

Introduced 2/2/15  
Public Hearing 2/17/15  
Council Action 3/2/15  
Executive Action 3/4/15  
Effective Date 5/4/15

## 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 February 2, 2015. Ordered posted and hearing scheduled.

By order

Jessica Feldmark  
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 February 17, 2015.

By order

Jessica Feldmark  
Jessica Feldmark, Administrator

This Bill was read the third time on March 2, 2015 and Passed   , Passed with amendments    ☒, Failed   .

By order

Jessica Feldmark  
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 4<sup>th</sup> day of March, 2015 at 10:30 a.m./p.m.

By order

Jessica Feldmark  
Jessica Feldmark, Administrator

Approved by the County Executive March 4, 2015

Allan H. Kittleman  
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.

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

4         **Title 1 – Human Resources**

5         **Section 1.306 “Executive exempt”**

7         2. **By amending subsection (h):**

8         **Title 6-County Executive and the Executive Branch**

9         **Section 6.201 “Department of County Administration”**

11         3. **By amending:**

12             **Title 6-County Executive and the Executive Branch**

13             **Section 6.407 “Office of Environmental Sustainability”**

15         4. **By amending:**

16             **Title 20 - Taxes, Charges and Fees:**

17                 a. **Section 20.1101 “Definitions”;**

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

20                 c. **Section 20.1110 “Appeals”;**

21                 d. **Section 20.1111 “Report”;**

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

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

25                             **Title 1. Human Resources.**

26                                 **Subtitle 3. Pay Plan.**

28     **Section 1.306. Executive exempt.**

29     (b) *Appointing Authorities.* Appointing authorities for Executive exempt employees are  
30 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           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.

25  
26                   **Title 20. Taxes, Charges and Fees.**

27                   **Subtitle 11. Watershed Protection and Restoration.**

28  
29           **Section 20.1101. Definitions.**

30   Except as provided below, terms used in this subtitle shall have the meanings set forth  
31   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.

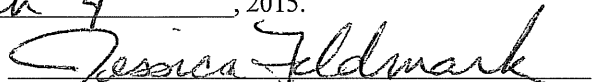
1 (b) The Administrator shall submit the report annually on or before March 1 for the  
2 preceding calendar year.

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.*

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on March 4, 2015.

  
Jessica Feldmark, 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 \_\_\_\_\_, 2015.

\_\_\_\_\_  
Jessica Feldmark, 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 \_\_\_\_\_, 2015.

\_\_\_\_\_  
Jessica Feldmark, 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 \_\_\_\_\_, 2015.

\_\_\_\_\_  
Jessica Feldmark, 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 \_\_\_\_\_, 2015.

\_\_\_\_\_  
Jessica Feldmark, 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 \_\_\_\_\_, 2015.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

Amendment 1 to Council Bill 3-2015

BY: Calvin Ball

Legislative Day No: 3  
Date: 3/2/15

Amendment No. 1

*(This amendment clarifies that the Office, in its work with other entities, is focused on economic and environmental sustainability.)*

1 On page 3, in line 31, strike "OR" and substitute "AND".

2

3 On page 4, in line 2, strike "OR" and substitute "AND". Also on page 4, in line 17, immediately  
4 after "ECONOMIC" insert "AND ENVIRONMENTAL".

5

6

Amendment 2 to Council Bill 3-2015

BY: Mary Kay Sigaty

Legislative Day No: 3  
Date: 3/2/15

Amendment No. 2

*(This amendment adds entities to the list of entities that the Office will consult to ensure agricultural innovation and economic sustainability.)*

- 1 On page 4, in line 16, strike "AUTHORITY" and substitute "AUTHORITY, HOWARD SOIL
- 2 CONSERVATION DISTRICT, UNIVERSITY OF MARYLAND EXTENSION AND MARYLAND
- 3 DEPARTMENT OF AGRICULTURE".

4

5



Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council Of Howard County, Maryland

2015 Legislative Session

Bill No. 3-2015

Legislative Day No. 2

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.

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

4 *Title 1 – Human Resources*

5 *Section 1.306 “Executive exempt”*  
6

7 2. *By amending subsection (h):*

8 *Title 6- County Executive and the Executive Branch*

9 *Section 6.201 “Department of County Administration”*  
10

11 3. *By amending:*

12 *Title 6- County Executive and the Executive Branch*

13 *Section 6.407 “Office of Environmental Sustainability”*  
14

15 4. *By amending:*

16 *Title 20 - Taxes, Charges and Fees:*

17 *a. Section 20.1101 “Definitions”;*

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

20 *c. Section 20.1110 “Appeals”;*

21 *d. Section 20.1111 “Report”;*

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

23 *f. Subsections (c) and (e) of Section 20.1106 “Reimbursements”.*  
24

25 **Title 1. Human Resources.**

26 **Subtitle 3. Pay Plan.**  
27

28 **Section 1.306. Executive exempt.**

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

1 (3) *Chief Administrative Officer.* The Chief Administrative Officer, with the  
2 approval of the County Executive, is the appointing authority for the  
3 following positions:  
4 Administrative Assistant, serving as the Secretary to the Chief  
5 Administrative Officer;  
6 Administrator of the Office of [[Environmental]] COMMUNITY  
7 Sustainability;  
8 Administrator of the Office of Transportation;  
9 Executive Assistant I, serving as the Assistant to the Chief Administrative  
10 Officer;  
11 Executive Assistant II, Assistant to the Chief Administrative Officer;  
12 Budget Administrator;  
13 Deputy Chief Administrative Officer;  
14 Human Services Manager I, serving as the Workforce Development  
15 Administrator;  
16 Human Resources Administrator;  
17 Human Services Manager II, serving as the Human Rights Administrator;  
18 Labor Relations Coordinator; and  
19 Public Information Administrator.  
20

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

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

23  
24 **Section 6.201. Department of County Administration.**

25 (h) *Office of [[Environmental]] COMMUNITY Sustainability.* There is an Office of  
26 [[Environmental]] COMMUNITY Sustainability. The qualifications of its  
27 Administrator and the nature of its duties and responsibilities are set forth in subtitle  
28 4, "Department of County Administration" of this title of the Howard County Code.  
29  
30  
31

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 environmentally sustainable or that are looking to further their ECONOMIC  
2 OR 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 TO  
17 ENSURE AGRICULTURAL INNOVATION AND ECONOMIC SUSTAINABILITY;
- 18 ([[5]]9) Coordinating, exploring, and obtaining grant funding related to  
19 [[environmental]] ALL AREAS OF sustainability; and
- 20 ([[6]]10) Performing other functions as maybe prescribed by directive of the  
21 County Executive or by law.

## 22 23 **Title 20. Taxes, Charges and Fees.**

### 24 **Subtitle 11. Watershed Protection and Restoration.**

#### 25 26 **Section 20.1101. Definitions.**

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

- 29 (a) *Fee* means the watershed protection and restoration fee.  
30 (b) *Fund* means the Watershed Protection and Restoration Fund.

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

9 **Section 20.1105. Credits.**

10 (d) *Application Requirements and Certification Reports.* An application for a credit  
11 shall:

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

20 (f) *Credit Recertification for Continued Credit.* In order to remain eligible for a credit, a  
21 property owner shall submit a recertification application:

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

26 **Section 20.1106. Reimbursements.**

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

- 28 (1) Be made to the Office [[of Environmental Sustainability]] on forms  
29 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.*



## Habicht, Kelli

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**From:** Feldmark, Jessica  
**Sent:** Wednesday, February 25, 2015 12:23 PM  
**To:** Ball, Calvin B; Fox, Greg; Greg Fox (Greg.Fox@Constellation.com); Weinstein, Jon; Sigaty, Mary Kay; Terrasa, Jen  
**Cc:** Beach, Meredith; Habicht, Kelli; Hammond, Patricia; Harold, Lisa; Hightower, Rozonna; Respass, Charity; Sayers, Margery; Clay, Mary; Knight, Karen; McLeod, Kate; Pruim, Kimberly; Smith, Gary  
**Subject:** RE: CB3-2015 -- Administration Answers to Questions from Public Hearing  
**Attachments:** CB3 Council Questions.docx

My apologies... now with the attachment.

Jessica Feldmark  
Administrator  
Howard County Council  
410-313-3111  
[jfeldmark@howardcountymd.gov](mailto:jfeldmark@howardcountymd.gov)

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**From:** Feldmark, Jessica  
**Sent:** Wednesday, February 25, 2015 12:19 PM  
**To:** Ball, Calvin B; 'Greg Fox ([gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov))'; 'Greg Fox ([Greg.Fox@Constellation.com](mailto:Greg.Fox@Constellation.com))'; 'jon Weinstein'; Sigaty, Mary Kay; Terrasa, Jen  
**Cc:** Beach, Meredith; Habicht, Kelli; Hammond, Patricia; Harold, Lisa; Hightower, Rozonna; Respass, Charity; Sayers, Margery; Clay, Mary; Knight, Karen; McLeod, Kate; Pruim, Kimberly; Smith, Gary  
**Subject:** CB3-2015 -- Administration Answers to Questions from Public Hearing

Council Members,

Attached please find the Administration's response to questions which were not fully answered at the public hearing. If there are any other questions that are still outstanding from the hearing for which you are awaiting additional information, please let me know.

Thanks,  
Jess

Jessica Feldmark  
Administrator  
Howard County Council  
410-313-3111  
[jfeldmark@howardcountymd.gov](mailto:jfeldmark@howardcountymd.gov)



# Howard County

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## *Internal Memorandum*

**Subject:** Council Bill No. 3-2015; County Council Questions Raised at February 17, 2015 Public Hearing

**To:** Mary Kay Sigaty,  
Council Chairperson

**From:** Lonnie R. Robbins,  
Chief Administrative Officer

**Date:** February 25, 2015

The administration received two questions from County Council members on February 20, 2015. I am providing answers to these questions below.

*Question #1:*

*Please share the Administration's research on sustainability offices in Frederick County and Baltimore City.*

The administration researched initially how surrounding jurisdictions in Maryland defined sustainability as a government practice. The definitions are diverse as are the departmental makeups of comparable agencies. The administration's goal was to develop as comprehensive a definition as appropriate to recognize the growing movement in sustainability cited by literature, academics, and sustainability professionals. The administration found Frederick County and Baltimore City as the most emblematic of the model being envisioned for Howard County. For this reason, these jurisdictions were highlighted in testimony presented on February 17, 2015.

Frederick County's Sustainability and Environmental Resources Office emphasizes an intersection of economics, society, and the environment. It focuses on protecting the environment, conserving energy and living sustainably. Key work areas include promoting sustainable resources and initiatives to the government and community, expanding watershed management through pollution prevention, educating the public, and assessing current societal conditions.

Baltimore City's Office of Sustainability develops and advocates for programs, policies, and actions by government, citizens, businesses, and institutions that improve the long-term environmental, social, and economic viability of the City. The City also integrates sustainability



# Howard County

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## *Internal Memorandum*

into its government's operations as a management practice. Links to websites for both agencies are provided below.

Frederick County: <http://frederickcountymd.gov/3535/Contact-Us>

Baltimore City: <http://www.baltimoresustainability.org/>

While evidence on best practices from around the state, particularly the two jurisdictions discussed above, is valuable, the administration researched how sustainability is treated in academic circles. Multiple Maryland colleges and universities offer environmental science programs, and reviews of their curriculum show an emphasis placed on statistics, economics, government, and business coursework. Nationally renowned universities such as Harvard, Columbia, Stanford, Johns Hopkins, and the University of Michigan have graduate programs dedicated to sustainability management and systems. These programs are designed to help students and professionals master a richer understanding of what makes for a sustainable environment. The coursework is interdisciplinary, qualitative, quantitative, management-oriented, and policy-driven.



# Howard County

## Internal Memorandum

*Question #2:*

*Please provide a timeline for the implementation of this reorganization (with more detail of how you expect the transition to unfold within the office).*

The administration's goal is to have OCS's work plan in place and ready for implementation on July 1, 2015, the start of FY2016. The administration has taken a number of steps toward this objective. First, the Acting Director of the Office of Environmental Sustainability (OES) conducted a staff review of all personnel funded within OES and by other county agencies, and with funds from partner organizations. The approximately 8 full-time equivalent (FTE) positions that report to the OES director encompass a variety of talent, skills sets, and education. They have over 27 years of collective experience working in Howard County government, 90 years of professional experience overall, collegiate and post-collegiate degrees in science, business, and engineering from well-respected institutions both within and outside Maryland.

The administration gave careful consideration to needed qualifications and capabilities as they relate to OCS' new mission, and how the office should be structured as a policy arm of government under County Administration. A multidisciplinary sustainability office should be designed to incorporate a variety of subject disciplines that can research, analyze, and respond to initiatives important to policymakers, elected officials, and the broader community. As is the nature of relying on collective input, sustainability goals may change periodically as federal, state, and county priorities change.

A review of the resumes for existing OES staff indicates previous academic exposure to environmental, agricultural, and economic policy. In addition, the types of projects upon which these professionals have embarked over the past eight years indicate practical work experience in these fields. Given the successful implementation and outcomes of many of these programs, the administration is confident in their ability to conduct a variety of intersecting research projects that consider environmental, agricultural, and economic assessments simultaneously.

Second, the administration looked at how OCS and the Environmental Sustainability Board (ESB) would function best in county government. Councilperson Ball and Councilperson Terrasa touched on this issue in their questions about the role the Environmental Sustainability Board (ESB) would play when advising the new office on non-environmental policies.

The administration concluded the new office would work with many agencies, boards, commissions, and communities in Howard County to ensure that future business growth, environmental protection, and agricultural improvements are executed in a sustainable manner.



# Howard County

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## *Internal Memorandum*

For example, in its development of program initiatives OCS would rely on relevant Howard County government agencies, boards and commissions whose employees/members are subject matter experts in their fields, and whose insights would contribute to comprehensive proposals the County Executive considers tasking departments with implementing.

This is not dissimilar to how OES has operated over the past eight years. As has already been done for certain projects, OCS would form committees with appropriate agency staff to develop policy recommendations and program implementation models that support the agency's work. For example, OES established the Stormwater Subcabinet to aid in the development of the watershed fee, improve the County's MS4 permit program, and monitor the effective use of the Watershed Protection Fund. The subcabinet comprised both department heads and bureau chiefs who 'touched' stormwater management as part of their organization's mission.

The administration intends to assemble similar groups for most new and existing initiatives. For example, OES is currently reviewing the prospect of engaging with private entities on the financing and development of new stormwater projects, which is a timely endeavor as the County must soon seek to remediate stormwater runoff on private land. To Councilperson Weinstein's question at the public hearing, the value of public-private partnerships in environmental management is a perfect example of the type of research the new office would conduct.

Finally, it is envisioned representatives from the following boards and commissions would meet quarterly: Agricultural Land Preservation Board, Planning Board, Design Advisory Panel, Economic Development Authority, Transportation Board, Environmental Sustainability Board, Recreation and Parks Board, Public Works Board, and the Soil Conservation District. The administration met with the chairs from each of the boards listed above in preparation for the new office's inception. As a result, it is the administration's opinion that it is unnecessary to alter or condense any of the County's boards and commissions whose duties encompass sustainability.

Cc: Jon Weinstein, Council Vice-Chairperson  
Calvin Ball, Councilperson  
Greg Fox, Councilperson  
Jennifer Terrasa, Councilperson  
Jessica Feldmark, Administrator



CB 3-2015

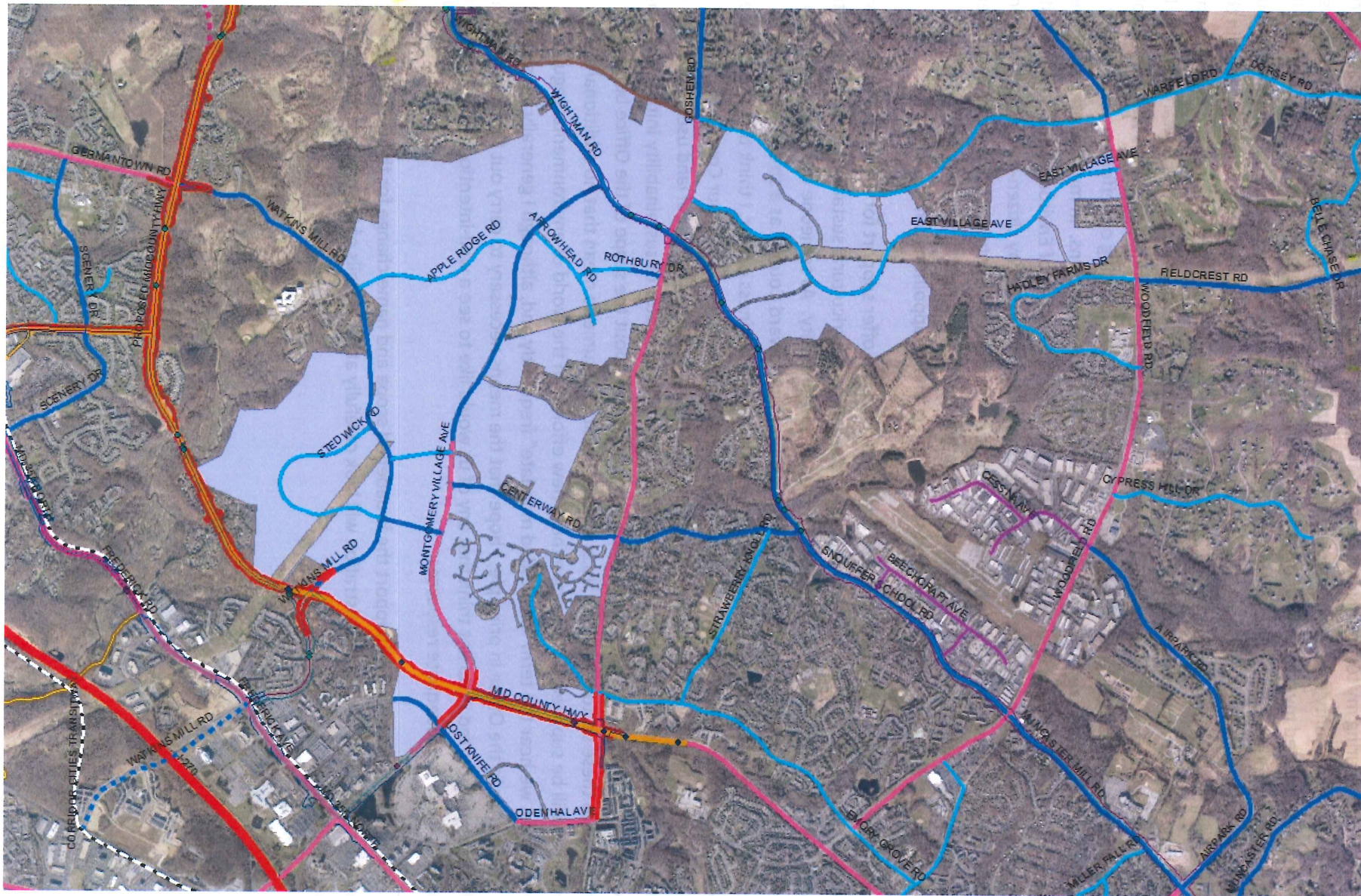
Thank you for hearing my testimony this evening. My name is Lori Lilly and I live in Woodstock. I work part-time for our County's Restoring the Environment and Developing Youth (READY) program and also have recently started my own environmental consulting business operating out of Howard County. I live at the Howard County Conservancy where my husband and I serve as care-takers and where we do our best to live a sustainable lifestyle with our family. To me, this means growing my own vegetables in the summer, purchasing foods grown locally, consuming goods wisely and in accordance with my values and supporting efforts that protect and restore our natural resources, especially here in Howard County. I am actively involved with the Howard County Watershed Stewards Academy as well as with the Ellicott City Partnership's Clean Safe and Green Committee where we are focusing our efforts on community outreach and education regarding flooding, trash and other Town concerns. In my local efforts, I have worked closely with several County Departments. I've found the Office of Environmental Sustainability to be the most helpful and effective County Department for supporting my citizen-based work. I, along with 32 other citizens, wrote to County Executive Kittleman and the County Council in early December, describing how much we value this County Department and requesting that you support the functionality of OES by leaving budget and staffing intact and re-appointing a new Director.

I came here tonight, thankful that the OES is still intact, and to offer support for Bill 3-2015 that would broaden the scope of services of OES to include economic and agricultural sustainability and change the name of the department to the Office of Community Sustainability. As someone that works tirelessly on behalf of protection and restoration of natural resources in Howard County, as a strong supporter of local agriculture and sustainable food systems, and as a small business owner, I think that this change to the OES will be very beneficial to the economic and environmental engines in our County. With the East/West divide that we have and the unique mix of urban, suburban and rural land uses, the Office will be better positioned to serve as a central organizer and administrator of sustainability initiatives across these three sectors. That being said, I am a little concerned about the scope of the Office being expanded to these sectors with "no fiscal impact," which I assume to mean that no additional staff or resources will be supplied to undertake these new efforts. In the world of environmental regulatory compliance, we hear the term "un-funded mandate" frequently and, although I generally am supportive of this change in the Office in principle, I hope that the means necessary to carry out the new mission is adequately supported. I do not think that any of us would like to see a well-intentioned initiative fall flat on its face due to inadequate resources.

In closing, I hope that you will support the broadened scope and name change for the OES per Bill 3-2015 and trust that you and the Administration will look carefully at the details of the proposal to ensure its successful launch.



## Montgomery Village – Road Network



MONTGOMERY COUNTY PLANNING DEPARTMENT



Maryland-National Capital Park and Planning Commission



## Environmental Sustainability

For 8 years Howard County has had an Environmental Sustainability office. This office has mainly promoted sustainability in the environment which I feel is very important. Farming has always been an important part of our local economy with production in dairy and livestock, corn, and small grains. As well as hay, pasture, tree fruits and vegetables also add to the diverse agriculture environment we have in Howard County.

Agriculture in Howard County has been a vital part in life of my family. We are one of the three dairy farms that still operates in the county. The two others are the Jones family on Underwood Road and Lager family in Fulton. We all have many generations that have been involved in operating these farms over the years.

Our family has been a member of many of the farm organizations that we have in the county. A few include the Farm Service Agency, Farm Bureau, Land Preservation Board, Howard County Fair Board, Western Shore 4-H Show which is held at the Howard County Fair Grounds. There are many families that have done the same as we have done to promote agriculture in the county. My daughter serves as the 4-H leader for the Howard County Dairy Club with a membership of 87 kids. This may seem strange with only 3 dairy farms in the county, but with a 4-H leasing program offered members who may live in small area's or developments can lease an animal and help care for it at one of our farms and then exhibit the heifer at the county fair.

Even with only 3 dairy herds there are 300 farms in the county. Where land holdings in the county comprise approximately 25% of our county's total land area. I have tried to tell you how important that I feel agriculture is in Howard County.

Just a few weeks ago we held an agricultural roundtable meeting at the TLV Tree Farm. The agriculture community got together with county government to have our concerns heard and discussed.

I thank you for letting me speak today on behalf of the proposed bill “ ”.

Jamie Brown

**@BigDrop**

She's advocating an increase in her own taxes. How is that "not as I do?"

Flag Share

1  Like Reply**WahooMania** 1 day ago**@Rick McCallister**

She could very easily pay more taxes just by filing using only the Standard Deduction.

Flag Share

Like Reply

**vbscript2** 1 day ago

**@WahooMania @Rick McCallister** Or by simply writing a number other than zero on the line to elect to voluntarily donate to help pay down the debt (that she's now helping to create...)

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Like Reply

**starnexus84** 2 days ago

Wait I thought conservatives liked rich people so what's the problem here?

Flag Share

1  Like Reply

2/12/15  
Joel Goodman

Good evening and thank you for this opportunity. My name is Dr. Joel Goodman, and I live at 3700 Cattail Greens Court in Glenwood 21738. I'm here to speak in favor of the legislation regarding the proposed Office of Community Sustainability. I speak for myself, but considering transparency, I should note that I am chair of the Howard County Recreation & Parks Advisory Board and, recently, I served on the County Executive's Transition Team for Rec & Parks.

When I first heard of this legislation, I, like many, was concerned that the loss of the word "environmental" from the name of the Office would mean that environmental issues and conservational advocacy would be pushed to the back burner. However, as I read the bill, spoke with folks around the County, and thought on it, I was filled with optimism that the expansion of the scope of the Office's responsibilities will actually strengthen its ability to develop and advocate for environmental programs, policies, and actions. I must note, however, that this optimism is tempered with caution.

This Council has heard me testify about dark skies and smart lighting solutions - issues which have both environmental AND economic implications. The other day, I read in the paper that - as part of proposed budget cuts - funding for a pilot street lighting conversion project may be cut. I'll reserve my detailed comments about that for later outside of this testimony.

However, this is where my cautious optimism comes in. I don't believe that a program like the pilot lighting

conversion project would be cut if the Office of Community Sustainability had input. Such an office will be most effective because it will have ALL of the informed players at the same table. This way, it will have both the resources and interest going forward to identify and assess ALL reasonable methods which may assist the County in the long term to address issues of environmental impact and reduce our collective carbon footprint.

Finally, the portion of the proposed legislation which speaks to the Office working closely with all boards is music to my ears. The proposed periodic meetings of the redefined Office with the chairs of County boards and commissions will be of great benefit for all of us to stay informed firsthand.

Thank you.



# Howard County

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## *Internal Memorandum*

**Subject:** Testimony on Council Bill No. 3-2015; a Bill reorganizing the Executive Branch to revise the duties and responsibilities and rename the Office of Environmental Sustainability

**To:** Mary Kay Sigaty,  
Council Chairperson

**From:** Lonnie R. Robbins,  
Chief Administrative Officer

**Date:** February 17, 2015

The above referenced Council Bill reorganizes the Executive Branch of County Government pursuant to Section 403 of the Howard County Charter. The Bill revises the duties and responsibilities of the Office of Environmental Sustainability (OES), and changes its name to the Office of Community Sustainability (OCS).

OES, envisioned in the 2007 report produced by the Commission on Environment and Sustainability, was created in order to help Howard County develop into a model green community, and has done a great deal of work over the course of the past eight years to achieve that end. To date, the Office has focused on initiatives to create a more sustainable society almost exclusively through an environmental perspective. This administration believes through its review of current literature and research that creating a truly sustainable society requires more than an environmental perspective, but an economic and agricultural one as well. It is with this in mind that this administration recommends the broadening of the Office of Environmental Sustainability's duties and responsibilities to assess the economic, agricultural, and



# Howard County

## *Internal Memorandum*

environmental impacts of all sustainability initiatives. This intent is reflected in the Office's proposed name change to be Office of Community Sustainability (OCS).

OCS will provide the County Executive with a more comprehensive approach toward developing a sustainable society in Howard County. The Office will be charged with conducting the research, developing policy, and coordinating with various agencies throughout the government that have a specific role in achieving the desired initiatives. The Office will serve to research said initiatives, identify the stakeholders within county government that play a role in implementing the program or project, and have the authority to coordinate across agencies to implement the County Executive's desired strategies. The new office will work with many organizations, boards, commissions, and communities in Howard County to ensure that future business and agricultural development is executed in a sustainable manner.

Additionally, the Office will have the capacity to develop new financing strategies in order to support infrastructure needs associated with stormwater remediation. This new direction will provide OCS, and the County Executive, with the tools necessary to set Howard County on the path toward long-term viability of its infrastructure and natural resources. This bill will make no changes to the Environmental Sustainability Board, whose role will remain to advise OCS on policy and implementation.

### Fiscal Impact

The Administration anticipates that this Bill will have nominal, if any, fiscal impact.

Cc: Jon Weinstein, Council Vice-Chairperson



# Howard County

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## *Internal Memorandum*

Calvin Ball, Councilperson

Greg Fox, Councilperson

Jennifer Terrasa, Councilperson

Jessica Feldmark, Administrator