the sustainability of the
- 12 County's natural resources;
- 13 (7) WORKING CLOSELY WITH ALL BOARDS AND COMMISSIONS THAT MAY PLAY
- 14 A ROLE IN THE SUSTAINABILITY OF THE COUNTY'S ECONOMIC,
- 15 ENVIRONMENTAL, INFRASTRUCTURE, AND AGRICULTURAL RESOURCES;
- 16 (8) WORKING CLOSELY WITH THE ECONOMIC DEVELOPMENT ~~AUTHORITY~~
- 17 AUTHORITY, HOWARD SOIL CONSERVATION DISTRICT, UNIVERSITY OF
- 18 MARYLAND EXTENSION AND MARYLAND DEPARTMENT OF AGRICULTURE
- 19 TO ENSURE AGRICULTURAL INNOVATION AND ECONOMIC AND
- 20 ENVIRONMENTAL SUSTAINABILITY;
- 21 ([[5]]9) Coordinating, exploring, and obtaining grant funding related to
- 22 [[environmental]] ALL AREAS OF sustainability; and
- 23 ([[6]]10) Performing other functions as maybe prescribed by directive of the
- 24 County Executive or by law.

Title 20. Taxes, Charges and Fees.

Subtitle 11. Watershed Protection and Restoration.

Section 20.1101. Definitions.

Except as provided below, terms used in this subtitle shall have the meanings set forth in section 18.901 of this Code:

- 1 (a) *Fee* means the watershed protection and restoration fee.
- 2 (b) *Fund* means the Watershed Protection and Restoration Fund.
- 3 (c) *Impervious surface measurement* means the number of square feet of horizontal
- 4 impervious area.
- 5 (d) *Impervious unit* means 500 square feet.
- 6 (e) *Impervious unit rate* means the monetary amount established by Resolution of the
- 7 County Council that, when multiplied by the impervious units on a property, determines a
- 8 nonresidential property's Watershed Protection and Restoration Fee.
- 9 (F) *OFFICE* MEANS THE OFFICE OF COMMUNITY SUSTAINABILITY.

10

11 **Section 20.1105. Credits.**

12 (d) *Application Requirements and Certification Reports.* An application for a credit

13 shall:

- 14 (1) Be made to the Office [[of Environmental Sustainability]] on forms
- 15 prescribed by it;
- 16 (2) Be made on or before a date set by the Office [[of Environmental
- 17 Sustainability]];
- 18 (3) Include information and documentation to allow the Office [[of
- 19 Environmental Sustainability]] to evaluate the eligibility of the applicant
- 20 and the stormwater best management practice; and
- 21 (4) Be accompanied by an application fee of \$75.00.

22 (f) *Credit Recertification for Continued Credit.* In order to remain eligible for a credit, a

23 property owner shall submit a recertification application:

- 24 (1) Every three years;
- 25 (2) At the owner's expense; and
- 26 (3) To the Office [[of Environmental Sustainability]] on a form provided by it.

27

28 **Section 20.1106. Reimbursements.**

29 (c) *Application Requirements.* An application for a reimbursement shall:

- 30 (1) Be made to the Office [[of Environmental Sustainability]] on forms
- 31 prescribed by it;

- 1 (2) Be made on or before the earlier of a date set by the Office [[of
2 Environmental Sustainability]] or 12 months after the completion of work;
3 and
4 (3) Include information and documentation to allow the Office [[of
5 Environmental Sustainability]] to evaluate the eligibility of the Applicant
6 and the stormwater best management practice.
- 7 (e) *Annual limit on amount of reimbursements awarded.*
- 8 (1) During a fiscal year, the total of all reimbursements awarded under this
9 section shall not exceed an amount set forth in the annual budget and
10 appropriation ordinance.
- 11 (2) Reimbursements shall be awarded in the order in which the Office [[of
12 Environmental Sustainability]] receives complete applications under
13 subsection (d) of this section.

14
15 **Section 20.1108. Adjustment of the watershed protection and restoration fee.**

- 16 (a) Any property owner may request an adjustment of the watershed protection and
17 restoration fee by submitting a request in writing to the Administrator of the Office [[of
18 Environmental Sustainability]] within 30 days after the date the bill is issued to the
19 property owner. Grounds for adjustment of the fee are limited to the following:
- 20 (1) An error was made regarding the impervious surface measurement of the
21 property;
- 22 (2) There is a mathematical error in calculating the fee; or
- 23 (3) The identification of the property owner invoiced for the fee is in error.
- 24 (b) The application submittal requirements for an adjustment shall be on a form provided
25 by the Office [[of Environmental Sustainability]].

26
27 **Section 20.1110. Appeals.**

28 Except where other appeal procedures are authorized in this subtitle, any property owner
29 aggrieved by any determination, decision, or order relating to the watershed protection
30 and restoration fee made by the Director of the Department of Public Works, the Director
31 of the Department of Finance, or the Administrator of the Office [[of Environmental

1 Sustainability]] may appeal such determination, decision, or order to the Board of
2 Appeals within 30 days after such determination, decision or order is made. After notice
3 and hearing, the Board of Appeals shall review the case consistent with its duly adopted
4 Rules of Procedures. The Board of Appeals may not waive, set aside, or change any
5 specific provision(s) of this subtitle.

6
7 **Section 20.1111. Report.**

8 (a) With the cooperation of the Director of the Department of Public Works and the
9 Director of the Department of Finance, the Administrator of the Office [[of
10 Environmental Sustainability]] shall submit a report to the County Council that includes:

- 11 (1) Any information required by subsection 4-202.1(i) of the Environment
12 Article of the Maryland Code;
- 13 (2) Financial data regarding:
 - 14 (i) The imposition, collection, and disposition of the watershed
15 protection and restoration fee;
 - 16 (ii) The watershed protection and restoration fund, including balances,
17 deposits, and disbursements;
 - 18 (iii) Program costs;
- 19 (3) Information about reimbursements and grants;
- 20 (4) The number of appeals and whether the kinds of appeals suggests that
21 changes to law or procedures are indicated;
- 22 (5) Information about applications for credits and credit awards;
- 23 (6) Year over year tax delinquency data as well as the number of properties, if
24 any, in tax delinquency where the amount delinquent may be related to the
25 stormwater fee;
- 26 (7) Information about applications for the fee assistance program and
27 recommendations for program improvements, with a focus in the first year
28 on the feasibility of establishing a fee assistance program for non-
29 residential property owners; and
- 30 (8) Any program recommendations.

1 (b) The Administrator shall submit the report annually on or before March 1 for the
2 preceding calendar year.

3

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