

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2014 Legislative Session

Legislative Day No. 8

July 7, 2014

HOWARD COUNTY TO WIT:

The Chairperson called the legislative session to order at **7:56** p.m.

Chairperson; Calvin Ball, Vice Chairperson; Courtney Watson, Council Member; Greg Fox, Council Member; Mary Kay Sigaty, Council Member; and Jennifer Terrasa, Council Member, were present.

Sheila Tolliver, Administrator to the County Council; Craig Glendenning, County Auditor; Theodore Wimberly, Legislative Assistant; James Vannoy, Office of Law; and Jennifer Sager, Legislative Coordinator were also present.

APPROVE JOURNAL

The Chairperson moved to approve the journal for Legislative Day No. 7, June 2, 2014. The motion was seconded by the Vice Chairperson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve the journal passed.

APPROVE MINUTES

The Chairperson moved to approve the minutes for the Quarterly Meeting with Board of Education – June 5, 2014. The motion was seconded by the Vice Chairperson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve the minutes passed.

The Chairperson moved to approve the minutes for the Public Hearing – June 16, 2014. The motion was seconded by the Vice Chairperson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve the minutes passed.

The Chairperson moved to approve the minutes for the Legislative Work Session – June 23, 2014. The motion was seconded by the Vice Chairperson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve the minutes passed.

INTRODUCTION OF LEGISLATION

The Chairperson moved to allow the reading of bills by short title on final reading. The motion was seconded by the Vice Chairperson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members, Ball, Fox, Sigaty, Terrasa and Watson.

The motion to allow the reading of bills by short title on final reading passed.

The Chairperson moved to allow the introduction of a resolution that was not prefiled. The motion was seconded by the Vice Chairperson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members, Ball, Fox, Sigaty, Terrasa and Watson.

The motion to allow the introduction of a resolution that was not prefiled passed.

Council Resolution No. 85-2014 - Confirming the appointment of Lawrence E. Walker, Sr. to fill a vacancy on the Howard County Board of Education.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members, Ball, Fox, Sigaty, Terrasa and Watson.

The following legislation is introduced by the Chairperson at the request of the County Executive unless otherwise noted:

Appointments

Council Resolution 75-2014 - Confirming the appointment of Mitra Basu to the Housing and Community Development Board.

Council Resolution 76-2014 – Confirming the appointment of Abby Glassberg to the Public Works Board.

Council Resolution 77-2014 - Confirming the appointment of Andrea S. Ingram to the Adult Public Guardianship Review Board.

Council Resolution 78-2014 - Confirming the appointment of Linda M. Skelton to the Housing and Community Development Board.

Council Resolution 79-2014 - Confirming the appointment of Maurice F. Zeitler to the Housing and Community Development Board.

Council Resolution 80-2014 - Confirming the reappointment of William E. Erskine to the Board of Directors of the Economic Development Authority.

Council Resolution 81-2014 - Confirming the reappointment of Jill Marie Godzilevsky to the Howard County Commission for Veterans and Military Families.

Council Resolution 82-2014 - Confirming the reappointment of Sheryl H. Lewis, M.P.H., to the Board of Health

Council Resolution 83-2014 - Confirming the reappointment of Joseph J. Mezzanotte to the Board of Directors of the Economic Development Authority.

Council Resolution 84-2014 - Confirming the reappointment of Ligeia Shin-Zeruto to the Howard County Commission for Veterans and Military Families.

Council Resolution 85-2014 – Confirming the appointment of Lawrence E. Walker, Sr. to fill a vacancy on the Howard County Board of Education.

Financial

Council Bill 47-2014 – AN ACT approving and providing for a multi-year Installment Purchase Agreement by Howard County, Maryland to acquire development rights in approximately 81.4 acres of agricultural land located at 12570 Highland-Laurel Road, in Highland, Howard County, Maryland, from The Estate of Richard Lansdale Pue or any other owner thereof for a maximum purchase price of \$1,971,200 or, if less, not more than \$24,216 per acre or portion thereof, rounded to the next highest \$100, plus interest on the deferred portion of such purchase price; providing that such purchase price and interest shall be payable to The Maryland 4-H Foundation, Inc.; providing that the County's obligation to pay such purchase price and interest on the deferred portion of such purchase price shall be a full faith and credit general obligation of the County; providing for the levying of taxes for such payments; authorizing the County Executive to modify such Agreement; and providing for and determining various matters in connection therewith.

Council Bill 48-2014 – AN ACT approving and providing for a multi-year Installment Purchase Agreement by Howard County, Maryland to acquire development rights in approximately 57.4 acres of agricultural land located on Annapolis Rock Road, in Woodbine, Howard County, Maryland, from Charles Sharp, Denise Sharp and Alan Sharp or any other owner thereof for a maximum purchase price of \$1,658,400 or, if less, not more than \$28,890.40 per acre or portion thereof, rounded to the next highest \$100, plus interest on the deferred portion of such purchase price; providing that the County's obligation to pay such purchase price and interest on the deferred portion of such purchase price shall be a full faith and credit general obligation of the County; providing for the levying of taxes for such payments; authorizing the County Executive to modify such Agreement; and providing for and determining various matters in connection therewith.

General

Council Bill 36-2014 – Introduced by Jen Terrasa - AN ACT prohibiting a person from stopping, standing, or parking a vehicle that is not a plug-in vehicle in a parking space that is designated in a certain manner for the use of plug-in vehicles and provides access to a plug-in vehicle recharging station; establishing certain standards for signage designating reserved parking for certain plug-in vehicles; authorizing a certain property owner to have a vehicle that is stopped, standing, or parked in violation of this Act towed or removed under certain circumstances, subject to certain standards and requirements; and generally relating to reserved parking spaces for plug-in vehicles.

Council Bill 37-2014 – Introduced by Greg Fox - AN ACT providing that, unless otherwise prohibited by law, there are no limits on the kinds of foods or beverages sold or distributed on County-owned property or during County-sponsored events, meetings, and programs; and generally relating to certain food and beverage sales in the County.

Council Bill 38-2014 – Introduced by Greg Fox - AN ACT prohibiting the County from exercising condemnation for economic development purposes or to transfer property to a private entity for its benefit; and generally relating to the acquisition by the County of private property by condemnation.

Council Bill 39-2014 – AN ACT amending the Length of Service Award Program for volunteer firefighting/EMS personnel; amending the payment amount; providing for burial benefits and survivor benefits; amending certain reporting requirements; amending certain deadlines; clarifying the points received for military service; making certain technical corrections; providing for the application of this act; and generally relating to the Length of Service Award Program.

Council Bill 40-2014 – AN ACT pursuant to Section 612 of the Howard County Charter, approving a multi-year Service Agreement between Howard County, Maryland and Verizon Maryland Inc., for certain enhanced 9-1-1 customer premises equipment and related service.

Council Bill 41-2014 – AN ACT pursuant to Section 612 of the Howard County Charter, approving a multi-year Lease Agreement and Lease Agreement Addendum between Howard County, Maryland and Advance Business Systems & Supply Company, for the lease of multi-function copiers.

Council Bill 42-2014 – AN ACT amending the Pay Plan for Howard County; providing certain pay scales for police officers, police sergeants, police management, and certain employees in the Department of Fire and Rescue Services; amending the pay grade for the position of Police Services Support Supervisor II; and generally relating to the Pay Plan for Howard County.

Council Bill 43-2014 – AN ACT amending the Classification Plan for Howard County; transferring the responsibility for certain police records operations to the position of Police Services Support Supervisor II; amending certain licensure and education requirements for the position of Police Services Support Supervisor II; and generally relating to amendments to the Howard County Classification Plan.

Council Bill 44-2014 – AN ACT pursuant to Section 1.111(e) of the Howard County Code, approving provisions in a collective bargaining agreement between Howard County and the Howard County Police Officer’s Association, Lodge 21, that are in conflict with the provisions of Title 1 “Human Resources” of the Howard County Code or the Employee Manual; approving a multi-year collective bargaining agreement between Howard County and the Howard County Police Officer’s Association, Lodge 21 that will be effective through the end of Fiscal Year 2016 and that includes payment of certain compensation in future fiscal years; providing for the application of this Act; and generally relating to the collective bargaining agreement between Howard County and the Howard County Police Officer’s Association, Lodge 21.

Council Bill 45-2014 – AN ACT pursuant to Section 1.111(e) of the Howard County Code, approving provisions in a collective bargaining agreement between Howard County and the FOP Lodge 143, Howard County Police Supervisor’s Alliance, that are in conflict with the provisions of Title 1 “Human Resources” of the Howard County Code or the Employee Manual; approving a multi-year collective bargaining agreement between Howard County and the FOP Lodge 143, Howard County Police Supervisor’s Alliance that will be effective through the end of Fiscal Year 2016 and that includes payment of certain compensation in future fiscal years; providing for the application of this Act; and generally relating to the collective bargaining agreement between Howard County and the FOP Lodge 143.

Council Bill 46-2014 – AN ACT pursuant to Section 1.111(e) of the Howard County Code, approving provisions in a collective bargaining agreement between Howard County and the International Association of Firefighters – Howard County Local 2000, that are in conflict with the provisions of Title 1 “Human Resources” of the Howard County Code or the Employee Manual; approving a multi-year collective bargaining agreement between Howard County and the International Association of Firefighters – Howard County Local 2000 that will be effective through the end of Fiscal Year 2016 and that includes payment of certain compensation in future fiscal years; providing for the application of this Act; and generally relating to the collective bargaining agreement between Howard County and the International Association of Firefighters – Howard County Local 2000.

Council Resolution 87-2014 – Introduced by Mary Kay Sigaty at the Request of the Patuxent River Commission - A RESOLUTION approving and adopting the 2015 Patuxent River Policy Plan.

Council Resolution 88-2014 – Introduced by Greg Fox - A RESOLUTION proposing to amend Section 209 “Legislative procedure” of the Howard County Charter by permitting the County Council to extend the amount of time to consider legislation before the Council; and submitting

this amendment to the voters of Howard County for their adoption or rejection in accordance with Article X of the Howard County Charter and Article XIA of the Maryland Constitution.

Council Resolution 89-2014 – Introduced by Greg Fox - A RESOLUTION proposing to amend Section 613 “Restrictions of capital projects; amendment to capital budget after adoption of budget”, of the Howard County Charter to clarify the application of the section to new capital projects; requiring the County Council to establish by law procedures for amending the budget when changes to existing capital projects are approved; and submitting this amendment to the voters of Howard County for their adoption or rejection in accordance with Article X of the Howard County Charter and Article XIA of the Maryland Constitution.

Council Resolution 90-2014 - A RESOLUTION approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between Howard County, Maryland and 2800 Nixon’s Farm Lane, LLC regarding the construction and operation of a solar array located on the property known as Nixon’s Farm.

Council Resolution 91-2014 – Introduced by the Chairperson at the request of the County Executive and Cosponsored by Jennifer Terrasa at the request of Big Brothers Big Sisters of the Greater Chesapeake - A RESOLUTION endorsing an application by Big Brothers Big Sisters of the Greater Chesapeake to the Maryland Department of Housing and Community Development’s Community Investment Tax Credit program providing tax credits for individuals who donate to certain 501(c)(3) organizations.

Council Resolution 92-2014 - A RESOLUTION authorizing the Howard County Health Officer to enter into contracts or any other written agreement to assist or participate in the delivery of health care services with third party health insurance, Medicare, and Medical Assistance carriers for the purpose of the third party health insurance, Medicare, and Medical Assistance carriers financing, coordinating, or facilitating services provided by the Howard County Health Department.

Council Resolution 93-2014 - A RESOLUTION adopting the Housing Unit Allocation Chart for Fiscal Year 2015 pursuant to the Adequate Public Facilities Act of Howard County.

Council Resolution 94-2014 - A RESOLUTION adopting the Open/Closed Chart, pursuant to the Adequate Public Facilities Act of Howard County, to designate the school regions and school districts that are open for residential development.

Council Resolution 95-2014 - A RESOLUTION approving an application to the State of Maryland for the Main Street Maryland designation by the State Department of Housing and Community Development, indicating support for the Main Street Maryland Program in Ellicott City, Maryland and authorizing certain actions necessary to carry out the intent of this Resolution.

Council Resolution 96-2014 - A RESOLUTION approving and authorizing the submittal of a Management Plan for the certification of the Patapsco Heritage Area as a Certified Maryland Heritage Area.

FINAL CONSIDERATION

Consent

Council Resolution 61-2014 - Confirming the appointment of Katherine B. Bornstein to the Advisory Board on Consumer Affairs.

Council Resolution 62-2014 - Confirming the appointment of Bridget C. McCarthy to the Commission on Disability Issues.

Council Resolution 63-2014 - Confirming the appointment of Robert C. McLaughlin to the Commission on Aging.

Council Resolution 64-2014 - Confirming the appointment of Lawrence J. Schoen to the Public Transportation Board.

Council Resolution 65-2014 - Confirming the appointment of Winnie Tsao to the Recreation & Parks Board.

Council Resolution 66-2014 - Confirming the reappointment of Richard M. Alexander to the Board of Library Trustees.

Council Resolution 67-2014 - Confirming the reappointment of Renee Bitner, R.N., to the Adult Public Guardianship Review Board.

Council Resolution 68-2014 - Confirming the reappointment of Beryl Gantt to the Adult Public Guardianship Review Board.

Council Resolution 70-2014 - Confirming the reappointment of Danilsa M. Marciniak to the Board of Social Services.

Council Resolution 71-2014 - Confirming the reappointment of Howard T. Mooney, Jr. to the Howard County Commission for Veterans and Military Families.

Council Resolution 72-2014 - Confirming the reappointment of William A. Moss to the Adult Public Guardianship Review Board.

The Chairperson moved to approve the items on the consent agenda. The motion was seconded by the Vice Chairperson.

The roll call vote called by the Chairperson on the motion to approve Council Resolutions 25 and 26-2014 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve the items on the consent agenda passed.

Other Appointments

Council Resolution 69-2014 - Confirming the reappointment of Barbara Kellner to the Public Transportation Board.

The Chairperson moved to withdraw Council Resolution 69-2014 at the request of the administration. The motion was seconded by the Vice Chairperson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to withdraw Council Resolution 69-2014 at the request of the administration passed.

General

Council Bill 33-2014 – Introduced by Jen Terrasa - AN ACT amending the Howard County Code to revise the requirements that developers of residential property hold community meetings before submitting their development plans for County approval; and generally relating to presubmission community meetings

The Chairperson moved to approve Council Bill 33-2014. The motion was seconded by the Vice Chairperson.

The Chairperson moved to approve Amendment 1. The motion was seconded by the Vice Chairperson.

Amendment No. 1

(This amendment makes certain technical corrections and clarifies:

- 1. That notice will be sent to the schools directly;*
- 2. That posters shall be as close as possible to a road; and*
- 3. When posters may be required at adjoining County facilities.)*

Page 5, in lines 21 and 22, after “PRESIDENTS”, strike “OF ALL SCHOOLS WITHIN THE ATTENDANCE AREA OF THE SUBJECT PROPERTY”, and substitute “THROUGH A MAILING TO SCHOOL WITH AN ATTENDANCE AREA THAT INCLUDES THE SUBJECT PROPERTY”.

Page 6, in line 10, after “PUBLIC AND” insert “THAT IS AS CLOSE AS POSSIBLE AND”.

Page 6, in line 11, after “SERVES” insert “OR WILL SERVE”.

Page 6, strike line 12 through 15, inclusive and in their entirety, and substitute:

“IF THE PROPERTY IS ADJOINING PARKLAND, A COMMUNITY CENTER, OR OTHER COUNTY-OWNED BUILDINGS THAT ARE FREQUENTLY VISITED BY CITIZENS TO OBTAIN SERVICES INCLUDING, WITHOUT LIMITATION, COUNTY OFFICES, SCHOOLS, OR LIBRARIES, THE DEPARTMENT OF PLANNING AND ZONING MAY REQUIRE AN ADDITIONAL POSTER THAT IT IS VISIBLE TO THE GENERAL PUBLIC IN THE CLOSEST USEABLE PORTION OF THE PARK, COMMUNITY CENTER, OR”.

The Chairperson moved to approve Amendment 1 to Amendment 1. The motion was seconded by the Vice Chairperson.

Amendment No. 1 to Amendment No. 1

(This amendment inserts a word that was inadvertently omitted.)

The roll call vote called by the Chairperson on the motion to approve Amendment 1 to Amendment 1 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Amendment 1 to Amendment 1 passed.

The roll call vote called by the Chairperson on the motion to approve Amendment 1 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Amendment 1 as amended passed.

The Chairperson moved to approve Amendment 2. The motion was seconded by the Vice Chairperson.

Amendment No. 2

(This amendment would clarify that maps of the subject property are required for presubmission community meeting notices).

On page 6, in line 35, strike “, IF AVAILABLE”.

The roll call vote called by the Chairperson on the motion to approve Amendment 2 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Amendment 2 passed.

The Chairperson moved to approve Amendment 3. The motion was seconded by the Vice Chairperson.

Amendment No. 3

(This amendment would clarify that the developer/petitioner shall distribute a DPZ prepared summary of the “applicable” review process at the presubmission community meeting).

On page 8, in line 10, after “PROCESS” insert “OR CONDITIONAL USE PROCESS, IF APPLICABLE,”.

The Chairperson moved to approve Amendment 1 to Amendment 3. The motion was seconded by the Vice Chairperson.

Amendment No. 1 to Amendment # 3

(This amendment adds the zoning process to the list of processes that would require the developer/petitioner to distribute a process summary document to the community once an initial plan is submitted to DPZ).

On page 1, in line 6, before “OR” insert “, ZONING”.

The roll call vote called by the Chairperson on the motion to approve Amendment 1 to Amendment 3 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Amendment 1 to Amendment 3 passed.

The roll call vote called by the Chairperson on the motion to approve Amendment 3 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Amendment 3 as amended passed.

The Chairperson moved to approve Amendment 4. The motion was seconded by the Vice Chairperson.

Amendment No. 4

(This amendment would clarify that the developer/petitioner is to send notice to the community within 7 days of the development’s initial plan submittal).

On pages 8 and 9, strike lines 32 -34 on page 8 and lines 1- 8 on page 9, and substitute the following:

“(v) WITHIN 7 DAYS AFTER FILING THE INITIAL PLAN SUBMITTAL FOR THE PROJECT WITH THE DEPARTMENT OF PLANNING AND ZONING, SEND NOTICE OF THE SUBMITTAL TO EACH PERSON WHO ATTENDED THE PROJECT’S PRESUBMISSION COMMUNITY MEETING, AND TO ANY OTHER PERSON WHO HAS REQUESTED THAT THE DEVELOPER/PETITIONER PROVIDE SUCH NOTICE. THE NOTICE SHALL BE SENT TO EACH ADDRESS AND ELECTRONIC MAIL ADDRESS SUBMITTED AT THE PROJECT’S PRESUBMISSION COMMUNITY MEETING, AND SHALL INCLUDE INSTRUCTIONS ON HOW TO BE NOTIFIED WHEN FUTURE SUBMISSIONS FOR THE PROJECT ARE FILED OR WHEN THE DEPARTMENT OF PLANNING AND ZONING ACTS ON ANY SUBMITTAL FOR THE PROJECT.”.

The roll call vote called by the Chairperson on the motion to approve Amendment 4 was:
Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Amendment 4 passed.

The roll call vote called by the Chairperson on the motion to approve Council Bill 33-2014 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Council Bill 33-2014 as amended passed.

The Chairperson moved to approve Council Bill 34-2014. The motion was seconded by the Vice Chairperson.

The Chairperson moved to approve Amendment 1. The motion was seconded by the Vice Chairperson.

Amendment No. 1

(This amendment removes a classification code from the list of non-benefitted employees, thus preserving the classification as a benefitted position.)

On page 1, in line 26, strike “5135,”.

The roll call vote called by the Chairperson on the motion to approve Amendment 1 was:
Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Amendment 1 passed.

The roll call vote called by the Chairperson on the motion to approve Council Bill 34 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Council Bill 34 passed.

Council Bill 35-2014 - AN ACT amending the Howard County Police and Fire Employees' Retirement Plan to make certain technical corrections; to allow Police cadets to receive credit for years of eligibility service under certain conditions; and generally relating to the Howard County Police and Fire Employees' Retirement Plan.

The Chairperson moved to approve Council Bill 35-2014. The motion was seconded by the Vice Chairperson.

The roll call vote called by the Chairperson on the motion to approve Council Bill 35-2014 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Council Bill 35-2014 passed.

Council Resolution 73-2014 -A RESOLUTION pursuant to Sections 16.301 and 16.200(a) of the Howard County Code, granting a variance for government uses from the structure and use setback for a proposed retaining wall at Troy Park.

The Chairperson moved to approve Council Resolution 73-2014. The motion was seconded by the Vice Chairperson.

The roll call vote called by the Chairperson on the motion to approve Council Resolution 73-2014 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Council Resolution 73-2014 passed.

Council Resolution 74-2014 – by Greg Fox and Mary Kay Sigaty -- A RESOLUTION creating a task force to study mulching, composting and wood processing policies and regulations with respect to Howard County land use planning processes and Zoning Regulations.

The Chairperson moved to approve Council Resolution 74-2014. The motion was seconded by the Vice Chairperson.

The roll call vote called by the Chairperson to approve Council Resolution 74-2014 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Council Resolution 74-2014 passed.

Council Bill 32-2014 – Introduced by Greg Fox; Co Sponsored by Calvin Ball, Mary Kay Sigaty, Jennifer Terrasa, and Courtney Watson - AN ACT requiring, to the extent practical, that County documents and other files be searchable by the public through the County’s website; requiring the County to create and implement a plan for this purpose; setting a deadline for publishing such information; requiring that certain County documents related to land use be regularly posted on the County’s website in a searchable format; and generally relating to accessible data in the County.

The Chairperson moved to approve Council Bill 32-2014. The motion was seconded by the Vice Chairperson.

The Chairperson moved to approve Amendment 2. The motion was seconded by the Vice Chairperson.

Amendment No. 2

(This amendment eliminates the provisions of the Bill as introduced; requires certain documents to be published in searchable format at certain times; requires County units to produce and inventory of records and identify those that may be of interest to the public and requires those to be published to the internet before a certain date; provides for an advisory task force and a plan; and provides for a web portal and advisory bodies.).

On the title page, strike the purpose paragraph and substitute:

“AN ACT requiring that certain County documents be searchable; requiring County units to compile a certain inventory and publish certain items to the internet; providing for certain advisory bodies; requiring the Director of the Department of Technology and Communication Services to collect certain information and make certain recommendations; and generally relating to data transparency in the County.”

Beginning on page 1, line 1, strike down through page 8, line 19, and substitute:

“**Section 1. And Be It Enacted** by the County Council of Howard County, Maryland, that:
A. this Section 1 does not affect whether a document must be published to the internet only the format that must be used if a document is published;

B. this Section 1 applies only to:

1. documents created after this Act takes effect; and

2. documents that are published to the internet;

C. subject to item D, within 60 days after the day that this Act takes effect, all County Agencies under the authority of the County Executive or the County Council that publish documents to the internet shall publish them in a searchable format; and

D. if a signature is required, an electronic signature or a scanned version of a signature page may be used.

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

By adding:

Title 22 – General provisions, penalties and rules of interpretation.

Subtitle 8. Governmental transparency.

“Title 22 – General provisions[[, penalties and rules of interpretation]].

SUBTITLE 8. – GOVERNMENTAL TRANSPARENCY.

22.800. PURPOSE; SCOPE.

(A) THE PURPOSE OF THIS SUBTITLE IS TO IMPROVE TRANSPARENCY AND EFFICIENCY IN GOVERNMENT WHILE ADDRESSING ITS GOALS OF EFFECTIVE COMMUNICATION AND COLLABORATION WITHIN UNITS AND DELIVERY OF USEFUL INFORMATION TO THE PUBLIC THROUGH AN INTUITIVE AND INTERACTIVE WEB PORTAL.

(B) EXCEPT AS PROVIDED IN SECTION 22.806 OF THIS SUBTITLE, THIS SUBTITLE APPLIES ONLY TO DATA CREATED AFTER THIS SUBTITLE TAKES EFFECT.

22.801. DEFINITIONS

(A) (1) DATA MEANS THE FINAL VERSION OF INFORMATION THAT IS CREATED OR MAINTAINED BY A UNIT.

(2) DATA INCLUDES, BUT IS NOT LIMITED TO, DOCUMENTS, RECORDS, DIGITAL DATA, LISTS, TABLES, SPREADSHEETS, GRAPHS, CHARTS, MEMORANDA, MINUTES, MANUALS, AND ORDERS.

(B) FACILITATOR MEANS THE DIRECTOR OF THE DEPARTMENT OF TECHNOLOGY AND COMMUNICATIONS SERVICES.

(C) UNIT MEANS A UNIT OF COUNTY GOVERNMENT THAT IS UNDER THE AUTHORITY OF THE COUNTY EXECUTIVE OR THE COUNTY COUNCIL.

22.802. INVENTORY.

(A) EACH UNIT SHALL COMPILE AN INVENTORY OF:

(1) THE DATA THAT THE UNIT PUBLISHES TO THE INTERNET; AND

(2) THE DATA THAT THE UNIT CREATES BUT DOES NOT PUBLISH TO THE INTERNET.

(B)(1) ON OR BEFORE, DECEMBER 1, 2014, EACH UNIT SHALL SUBMIT TO THE FACILITATOR THE INVENTORY.

(2) THE UNIT SHALL ENSURE THAT THE INVENTORY IS COMPLETE, ACCURATE, AND UP-TO-DATE.

(C) EACH UNIT SHALL INDICATE FOR THE ITEMS IN THE INVENTORY:

(1) THE ITEMS THAT THE UNIT BELIEVES ARE OF INTEREST TO THE PUBLIC;

(2) ANY IMPEDIMENTS TO PUBLICATION OF THE ITEMS TO THE INTERNET; AND

(3) THE ITEMS THAT ARE CONFIDENTIAL.

(D) ON OR BEFORE, DECEMBER 15, 2014, THE FACILITATOR SHALL SUBMIT A COMBINED INVENTORY TO THE COUNTY COUNCIL AND THE COUNTY EXECUTIVE.

22.803. PORTAL.

(A) THE FACILITATOR SHALL INVESTIGATE OPTIONS FOR A SINGLE WEB PORTAL THAT WOULD ALLOW THE PUBLIC TO LOCATE AND ACCESS THE DATA THAT THE COUNTY PUBLISHES TO THE INTERNET.

(B) ON OR BEFORE DECEMBER 15., 2014, THE FACILITATOR SHALL RECOMMEND TO THE COUNTY EXECUTIVE AND THE COUNTY COUNCIL A PLAN TO IMPLEMENT THE PORTAL.

22.804. TASK FORCE.

(A) TO CARRY OUT THIS SUBTITLE, THE FACILITATOR MUST CONVENE A TASK FORCE.

(B) THE TASK FORCE CONSISTS OF:

(1) 2 MEMBERS APPOINTED BY THE COUNTY EXECUTIVE;

(2) ONE MEMBER APPOINTED BY EACH MEMBER OF THE COUNTY COUNCIL;

(3) MEMBERS FROM THE UNITS THAT THE FACILITATOR BELIEVES SHOULD BE REPRESENTED ; AND

(4) 2 REPRESENTATIVES OF THE COUNTY COUNCIL.

(C) THE TASK FORCE SHALL MEET PERIODICALLY TO:

(1) ADVISE THE FACILITATOR, THE COUNTY EXECUTIVE, AND THE COUNTY COUNCIL;

(2) STUDY BEST PRACTICES;

(3) ENSURE THAT UNITS PARTICIPATE AND COMPLY WITH THE PURPOSES OF THIS SUBTITLE; AND

(4) AFTER REVIEWING THE INVENTORY, RECOMMEND ITEMS OF INTEREST TO THE PUBLIC THAT SHOULD BE PUBLISHED TO THE INTERNET.

(D) THE TASK FORCE SHALL ISSUE A REPORT ON OR BEFORE MARCH 1, 2015, AND PERIODICALLY THEREAFTER.

22.805. PLAN.

ON OR BEFORE SEPTEMBER 1, 2015, THE FACILITATOR SHALL SUBMIT TO THE COUNTY EXECUTIVE AND THE COUNTY COUNCIL A PLAN FOR PUBLISHING TO THE INTERNET THE ITEMS THAT ARE OF INTEREST TO THE PUBLIC.

22.806. PUBLICATION TO THE INTERNET.

(A) AS SOON AS PRACTICAL, BUT NOT LATER THAN SEPTEMBER 1, 2016, THE ITEMS IDENTIFIED IN THE PLAN AS BEING OF INTEREST TO THE PUBLIC MUST BEGIN TO BE PUBLISHED TO THE INTERNET.

(B) THIS SECTION DOES NOT APPLY TO:

(1) EMAIL, INSTANT MESSAGES, CORRESPONDENCE, OR SIMILAR EXCHANGES;

(2) A GOVERNMENTAL RECORD THAT IS REQUIRED OR PERMITTED TO BE WITHHELD FROM DISCLOSURE UNDER ANY FEDERAL OR STATE LAW, INCLUDING THE MARYLAND PUBLIC INFORMATION ACT;

(3) ANY DOCUMENT OR DATA THAT IS REQUIRED TO BE CONFIDENTIAL UNDER COUNTY, STATE, OR FEDERAL LAW.

(C)(1) SUBJECT TO PARAGRAPH (2) OF THIS PARAGRAPH, THE ITEMS PUBLISHED UNDER THIS SECTION MUST BE SEARCHABLE.

(2) META-DATA OR TAGS MUST BE PROVIDED FOR ITEMS THAT CANNOT BE MADE SEARCHABLE.

22.807. ARCHIVED MATERIALS.

IN CONSULTATION WITH UNITS, THE FACILITATOR MUST MAKE A PLAN TO PUBLISH TO THE INTERNET DATA THAT WAS CREATED BEFORE THE DATE THIS SUBTITLE BECAME EFFECTIVE.”

On page 8, beginning with “And” in line 21, strike down through “Section 4.” In line 25.

The Chairperson moved to approve Amendment 1 to Amendment 2. The motion was seconded by the Vice Chairperson.

Amendment 1 to Amendment No. 2

On page 1, in line 3, after “documents” insert “and other data”.

Also on page 1, line 4, after “internet” insert “and develop a portal on the County Website that efficiently allows certain documents and data to be searched for”.

Also on page 1, in line 9, strike “19” and substitute “8”.

On page 2, in line 15, after “**TRANSPARENCY**” insert “**AND ACCESSIBLE DATA**”.

Also on page 2, in line 18, after “IMPROVE” insert “AND MAINTAIN”.

Also on page 2, in line 20, strike “DELIVERY” down through “PORTAL” in line 21 and substitute “TO DELIVER USEFUL INFORMATION TO THE PUBLIC IN AN EFFICIENT MANNER, INCLUDING THROUGH THE PROVISION OF AN INTUITIVE AND INTERACTIVE WEB PORTAL THAT ALSO PROVIDES THE PUBLIC ACCESS TO THE INFORMATION IN USABLE AND SEARCHABLE FORMATS”.

Also on page 2, in line 22, strike lines 22 through 23 and substitute:

(B) EXCEPT AS PROVIDED IN SECTION 22.806 OF THIS SUBTITLE OR AS DETERMINED BY THE GOVERNMENTAL TRANSPARENCY DATA PLAN, THIS SUBTITLE APPLIES ONLY TO DATA CREATED AFTER THIS SUBTITLE TAKES EFFECT.

(C) GUIDING PRINCIPLES.

(1) ALL ACCESSIBLE DATA PRODUCED BY OR FOR A UNIT SHALL BE MADE AVAILABLE

WITHOUT COPYRIGHT, PATENT, TRADEMARK, OR TRADE SECRET, OR SIMILAR REGULATION OTHER THAN REASONABLE PRIVACY, SECURITY, AND PRIVILEGE RESTRICTIONS.

(2) ACCESSIBLE DATA SHALL BE MADE AVAILABLE WITH THE HIGHEST POSSIBLE LEVEL OF GRANULARITY IN WHICH IT WAS DEVELOPED BY OR FOR A UNIT.

(3) ACCESSIBLE DATA SHALL BE MADE AVAILABLE QUICKLY TO ENSURE USEFULNESS TO THE PUBLIC.

(4) ACCESSIBLE DATA SHALL BE AVAILABLE TO THE WIDEST RANGE OF USERS FOR THE WIDEST RANGE OF PURPOSES.

(5) TO THE EXTENT PRACTICAL, ACCESSIBLE DATA SHALL BE STRUCTURED TO ALLOW AUTOMATED PROCESSING.

(6) ACCESSIBLE DATA SHALL BE AVAILABLE TO ANYONE THROUGH THE WEB PORTAL, WITH NO REQUIREMENT OF REGISTRATION.

(7) ACCESSIBLE DATA SHALL BE AVAILABLE IN NON-PROPRIETARY OR FREELY AVAILABLE FORMATS AND IN ACCORDANCE WITH ANY APPLICABLE OPEN STANDARD.

(8) ACCESSIBLE DATA SHALL BE PUBLISHED AS SOON AS POSSIBLE BUT NO LATER THAN 30 DAYS OF WHEN ACTION HAS BEEN TAKEN.”

Also on page 2, in line 27, strike “BY A UNIT” and substitute “FOR OR BY A UNIT, BUT MAY ALSO INCLUDE DOCUMENTS PROVIDED TO A UNIT AS DETERMINED BY THE GOVERNMENTAL TRANSPARENCY AND ACCESSIBLE DATA GUIDANCE DOCUMENT”.

Also on page 2, after line 30, insert:

“(3) DATA INCLUDES KEY RELEVANT STATISTICAL OR FACTUAL INFORMATION ABOUT AN IMAGE FILE AND GEOGRAPHIC INFORMATION SYSTEM DATA THAT WOULD AID IN A SEARCH.”

On page 3, in line 11 after “2014.” insert “AND EACH YEAR THEREAFTER.”.

Also on page 3, in line 19 after “2014.” insert “AND EACH YEAR THEREAFTER.”.

On page 4, in line 14, after “INTERNET” insert “AND THEIR PRIORITY”.

Also on page 4, in line 15, strike “MARCH” and substitute “FEBRUARY”.

Also on page 4, in line 18 strike “PLAN” and substitute “GOVERNMENTAL TRANSPARENCY AND ACCESSIBLE DATA PLAN AND GUIDANCE DOCUMENT”.

Also on page 4, at the beginning of line 19, insert “(A)(1)”.

Also on page 4, in line 19, strike "SEPTEMBER" and insert "APRIL".

Also on page 4, after line 21 insert:

"(2) THE PLAN SHALL:

(I) INCLUDE THE INVENTORY INCLUDING THE IDENTIFICATION OF SIGNIFICANT DATA SETS AND DOCUMENTS OF MOST INTEREST TO THE PUBLIC;

(II) EVALUATE THE CONFIDENTIAL OR PROTECTED INFORMATION THAT SHOULD NOT BE INCLUDED;

(III) PRIORITIZE THE DATA SETS AND DOCUMENTS TO BE PUBLISHED, WITH A SUGGESTED SCHEDULE OF PUBLICATION;

(IV) ASSIGN DATA SET AND DOCUMENT OWNERS WHO ARE TO BE ACCOUNTABLE FOR PUBLISHING AND UPDATING;

(V) ESTABLISH GUIDELINES FOR UPDATING AND RETIRING DATA SETS AND DOCUMENTS;

(VI) MAKE RECOMMENDATION ON HISTORICAL DOCUMENT INCLUSION;

(VII) DEFINE A SCHEDULE FOR APPROVED HISTORICAL DOCUMENT PUBLICATION;

(VII) DEFINE A PROCESS TO EVALUATE FUTURE DATA SETS AND DOCUMENTS FOR PUBLICATION;

(IX) DEFINE AN AGENCY DATA SECURITY POLICY FOR PUBLISHING INFORMATION;

(X) PROVIDE FOR THE SELECTION OF A SOFTWARE TOOL SET TO BE USED;

(XI) RECOMMEND AN INITIAL AND ONGOING STAFFING PLAN; AND

(XII) PROVIDE A COST ESTIMATE OF PREPARATION, PLANNING, IMPLEMENTATION; AND MAINTENANCE.

(B) THE PLAN SHALL INCLUDE A GUIDANCE DOCUMENT THAT INCLUDES THE ITEMS IDENTIFIED IN THE PLAN THAT WILL REQUIRE REVIEW AND UPDATING. THE GUIDANCE DOCUMENT SHALL BE UPDATED ON DECEMBER 15, 2016 AND EACH YEAR THEREAFTER."

Also on page 4, in line 24, strike "SEPTEMBER" and substitute "JULY".

On page 5, strike lines 9 through 11 in their entirety.

The roll call vote called by the Chairperson on the motion to approve Amendment 1 to Amendment 2 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Amendment 1 to Amendment 2 passed.

The Chairperson moved to approve Amendment 2 to Amendment 2. The motion was seconded by the Vice Chairperson.

Amendment 2 to Amendment No. 2

(This amendment makes several changes to Amendment 2 which:

- 1. Clarifies the types of data and the custodian;*
- 2. Changes the date to submit the plan to the County Council and County Executive;*
- 3. Removes two County Executive members to the Task Force;*
- 4. Specifies that the Task Force will meet periodically until plan publication to the internet; and*
- 5. Clarifies that document or data as determined by the Governmental Transparency Data Plan does not have to be published to the internet.).*

On page 3, in line 10, after the first “THE”, insert “TYPES OF”. On the same line after “CREATES”, insert “OR IS THE CUSTODIAN OF”.

On page 3, strike lines 26 and 27, and substitute the following:

“(B) ON OR BEFORE JANUARY 15, 2015, THE FACILITATOR SHALL RECOMMEND TO THE COUNTY EXECUTIVE A PLAN TO IMPLEMENT THE PORTAL AND PROVIDE A REPORT OF THAT RECOMMENDATION TO THE COUNTY COUNCIL.”

On page 4, strike line 2, and renumber.

On page 4, strike 15 and 16, and substitute:

“(D) THE TASK FORCE SHALL ISSUE A REPORT ON OR BEFORE FEBRUARY 1, 2015, AND PERIODICALLY WILL MEET THEREAFTER UNTIL PUBLICATION TO THE INTERNET UNDER THE PLAN HAS BEGUN.”

On page 5, in line 3, strike the period and substitute a semi-colon. On the same page, immediately following line 3, insert the following:

(4) ANY OTHER DOCUMENT OR DATA AS DETERMINED BY THE GOVERNMENTAL TRANSPARENCY DATA PLAN.

The roll call vote called by the Chairperson on the motion to approve Amendment 2 to Amendment 2 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Amendment 2 to Amendment 2 passed.

The roll call vote called by the Chairperson on the motion to approve Amendment 2 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Amendment 2 as amended passed.

The roll call vote called by the Chairperson on the motion to approve Council Bill 32-2014 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Council Bill 32-2014 as amended passed.

Council Bill 12-2014 – Introduced By, Jen Terrasa - AN ACT amending the Howard County Code to require developers conducting presubmission community meetings in accordance with Section 16.128 and 16.205 of the County Code to send notification to any school within a three-mile radius of the subject property; and generally relating to presubmission community meetings.

The Chairperson moved to remove Council Bill 12-2014 from the table. The motion was seconded by the Vice Chairperson.

The roll call vote called by the Chairperson on the motion to remove Council Bill 12-2014 from the table was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to remove Council Bill 12-2014 from the table passed.

The Chairperson motion to withdraw Council Bill 12-2014. The motion was seconded by the Vice Chairperson.

The roll call vote called by the Chairperson on the motion to withdraw Council Bill 12-2014 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to withdraw Council Bill 12-2014 passed.

Tabled

Council Resolution 150-2011 - A RESOLUTION proposing to add a section to Article VIII. “Centralized Purchasing” of the Howard County Charter to limit the exercise of the power of eminent domain so that the power is used only for public purposes and not for private economic development, and submitting this amendment to the voters of Howard County for their adoption or rejection in accordance with Article X of the Howard County Charter and Article XIA of the Maryland Constitution.

(Tabled October 3, 2011)

Council Resolution No. 117-2013 - A RESOLUTION declaring that a total of approximately 0.841 acres of real property owned by Howard County and identified as a portion of the right-of-way of Dorsey Run Road is no longer needed for a public purpose; authorizing the County Executive to waive the advertising and bidding requirements of Section 4.201 of the Howard County Code in order to convey the property to Coastal Sunbelt Produce; and providing that the County Executive is not bound to convey the property if he finds that the land may have a further public use and submits his finding to the County Council for its consideration. (Tabled October 7, 2013)

