

**COUNTY COUNCIL  
OF  
HOWARD COUNTY, MARYLAND**

**2011 Legislative Session**

**Legislative Day No. 12**

11/07/2011

**HOWARD COUNTY TO WIT:**

The Chairman called the legislative session to order at **7:02** p.m.

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

Stephen LeGendre, Administrator to the County Council; Theodore Wimberly, Senior Administrative Analyst; Margaret Ann Nolan, County Solicitor; James Vannoy, Assistant County Attorney; and David Nitkin, Acting Legislative Coordinator were also present.

**APPROVE JOURNAL**

The Chairperson moved to approve the journal for Legislative Day No. 11, October 3, 2011. The motion was seconded by Ms. Terrasa.

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 Legislative Public Hearing – October 17, 2011. The motion was seconded by Ms. Terrasa.

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

The motion to approve the minutes passed.

**INTRODUCTION OF LEGISLATION**

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

**Appointments**

Council Resolution No. 161-2011 - A RESOLUTION confirming the appointment of Jacqueline

Morais Easley to the Planning Board.

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Council Resolution No. 162-2011 - A RESOLUTION confirming the appointment of Jim D. Ennis to the Commission on Disability Issues.

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Council Resolution No. 163-2011 - A RESOLUTION confirming the appointment of Jeffrey Huber to the Pension Oversight Commission.

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Council Resolution No. 164-2011 - A RESOLUTION confirming the appointment of Rhonda J. Jones, Ed. D., to the Howard County Local Children's Board.

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Council Resolution No. 165-2011 - A RESOLUTION confirming the appointment of Sue P. Rogan to the Advisory Board on Consumer Affairs.

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Council Resolution No. 166-2011 - A RESOLUTION confirming the appointment of S. Allan Shad to the Historic District Commission.

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Council Resolution No. 167-2011 - A RESOLUTION confirming the appointment of Joan Webb Scornaienchi to the Commission for Women.

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Council Resolution No. 168-2011 - A RESOLUTION confirming the appointment of Felicia Banks West to the Advisory Board on Consumer Affairs.

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Council Resolution No. 169-2011 - A RESOLUTION confirming the reappointment of Michelle B. Glassburn to the Board to Promote Self-Sufficiency.

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Council Resolution No. 170-2011 - A RESOLUTION confirming the reappointment of Julie Keough to the Board to Promote Self-Sufficiency.

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Council Resolution No. 171-2011 - A RESOLUTION confirming the reappointment of Theresa E. Long to the Pension Oversight Commission.

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Council Resolution No. 172-2011 - A RESOLUTION reappointing James D. Walsh to the Board of Appeals of Howard County, Maryland, to fill a term ending on December 31, 2016.

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### **General**

Council Bill No. 54-2011 - AN ACT amending the Health and Social Services Title of the Howard County Code to include gender identity and expression as a classification protected against certain types of unlawful, discriminatory practices; and generally relating to the Human Rights law of Howard County.

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Council Bill No. 55-2011 - AN ACT authorizing a property tax credit for certain residential buildings that meet specified environmental standards; providing for the amount and duration of the credit; and generally relating to property tax credits.

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Council Bill No. 56-2011 - AN ACT amending the Pay Plan for Howard County; establishing a premium pay for certain Emergency Communications Supervisors; providing for certain shift differentials and payrates for Correctional Lieutenants and Captains; and generally relating to the Pay Plan for Howard County.

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Council Resolution No. 173-2011 - A RESOLUTION authorizing the County Purchasing Agent to waive the formal competitive bidding requirements of Title 4, Subtitle 1 of the Howard County Code in order to enter into an agreement with Ellicott Meadows, LLC, a Maryland limited liability company, for the design and construction of road improvements to North Ridge Road.

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Council Resolution No. 174-2011 - A RESOLUTION adopting the Housing Unit Allocation Chart for Fiscal Year 2012 pursuant to the Adequate Public Facilities Act of Howard County.

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Council Resolution No. 175-2011 - 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.

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Council Resolution No. 176-2011 - A RESOLUTION approving the application and receipt of financing for a Community Legacy Project in Howard County, further described in the Community Legacy Application, to be financed either directly by the Maryland Department of Housing and Community Development or through other departments or agencies of the State of Maryland.

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## **FINAL CONSIDERATION**

### **Consent**

Council Resolution No. 151-2011 - A RESOLUTION confirming the appointment of Faenita Dilworth to the Equal Business Opportunity Commission.

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Council Resolution No. 152-2011 - A RESOLUTION confirming the appointment of Dawn Marie Duignan, LCSW-C to the Howard County Local Children's Board.

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Council Resolution No. 153-2011 - A RESOLUTION confirming the appointment of Richard J.

Green to the Advisory Board on Consumer Affairs.

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Council Resolution No. 154-2011 - A RESOLUTION confirming the appointment of Ashlyn Hood to the Advisory Board on Consumer Affairs.

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Council Resolution No. 157-2011 - A RESOLUTION confirming the appointment of Duane St. Clair to the Board to Promote Self-Sufficiency.

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Council Resolution No. 158-2011 - A RESOLUTION confirming the reappointment of Harry Evans, III to the Alcoholic Beverage Hearing Board.

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The Chairperson moved to adopt the resolutions on the consent agenda. The motion was seconded by Ms. Terrasa.

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

Council Resolutions No. 151-2011, No. 152-2011, No. 153-2001, No. 154-2001, No. 157-2001, and No. 158-2011 passed.

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Council Resolution No. 139-2011 - A RESOLUTION confirming the appointment of Arthur John Whittle to the Commission on Disability Issues.

The Chairperson moved to remove Council Resolution No. 139-2011 from the table. The motion was seconded by Ms. Terrasa.

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

Council Resolution No. 139-2011 was removed from the table.

The Chairperson moved to adopt Council Resolution No. 139-2011. The motion was seconded by Ms. Terrasa.

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

Council Resolution No. 139-2011 passed.

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Council Resolution No. 155-2011 - A RESOLUTION confirming the appointment of Donna Pidel to the Howard County Local Children's Board.

The Chairperson moved to table Council Resolution No. 155-2011. The motion was seconded by Ms. Terrasa.

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

Council Resolution No. 155-2011 was tabled.

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Council Resolution No. 156-2011 - A RESOLUTION confirming the appointment of Debra Poquette to the Howard County Board of Directors of the Revenue Authority.

The Chairperson moved to table Council Resolution No. 156-2011. The motion was seconded by Ms. Terrasa.

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

Council Resolution No. 156-2011 was tabled.

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Council Bill No. 51-2011 - AN ACT authorizing the Department of Police to impound a vehicle under specified circumstances; specifying the criteria for release of the vehicle; and generally relating to parking violations in Howard County.

The Chairperson moved to table Council Bill No. 51-2011. The motion was seconded by Ms. Terrasa.

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

Council Bill No. 51-2011 was tabled.

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Council Bill No. 52-2011 - AN ACT eliminating the Cemetery Preservation Advisory Board; making certain technical corrections; and generally relating to Boards and Commissions in Howard County.

The Chairperson moved to withdraw Council Bill No. 52-2011. The motion was seconded by Ms. Terrasa.

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

Council Bill No. 52-2011 was withdrawn.

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Council Bill No. 53-2011 - AN ACT requiring that appeals from a decision of the Hearing Examiner shall be heard on the record; and generally relating to appeals to the Board of Appeals.

The Chairperson moved to table Council Bill No. 53-2011. The motion was seconded by Ms. Terrasa.

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

Council Bill No. 53-2011 was tabled.

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Council Resolution No. 159-2011 - A RESOLUTION pursuant to Section 4.201 of the Howard County Code, authorizing the County Executive to grant a permanent easement to the Baltimore Gas and Electric Company in certain real property owned by the County located at Monarch Mills (formerly known as Guilford Gardens); waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to grant the easement if he finds that the land may have a further public use and submits his finding to the County Council for its consideration.

The Chairperson moved to approve Council Resolution No. 159-2011. The motion was seconded by Ms. Terrasa.

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

Council Resolution No. 159-2011 passed.

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Council Resolution No. 160-2011 - A RESOLUTION pursuant to Section 5-301 of the Education Article of the Annotated Code of Maryland, approving the Howard County Board of Education's Capital Budget Request for Fiscal Year 2013 and Capital Improvement Program Request for Fiscal Years 2014-2018 for the purpose of submission to the Interagency Committee on School Construction.

The Chairperson moved to approve Council Resolution No. 160-2011. The motion was seconded by Ms. Terrasa.

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

Council Resolution No. 160-2011 passed.

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Council Bill No. 50-2011 - AN ACT, pursuant to State law requirements, repealing and reenacting the Howard County Public Ethics Law; defining certain terms; restating the role of the Howard County Ethics Commission and the role of the County Solicitor; authorizing certain late fees for failure to file certain forms; clarifying certain prohibited conduct and interests; clarifying provisions related to gifts and authorizing the acceptance of certain limited types of gifts; maintaining certain exceptions currently allowed under the Howard County Charter; clarifying the disclosure of certain information by elected officials, candidates for elected offices, county employees and board and commission members; clarifying and expanding certain lobbyist provisions including reporting requirements; providing for certain enforcement; and generally relating to the Howard County Public Ethics Law.

The Chairperson moved to remove Council Bill No. 50-2011 from the table. The motion was seconded by Ms. Terrasa.

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

Council Bill No. 50-2011 was removed from the table.

The Chairperson moved to approve Council Bill No. 50-2011. The motion was seconded by Ms. Terrasa.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 50-2011 as follows: *(This amendment clarifies that employees of the Howard County Library are included in the definition of employee.)*

On page 3, in line 24, after "COUNTY" insert "OR THE HOWARD COUNTY LIBRARY".

The motion was seconded by Ms. Terrasa.

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

Amendment No. 1 to Council Bill No. 50-2011 was approved.

The Chairperson moved to adopt Amendment No. 2 to Council Bill No. 50-2011 as follows:

*(This amendment adds certain qualifications of members of the Ethics Commission.)*

On page 5, after line 29, insert:

"(B) IN ADDITION TO THE QUALIFICATIONS SET FORTH FOR BOARD AND COMMISSION MEMBERS

GENERALLY IN TITLE 6, SUBTITLE 3 OF THIS CODE, MEMBERS OF THE ETHICS COMMISSION SHALL

NOT:

- (1) SERVE MORE THAN TWO CONSECUTIVE TERMS;
- (2) HOLD OR BE A CANDIDATE FOR ANY ELECTED OR APPOINTED OFFICE OF THE UNITED STATES, THE STATE, ANY POLITICAL SUBDIVISION OR INCORPORATED MUNICIPALITY OF THE STATE, OR OF ANY POLITICAL PARTY;
- (3) BE AN EMPLOYEE OF THE COUNTY OR OF ANY POLITICAL PARTY; AND
- (4) BE OTHERWISE REQUIRED TO FILE A LOBBYING REGISTRATION PURSUANT THIS SUBTITLE.”.

On page 5, in line 30, strike “(B)” and substitute “(C)”.

On page 6, in line 2, strike “(C)” and substitute “(D)”.

On page 6, in line 4, strike “(D)” and substitute “(E)”.

On page 6, in line 11, strike “(E)” and substitute “(F)”.

On page 6, in line 13, strike “(F)” and substitute “(G)”.

On page 6, in line 16, strike “(G)” and substitute “(H)”.

On page 6, in line 19, strike “(H)” and substitute “(I)”.

On page 6, in line 24, strike “(I)” and substitute “(J)”.

On page 6, in line 26, strike “(J)” and substitute “(K)”.

On page 6, in line 30, strike “(K)” and substitute “(L)”.

On page 7, in line 7, strike “(L)” and substitute “(M)”.

On page 7, in line 20, strike “(M)” and substitute “(N)”.

On page 8, in line 20, strike “(N)” and substitute “(O)”.

On page 8, in line 28, strike “(O)” and substitute “(P)”.

On page 9, in line 4, strike “(P)” and substitute “(Q)”.

The motion was seconded by Ms. Terrasa.

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

Amendment No. 2 to Council Bill No. 50-2011 was approved.

The Chairperson moved to adopt Amendment No. 3 to Council Bill No. 50-2011 as follows:



*(This amendment ensures consistency with current code disclosure requirements for high school members of Boards and Commissions.)*

On page 20, strike lines 1 through 4, inclusive and in their entirety, and substitute:

- “(I) A SCHEDULE OF SOURCES OF EARNED INCOME OF THE HIGH SCHOOL STUDENT MEMBER AND OF THE MEMBER'S PARENT(S) OR LEGAL GUARDIAN(S) THAT EXCEED \$100.00, INCLUDING THE NAME AND ADDRESS OF EACH PLACE OF SALARIED EMPLOYMENT AND OF EACH BUSINESS ENTITY SOLELY OR PARTIALLY OWNED AND FROM WHERE INCOME WAS EARNED. WHERE THE SOURCE OF INCOME IS AN ATTORNEY-CLIENT OR A PHYSICIAN/PSYCHIATRIST/PSYCHOLOGIST-PATIENT RELATIONSHIP, THE NAMES OF INDIVIDUAL CLIENTS OR PATIENTS NEED NOT BE DISCLOSED;
- (II) A SCHEDULE OF EACH GIFT IN EXCESS OF \$20.00 IN VALUE (OR AN AGGREGATE OF \$100.00 FROM ANY ONE PERSON) DIRECTLY OR INDIRECTLY FROM A PERSON(S) WHO DOES BUSINESS WITH HOWARD COUNTY. THIS SCHEDULE AS TO EACH SUCH GIFT, SHALL INCLUDE:
- A. THE NATURE AND VALUE OF THE GIFT; AND
- B. THE IDENTITY OF THE PERSON FROM WHOM, DIRECTLY OR INDIRECTLY, THE GIFT WAS RECEIVED;
- C. FOR PURPOSES OF THIS SUBSECTION, GIFT DOES NOT INCLUDE:
- I. CEREMONIAL GIFTS OR AWARDS OF INSIGNIFICANT MONETARY VALUE; OR
- II. UNSOLICITED GIFTS OF NOMINAL VALUE OR TRIVIAL ITEMS OF INFORMATIONAL VALUE; AND”.

The motion was seconded by Ms. Terrasa.

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

Amendment No. 3 to Council Bill No. 50-2011 was approved.

The Chairperson moved to adopt Amendment No. 4 to Council Bill No. 50-2011 as follows:  
*(This amendment prohibits the commercial use of a financial disclosure statement as is currently prohibited.)*

On page 23, after line 8, insert:

“(5) A FINANCIAL DISCLOSURE STATEMENT REQUIRED BY THIS SUBTITLE SHALL NOT BE USED IN ANY WAY FOR, OR BE MADE AVAILABLE FOR COMMERCIAL PURPOSES.”.

The motion was seconded by Ms. Terrasa.

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

Amendment No. 4 to Council Bill No. 50-2011 was approved.

The Chairperson moved to adopt Amendment No. 5 to Council Bill No. 50-2011 as follows:  
*(This amendment ensures consistency with current enforcement provisions that relate to failure to comply with financial disclosure requirements.)*

On page 37, in line 24, after “SECTION” insert “22.206 AND SECTION”.

The motion was seconded by Ms. Terrasa.

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

Amendment No. 5 to Council Bill No. 50-2011 was approved.

The Chairperson moved to adopt Amendment No. 6 to Council Bill No. 50-2011 as follows:  
*(This amendment makes certain technical corrections.)*

On page 15, in line 9, strike “IN NO RELATED IN ANY WAY” and substitute “NOT RELATED, IN ANY WAY,” .

On page 28, in line 20, strike “NEED NOT BE DISCLOSED” and substitute a comma.

The motion was seconded by Ms. Terrasa.

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

Amendment No. 6 to Council Bill No. 50-2011 was approved.

The Chairperson moved to adopt Amendment No. 7 to Council Bill No. 50-2011 as follows:  
*(This amendment adds several boards and commissions whose members will be required to file financial disclosure statements; makes a technical correction; and amends the items required to*

*be disclosed by members of boards and commissions.)*

On page 19, in line 15, strike “RETIREMENT PLAN” and substitute “PENSION”.

On page 19, in line 18, strike “AND”.

On page 19, in line 19, strike “PANEL.” and substitute “PANEL;”.

On page 19, after line 19, insert:

“(18) ANIMAL MATTERS HEARING BOARD;

(19) ADVISORY BOARD ON CONSUMER AFFAIRS;

(20) BOARD OF ELECTRICAL EXAMINERS;

(21) BOARD OF HEALTH; AND

(22) HUMAN RIGHTS COMMISSION.”.

On page 23, in line 12, after “*STATEMENT.*” insert “EMPLOYEES AND ELECTED OFFICIALS SHALL DISCLOSE ALL THE INFORMATION REQUIRED BY THIS SUBSECTION. MEMBERS OF BOARDS AND COMMISSIONS LISTED IN SUBSECTION (C) OF THIS SECTION SHALL DISCLOSE THE INFORMATION REQUIRED BY THIS SUBSECTION ONLY WITH RESPECT TO THOSE INTERESTS, GIFTS, COMPENSATED POSITIONS, AND LIABILITIES THAT MAY CREATE A CONFLICT, AS PROHIBITED BY SECTION 22.204 OF THIS SUBTITLE, BETWEEN THE MEMBER’S PERSONAL INTERESTS AND THE MEMBER’S OFFICIAL LOCAL DUTIES AS A BOARD OR COMMISSION MEMBER.”.

The motion was seconded by Ms. Terrasa.

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

Amendment No. 7 to Council Bill No. 50-2011 was approved.

The roll call vote called by the Chairperson on Council Bill No. 50-2011 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.  
Council Bill No. 50-2011 passed as amended.

**Tabled**

Council Bill No. 51-2011 - AN ACT authorizing the Department of Police to impound a vehicle under specified circumstances; specifying the criteria for release of the vehicle; and generally relating to parking violations in Howard County.

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Council Bill No. 53-2011 - AN ACT requiring that appeals from a decision of the Hearing Examiner shall be heard on the record; and generally relating to appeals to the Board of Appeals.

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Council Resolution No. 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.

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Council Resolution No. 155-2011 - A RESOLUTION confirming the appointment of Donna Pidel to the Howard County Local Children's Board.

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Council Resolution No. 156-2011 - A RESOLUTION confirming the appointment of Debra Poquette to the Howard County Board of Directors of the Revenue Authority.

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**ADJOURNMENT**

The Chairperson adjourned the legislative session at 7:23 p.m.