

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2009 Legislative Session

**Legislative Day No. 13
October 5, 2009**

HOWARD COUNTY TO WIT:

The Chairman called the legislative session to order at 7:30 p.m..

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

Stephen LeGendre, Administrator to the County Council; Margaret Ann Nolan, County Attorney; James Vannoy, Assistant County Attorney; and Jennifer Sager, Legislative Coordinator, were also present.

APPROVE JOURNALS

The Chairperson moved to approve the journals for Day No. 10, September 1, 2009; and Day No. 11, September 8, 2009. The motion was seconded by Ms. Terrasa.

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

The motion to approve the journals passed.

The Chairperson moved to approve the journal for Day No. 12, September 9, 2009. The motion was seconded by Ms. Terrasa.

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

The motion to approve the journal passed.

APPROVE MINUTES

The Chairperson moved to approve the minutes for the Legislative Public Hearing, September 22, 2009 and the Legislative Work Session, September 29, 2009. The motion was seconded by Ms. Terrasa.

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

The motion to approve the minutes passed.

AMEND AGENDA

Council Resolution No. 88-2009 - Calling the County Council of Howard County, Maryland into legislative session on October 26th, 2009.

Transfer of Appropriation Ordinance No. 2 Fiscal Year 2010 - AN ACT transferring \$3,530,000 in Water Quality State Bond Loan funding to capital project S6175, Little Patuxent Parallel Sewer, from capital project S6214, Sewer Contingency Fund, in order to receive certain funding pursuant to the American Recovery and Reinvestment Act of 2009; and transferring \$3,530,000 in Metropolitan District Bond funding to capital project S6214, Sewer Contingency Fund, from capital project S6175, Little Patuxent Parallel Sewer.

Council Bill No. 55-2009 - AN ACT to authorize and empower Howard County, Maryland to borrow, on its full faith and credit, up to \$3,530,000 from the Maryland Water Quality Financing Administration (the "Administration"), and to issue and sell its installment bonds to the Administration, the proceeds thereof to be used to pay costs of Capital Project S6175 (Little Patuxent Parallel Sewer), and to pay all related costs; and to levy taxes upon the assessable property within the County sufficient, together with benefit assessments, ad valorem taxes levied upon assessable property in the Metropolitan District and other available funds, to pay the debt service on such bonds; authorizing the County to enter into one or more Loan Agreements with the Administration to effect and further evidence such borrowing; making certain findings and determinations; **and declaring this Act to be an emergency measure.**

Council Bill No. 56-2009 - A BOND ISSUE AUTHORIZATION ORDINANCE providing for the issuance and sale of the Howard County, Maryland Water Quality Bond, Series 2009A (ARRA), in the maximum principal amount of \$3,530,000; providing for and approving a Loan Agreement with the Maryland Water Quality Financing Administration (the "Administration"); prescribing the forms of such Bond and Loan Agreement; providing certain details relating thereto or the method of determining such details; providing that such Bond shall be issued on the County's full faith and credit; providing for disbursement of the proceeds of such Bond and for the levying of taxes for payment of the principal of and interest on such Bond; providing for the private (negotiated) sale of such Bond to the Administration; and providing for and determining various matters in connection therewith.

The Chairperson moved to amend the agenda to allow the introduction of Council Resolution No. 88-2009, Council Bill No. 55-2009, Council Bill No. 56-2009, and Transfer of Appropriation Ordinance No. 2- Fiscal Year 2010 which were not prefiled. The motion was seconded by Ms. Terrasa.

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

The motion to amend the agenda 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. 83-2009 – Confirming the appointment of Darryl L. Burnett to the Board of Health

A RESOLUTION confirming the appointment of Darryl L. Burnett to the Board of Health.

Council Resolution No. 84-2009 – Confirming the appointment of Catherine Busch, Ph. D. to the Board of Directors of the Howard County Mental Health Authority

A RESOLUTION confirming the appointment of Catherine Busch, Ph. D. to the Board of Directors of the Howard County Mental Health Authority.

Council Resolution No. 85-2009 – Confirming the appointment of Susanna S. Sung to the Board of Directors of the Howard County Mental Health Authority

A RESOLUTION confirming the appointment of Susanna S. Sung to the Board of Directors of the Howard County Mental Health Authority.

Financial

Council Bill No. 50-2009 – Authorizing the issuance, sale and delivery of up to \$175,000,000 consolidated public improvement refunding bonds and up to \$50,000,000 metropolitan district refunding bonds; providing that such bonds shall be general obligations of the County; authorizing the County Executive to specify, prescribe, determine, provide for or approve the bonds to be refunded, the final principal amounts, maturity schedules, interest rates and redemption provisions for such bonds, and other matters, details, forms, documents or procedures and to determine the method of sale of such bonds; providing for the disbursement of the proceeds of such bonds and for the levying of taxes to pay debt service on such bonds; and providing for and determining various matters in connection therewith

AN ORDINANCE authorizing the issuance, sale and delivery of up to \$175,000,000 consolidated public improvement refunding bonds and up to \$50,000,000 metropolitan district refunding bonds; providing that such bonds shall be general obligations of the County; authorizing the County Executive to specify, prescribe, determine, provide for or approve the bonds to be refunded, the final principal amounts, maturity schedules, interest rates and redemption provisions for such bonds, and other matters, details, forms, documents or procedures and to determine the method of sale of such bonds; providing for the disbursement of the proceeds of such bonds and for the levying of taxes to pay debt service on such bonds; and providing for and determining various matters in connection therewith.

Council Bill No. 51-2009 – For the purpose of authorizing and empowering Howard County, Maryland to borrow money in the aggregate principal amount of up to \$400,000 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of Capital Project No. N3105 (Meadowbrook Park), more particularly described in the County's 2010 Capital Budget, and to pay costs of issuance of such bonds; authorizing the County to issue bond anticipation notes or to enter into installment purchase agreements for payment of portions of such costs; and to levy taxes upon the assessable property within the County sufficient, together with other available funds, to pay the debt service on such obligations; and providing for and determining various matters in connection therewith

AN ACT for the purpose of authorizing and empowering Howard County, Maryland to borrow money in the aggregate principal amount of up to \$400,000 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of Capital Project No. N3105 (Meadowbrook Park), more particularly described in the County's 2010 Capital Budget, and to pay costs of issuance of such bonds; authorizing the County to issue bond anticipation notes or to enter into installment purchase agreements for payment of portions of such costs; and to levy taxes upon the assessable property within the County sufficient, together with other available funds, to pay the debt service on such obligations; and providing for and determining various matters in connection therewith.

Supplementary Budget & Appropriation Ordinance No. 7-Fiscal 2010 – Transferring \$108,000 from the Grants Fund, Contingency Reserve to the Office of Workforce Development in order to further fund the Maryland Business Works program

AN ACT transferring \$108,000 from the Grants Fund, Contingency Reserve to the Office of Workforce Development in order to further fund the Maryland Business Works program.

Transfer of Appropriation Ordinance No. 1 Fiscal Year 2010 – Transferring \$400,000 in bond funding to capital project N3105, Meadowbrook Park, from capital project N3960, Robinson Nature Center

AN ACT transferring \$400,000 in bond funding to capital project N3105, Meadowbrook Park, from capital project N3960, Robinson Nature Center.

Transfer of Appropriation Ordinance No. 2 Fiscal Year 2010 - AN ACT transferring \$3,530,000 in Water Quality State Bond Loan funding to capital project S6175, Little Patuxent Parallel Sewer, from capital project S6214, Sewer Contingency Fund, in order to receive certain funding pursuant to the American Recovery and Reinvestment Act of 2009; and transferring \$3,530,000 in Metropolitan District Bond funding to capital project S6214, Sewer Contingency Fund, from capital project S6175, Little Patuxent Parallel Sewer.

AN ACT transferring \$3,530,000 in Water Quality State Bond Loan funding to capital project S6175, Little Patuxent Parallel Sewer, from capital project S6214, Sewer Contingency Fund, in order to receive certain funding pursuant to the American Recovery and Reinvestment Act of 2009; and transferring \$3,530,000 in Metropolitan District Bond funding to capital project S6214, Sewer Contingency Fund, from capital project S6175, Little Patuxent Parallel Sewer.

Council Bill No. 55-2009 - AN ACT to authorize and empower Howard County, Maryland to borrow, on its full faith and credit, up to \$3,530,000 from the Maryland Water Quality Financing Administration (the “Administration”), and to issue and sell its installment bonds to the Administration, the proceeds thereof to be used to pay costs of Capital Project S6175 (Little Patuxent Parallel Sewer), and to pay all related costs; and to levy taxes upon the assessable property within the County sufficient, together with benefit assessments, ad valorem taxes levied upon assessable property in the Metropolitan District and other available funds, to pay the debt service on such bonds; authorizing the County to enter into one or more Loan Agreements with the Administration to effect and further evidence such borrowing; making certain findings and determinations; **and declaring this Act to be an emergency measure.**

AN ACT to authorize and empower Howard County, Maryland to borrow, on its full faith and credit, up to \$3,530,000 from the Maryland Water Quality Financing Administration (the “Administration”), and to issue and sell its installment bonds to the Administration, the proceeds thereof to be used to pay costs of Capital Project S6175 (Little Patuxent Parallel Sewer), and to pay all related costs; and to levy taxes upon the assessable property within the County sufficient, together with benefit assessments, ad valorem taxes levied upon assessable property in the Metropolitan District and other available funds, to pay the debt service on such bonds; authorizing the County to enter into one or more Loan Agreements with the Administration to effect and further evidence such borrowing; making certain findings and determinations; **and declaring this Act to be an emergency measure.**

Council Bill No. 56-2009 - A BOND ISSUE AUTHORIZATION ORDINANCE providing for the issuance and sale of the Howard County, Maryland Water Quality Bond, Series 2009A (ARRA), in the maximum principal amount of \$3,530,000; providing for and approving a Loan Agreement with the Maryland Water Quality Financing Administration (the “Administration”); prescribing the forms of such Bond and Loan Agreement; providing certain details relating thereto or the method of determining such details; providing that such Bond shall be issued on the County’s full faith and credit; providing for disbursement of the proceeds of such Bond and for the levying of taxes for payment of the principal of and interest on such Bond; providing for the private (negotiated) sale of such Bond to the Administration; and providing for and determining various matters in connection therewith.

A BOND ISSUE AUTHORIZATION ORDINANCE providing for the issuance and sale of the Howard County, Maryland Water Quality Bond, Series 2009A (ARRA), in the maximum principal amount of \$3,530,000; providing for and approving a Loan Agreement with the Maryland Water Quality Financing Administration (the “Administration”); prescribing the forms of such Bond and Loan Agreement; providing certain details relating thereto or the method of determining such details; providing that such Bond shall be issued on the County’s full faith and credit; providing for disbursement of the proceeds of such Bond and for the levying of taxes for payment of the principal of and interest on such Bond; providing for the private (negotiated) sale of such Bond to the Administration; and providing for and determining various matters in connection therewith.

General

Council Bill No. 52-2009 – Introduced by Courtney Watson and at the request of the County Executive/co-sponsored by Calvin Ball, Greg Fox, Mary Kay Sigaty, and Jennifer Terrasa - Granting a certain tax credit against the Howard County property tax for certain residential real property owned by certain disabled law enforcement officers or rescue workers; defining certain terms; and generally relating to County property tax credits for disabled law enforcement officers or rescue workers in Howard County

AN ACT granting a certain tax credit against the Howard County property tax for certain residential real property owned by certain disabled law enforcement officers or rescue workers; defining certain terms; and generally relating to County property tax credits for disabled law enforcement officers or rescue workers in Howard County.

Council Bill No. 53-2009 – Requiring residential multi-family common ownership communities to register with the Department of Inspections, Licenses and Permits; defining certain terms; requiring that certain information be kept current; authorizing the inspection of common areas; authorizing the issuance of notice of violations and citations; providing for the method of service of a notice of violation or citation; providing for certain civil and criminal penalties, and generally relating to multi-family residential common ownership communities in Howard County

AN ACT requiring residential multi-family common ownership communities to register with the Department of Inspections, Licenses and Permits; defining certain terms; requiring that certain information be kept current; authorizing the inspection of common areas; authorizing the issuance of notice of violations and citations; providing for the method of service of a notice of violation or citation; providing for certain civil and criminal penalties, and generally relating to multi-family residential common ownership communities in Howard County.

Council Bill No. 54-2009 – Amending the commercial or industrial business tax credit to extend the credit to retail stores, restaurants, hotels, motels and recreational facilities; and generally relating to property tax credits

AN ACT amending the commercial or industrial business tax credit to extend the credit to retail stores, restaurants, hotels, motels and recreational facilities; and generally relating to property tax credits.

Council Resolution No. 86-2009 – Making certain findings and designating the Route 1 Corridor as a Recovery Zone for the issuance of Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds

A RESOLUTION making certain findings and designating the Route 1 Corridor as a Recovery Zone for the issuance of Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds.

Council Resolution No. 87-2009 – 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 2011 and Capital Improvement Program Request for Fiscal Years 2012-2016 for the purpose of submission to the Interagency Committee on School Construction

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 2011 and Capital Improvement Program Request for Fiscal Years 2012-2016 for the purpose of submission to the Interagency Committee on School Construction.

Council Resolution No. 88-2009 -- Calling the County Council of Howard County, Maryland into legislative session on October 26th, 2009.

RESOLUTION calling the County Council of Howard County, Maryland into legislative session on October 26th, 2009.

FINAL CONSIDERATION

Consent

Council Resolution No. 70-2009 – Confirming the appointment of Deborah S. Adler to the Commission on Aging

Council Resolution No. 71-2009 – Confirming the appointment of Roxanne C. Farrar to the Commission on Aging

Council Resolution No. 72-2009 – Confirming the appointment of John F. Meitl to the Fire and Rescue Services Board

Council Resolution No. 73-2009 – Confirming the appointment of Michael J. Sikorski to the Recreation & Parks Board

Council Resolution No. 74-2009 – Confirming the appointment of Robert Tennenbaum to the Historic District Commission

Council Resolution No. 75-2009 - Confirming the appointment of Thomas J. Underwood to the Human Rights Commission

Council Resolution No. 76-2009 – Confirming the reappointment of Lisa Badart to the Historic District Commission

The Chairperson moved to adopt the legislation 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 Sigaty, Ball, Fox, Terrasa and Watson.

Council Resolutions No. 70-2009, No. 71-2009, No. 72-2009, No. 73-2009, No. 74-2009, No. 75-2009 and No. 76-2009 passed.

Financial

Council Bill No. 41-2009 – Authorizing the issuance, sale and delivery of up to \$154,275,344 consolidated public improvement bonds and up to \$46,629,000 metropolitan district bonds, pursuant to various bond enabling laws; providing that such bonds shall be general obligations of the County

The Chairperson moved to adopt Council Bill No. 41-2009. The motion was seconded by Ms. Terrasa.

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

Council Bill No. 41-2009 passed.

Supplementary Budget & Appropriation Ordinance No. 3-Fiscal 2010 – Transferring \$103,102 from the Grants Fund, Contingency Reserve to the Department of Police in order to fund overtime for the service of arrest warrants for violent crimes

The Chairperson moved to adopt Supplementary Budget & Appropriation Ordinance No. 3-Fiscal 2010. The motion was seconded by Ms. Terrasa.

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

Supplementary Budget & Appropriation Ordinance No. 3-Fiscal 2010 passed.

Supplementary Budget & Appropriation Ordinance No. 4-Fiscal 2010 - Transferring \$99,761 from the Grants Fund, Contingency Reserve to the Department of Police in order to fund one detective corporal assigned to the Domestic Violence Section

The Chairperson moved to adopt Supplementary Budget & Appropriation Ordinance No. 4-Fiscal 2010. The motion was seconded by Ms. Terrasa.

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

Supplementary Budget & Appropriation Ordinance No. 4-Fiscal 2010 passed.

Supplementary Budget & Appropriation Ordinance No. 5-Fiscal 2010 – Transferring \$34,135 from the Grants Fund, Contingency Reserve to the Sheriff's Office to fund the purchase and installation of mobile data computers.

The Chairperson moved to adopt Supplementary Budget & Appropriation Ordinance No. 5-Fiscal 2010. The motion was seconded by Ms. Terrasa.

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

Supplementary Budget & Appropriation Ordinance No. 5-Fiscal 2010 passed.

Supplementary Budget & Appropriation Ordinance No. 6-Fiscal 2010 - Transferring \$750,000 from the Grants Fund, Contingency Reserve to the Department of Housing and Community Development to establish the Neighborhood Conservation Initiative (NCI) Project.

The Chairperson moved to adopt Supplementary Budget & Appropriation Ordinance No. 6-Fiscal 2010. The motion was seconded by Ms. Terrasa.

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

Supplementary Budget & Appropriation Ordinance No. 6-Fiscal 2010 passed.

General

Council Bill No. 42-2009 – Introduced by Mary Kay Sigaty, Jennifer Terrasa & Calvin Ball – Amending the Howard County Code to require New Town Village Center redevelopments to be reviewed by the Design Advisory Panel; and generally relating to the Design Advisory Panel

The Chairperson moved to adopt Council Bill No. 42-2009. The motion was seconded by Ms. Terrasa.

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

Council Bill No. 42-2009 passed.

Council Bill No. 43-2009 – Authorizing the County Executive to enter into certain mutual aid agreements; updating certain references to State law; and generally relating to the authority to send police officers outside of Howard County

The Chairperson moved to adopt Council Bill No. 43-2009. The motion was seconded by Ms. Terrasa.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 43-2009 as follows: *(This amendment clarifies certain language.)*

On page 1, in line 16, after “mutual” insert “AID”.

On page 1, strike lines 19 through 21, inclusive and in their entirety, and substitute:

“(B) AUTHORITY. ON BEHALF OF THE COUNTY, THE COUNTY EXECUTIVE MAY ENTER INTO A MUTUAL AID AGREEMENT UNDER SUBSECTION (A)(2) OF THIS SECTION WITH:”.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on Amendment No. 1 was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

Amendment No. 1 to Council Bill No. 43-2009 passed.

The Chairperson moved to adopt Amendment No. 2 to Council Bill No. 43-2009 as follows: *(This amendment requires an annual report.)*

On the title page, in the second line of the purpose paragraph, after “law;” insert “requiring a certain report;”.

On page 2, after line 9, insert:

“(D) REPORT. THE DEPARTMENT OF POLICE SHALL SUBMIT AN ANNUAL REPORT TO THE COUNTY COUNCIL ON OR BEFORE EACH JANUARY 31 THAT LISTS EACH AGREEMENT MADE UNDER THE AUTHORITY OF THIS SECTION THAT WAS IN EFFECT DURING THE PREVIOUS YEAR. THE REPORT SHALL IDENTIFY EACH JURISDICTION AND UNIT THAT IS A PARTY TO THE AGREEMENT.”

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on Amendment No. 2 was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

Amendment No. 2 to Council Bill No. 43-2009 passed.

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

Council Bill No. 43-2009 passed as amended.

Council Bill No. 44-2009 – Approving, in accordance with Section 612 of the Howard County Charter, an extension of the Original Term of the Agreement of Lease for the portion of the building consisting of approximately 5,728 square feet located at 3300 North Ridge Road, Suite 240, Ellicott City, Howard County, Maryland by and between Executive Center Inc., a Maryland corporation, to be used by the Maryland Cooperative Extension

The Chairperson moved to adopt Council Bill No. 44-2009. The motion was seconded by Ms. Terrasa.

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

Council Bill No. 44-2009 passed.

Council Bill No. 45-2009 –In accordance with Section 612 of the Howard County Charter, approving a multi-year renewal of a multi-year lease for a portion of a building located at 88 State Circle, Annapolis, Maryland

The Chairperson moved to adopt Council Bill No. 45-2009. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the bill was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.
Council Bill No. 45-2009 passed.

Council Bill No. 46-2009 – Clarifying the types of properties subject to Historic District Commission review and advice; transferring certain substantive review requirements; requiring certain resubmissions of certain plans under certain conditions; amending certain filing deadlines; making certain technical corrections; and generally related to the Historic District Commission

The Chairperson moved to adopt Council Bill No. 46-2009. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the bill was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.
Council Bill No. 46-2009 passed.

Council Bill No. 47-2009 – To update references to Leadership in Energy and Environmental Design (LEED) rating systems in order to reflect current versions; to make a technical correction; and generally relating to Howard County’s Green Buildings Law

The Chairperson moved to adopt Council Bill No. 47-2009. The motion was seconded by Ms. Terrasa.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 47-2009 as follows:
(*This amendment amends another Code reference to reflect current LEED rating systems.*)

On page 2, in line 31, insert:

“Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland, that subsections (c) and (d) of Section 20.129B “Property tax credit for high performance buildings” of Part III “State-Authorized Howard County Tax Credits” of Subtitle 1 “Real Property Tax; Administration, Credits, and Enforcement” of Title 20 “Taxes, charges, and fees” of the Howard County Code are amended to read as follows:

Title 20. Taxes, charges, and fees.

Subtitle 1. Real Property Tax; Administration, Credits, and Enforcement.

Part III. State-Authorized Howard County Tax Credits.

Section 20.129B. Property tax credit for high performance buildings.

(c) Amount and Duration of Credit for Certification in LEED Core and Shell or New Construction Rating Systems. For a high performance building that is certified in the LEED 2009 rating system for core and shell [[version 2.0 or new construction version 2.2]] or a comparable rating system that the Director of Inspections, Licenses and Permits may adopt by regulation:

- (1) The amount of the tax credit is a percentage of the total County property tax assessed on the high performance building as follows:

- (i) LEED certified silver--25 percent;
 - (ii) LEED certified gold--50 percent;
 - (ii) LEED certified platinum--75 percent; and
- (2) The tax credit authorized by this subsection continues for five years.
- (d) Amount and Duration of Credit for Certification in Existing Building Rating System. For a high performance building that is certified in the LEED 2009 rating system for existing buildings ~~[[version 2.0]]~~ or a comparable rating system that the Director of Inspections, Licenses and Permits may adopt by regulation:
 - (1) The amount of the tax credit is a percentage of the total County property tax assessed on the high performance building as follows:
 - (i) LEED certified silver--Ten percent;
 - (ii) LEED certified gold--25 percent;
 - (iii) LEED certified platinum--50 percent; and
 - (2) The tax credit authorized by this subsection continues for three years.”.

On page 3, in line 1, strike “2” and substitute “3”.

On page 3, in line 6, strike “3” and substitute “4”.

The motion was seconded by Ms. Terrasa.

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

Amendment No. 1 to Council Bill No. 47-2009 passed.

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

Council Bill No. 47-2009 passed as amended.

Council Bill No. 48-2009 - Introduced by Chairperson Sigaty - Removing certain requirements for certain members of certain boards and commissions; and generally relating to financial disclosure requirements for members of boards and commissions

The Chairperson moved to adopt Council Bill No. 48-2009. The motion was seconded by Ms. Terrasa.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 48-2009 as follows: *(This amendment changes the financial disclosure requirement for high school student members.)*

On page 2, in line 1, strike “EXCEPT MEMBERS APPOINTED AS THE HIGH SCHOOL STUDENT MEMBER, ~~[[All]]~~”.

On page 2, in line 20, insert:

“(B) HIGH SCHOOL MEMBERS OF BOARDS AND COMMISSIONS.

- (1) A HIGH SCHOOL STUDENT MEMBER OF A BOARD OR COMMISSION LISTED IN SUBSECTION (A)(3) OF THIS SECTION SHALL FILE A STATEMENT OF FINANCIAL INTEREST THAT THE ETHICS COMMISSION PROVIDES.

- (2) THE HIGH SCHOOL STUDENT MEMBER STATEMENT SHALL ONLY INCLUDE THE FOLLOWING INFORMATION:
- (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 \$50.00 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.
 - (iii) A LIST OF ANY PARENT(S) OR LEGAL GUARDIAN(S) EMPLOYED BY THE COUNTY IN ANY CAPACITY.”

Renumber the remaining sections accordingly.

On page 2, in line 21 add:

“Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland, that subsection (c) of Section 22.205 “Financial Disclosure” of Subtitle 2 “Public Ethics” of Title 22 “General Provisions, Penalties and Rules of Interpretation” of Howard County Code is amended to read as follows:

(c) *Contents of Statements of Financial Interest:* The sworn statement required to be filed by this subtitle shall be upon a form prescribed by the ethics commission. EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, [[It]] THE STATEMENT shall disclose the following interests of the person making the statement for the calendar year for which the required statement is filed:”

Renumber the remaining enactment clause accordingly.

The motion was seconded by Ms. Terrasa.

The Chairperson moved to adopt Amendment No. 1 to Amendment No. 1 to Council Bill No. 48-2009 as follows: *(This amendment makes certain technical changes.)*

On page 1, in line 30, after “this”, insert “application fee and”.

The motion was seconded by Ms. Terrasa.

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

Amendment No. 1 to Council Resolution No. 77-2009 failed.

Council Member Fox moved to table Council Resolution No. 77-2009. The motion was seconded by Ms. Watson.

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

The motion to table Council Resolution No. 77-2009 failed.

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

Council Resolution No. 77-2009 passed.

Council Resolution No. 78-2009 – Approving an amendment to the Howard County Master Plan for Water and Sewerage, consisting of tables and maps incorporating various revisions, including the:

1. Revision of the priority designations assigned in the Master Plan to certain private development projects; and
2. Update of the water and sewer facilities maps to reflect entries into the Metropolitan District

The Chairperson moved to adopt Council Resolution No. 78-2009. The motion was seconded by Ms. Terrasa.

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

Council Resolution No. 78-2009 passed.

Council Resolution No. 79-2009 – Adopting a local debt policy as required by State law

The Chairperson moved to adopt Council Resolution No. 79-2009. The motion was seconded by Ms. Terrasa.

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

Council Resolution No. 79-2009 passed.

Council Resolution No. 80-2009 – Amending the rules that implement the Settlement Downpayment Loan Program established under Title 13, Subtitle 9 of the Howard County Code, the Homeownership Assistance Program; defining certain terms; amending certain definitions; providing for different types of loans; setting forth eligibility criteria and loan amounts; clarifying the use of loans; clarifying certain application procedures; making certain technical corrections; and generally relating to the Settlement Downpayment Loan

Program

The Chairperson moved to adopt Council Resolution No. 80-2009. The motion was seconded by Ms. Terrasa.

The Chairperson moved to adopt Amendment No. 1 to Council Resolution No. 80-2009 as follows: (*This amendment:*

1. *Requires that a primary lender also be an approved seller or servicer under certain federal or state agencies;*
2. *Amends the minimum total value of an applicant's liquidable assets;*
3. *Clarifies certain eligibility requirements; and*
4. *Amends the amount of the applicant's contribution towards a down payment or settlement expenses.)*

In the Settlement Downpayment Loan Program, attached to the Resolution as Exhibit A:

1. On page 3, in Section 02.B, in paragraph (15) entitled "Primary lender", after "REGULATION" insert:
"AND (B) AN APPROVED SELLER/SERVICER OF FEDERAL HOUSING ADMINISTRATION, FANNIE MAE, FREDDIE MAC, OR OTHER MORTGAGE LOANS MADE UNDER A SIMILAR FEDERAL OR STATE HOUSING FINANCE AGENCY".
2. On page 6, in Section 05.C entitled "Assets", in new paragraph (1), strike "TWO" and substitute "ONE" and, in the same line, strike "PAYMENTS" and substitute "PAYMENT".
3. On page 7, in Section 05.E entitled "Credit", after "lender." insert "AN APPLICANT SHALL BE DEEMED INELIGIBLE IF THE APPLICANT HAS FAILED TO PAY ANY PREVIOUS LOAN MADE TO THE APPLICANT BY THE DEPARTMENT.".
4. On page 7, in proposed Section 05.F entitled "Applicant's contribution":
 - a. Strike "~~the greater of:~~" and insert "THE GREATER OF:";
 - b. Strike "~~(4)~~" and substitute "(1)";
 - c. Strike "~~;~~~~or~~" and substitute "OR"; and
 - d. Strike "~~(2) \$1,000.00.~~" and substitute "(2) \$1,000.".

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on Amendment No. 1 was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

Amendment No. 1 to Council Resolution No. 80-2009 passed.

The Chairperson moved to adopt Amendment No. 2 to Council Resolution No. 80-2009 as follows: (*This amendment changes the workforce development loan regulations by requiring the borrower to provide proof of continuous employment in Howard County.*)

In the Settlement Downpayment Loan Program, attached to the Resolution as Exhibit A, on page 10, strike Section 09.F, entitled "Workforce Initiative Loan- Principal Reduction," in its entirety

and substitute the language attached to this amendment.

F. WORKFORCE INITIATIVE LOAN – PRINCIPAL REDUCTION.

(1) PROVIDED THAT THE BORROWER COMPLIES WITH PARAGRAPH (2) OF THIS SUBSECTION F, THE PRINCIPAL BALANCE OF A WORKFORCE INITIATIVE LOAN SHALL BE REDUCED BY 10% OF THE ORIGINAL LOAN AMOUNT ON EACH ANNIVERSARY OF THE LOAN. AT THE END OF THE FULL LOAN TERM, ALL PRINCIPAL AND ACCRUED INTEREST PAYMENTS SHALL BE FORGIVEN.

(2) (A) IN ORDER TO QUALIFY FOR A PRINCIPAL REDUCTION, THE BORROWER MUST SUBMIT TO THE DEPARTMENT DOCUMENTARY EVIDENCE THAT AT LEAST ONE MEMBER OF THE BORROWER'S HOUSEHOLD HAS BEEN CONTINUOUSLY EMPLOYED FULL-TIME IN HOWARD COUNTY FOR THE TERM OF THE LOAN.

(B) SUCH EVIDENCE MUST BE SUBMITTED AT LEAST 30 DAYS PRIOR TO THE EARLIER OF (I) A SALE, REFINANCING, OR OTHER EVENT LISTED IN RULE 09.E THAT WOULD OTHERWISE RESULT IN THE FULL OR PARTIAL REPAYMENT OF THE LOAN, OR (II) THE END OF THE TERM OF THE LOAN.

(C) SUCH EVIDENCE SHALL BE IN A FORM PRESCRIBED OR APPROVED BY THE DEPARTMENT.

(D) IF THE BORROWER'S HOUSEHOLD MEMBER HAS BEEN EMPLOYED IN HOWARD COUNTY FOR ONLY A PORTION, BUT NOT ALL, OF THE TERM OF THE LOAN, THEN THE DEPARTMENT WILL PRO RATE THE PRINCIPAL REDUCTION FOR THAT TIME DURING WHICH THE HOUSEHOLD MEMBER WAS EMPLOYED IN HOWARD COUNTY. THE REMAINING PRINCIPAL BALANCE WILL BECOME DUE AND OWING UPON ANY OF THE EVENTS LISTED IN RULE 09.E.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on Amendment No. 2 was: Yea: Council Members Sigaty, Ball, and Fox; Nay: Council Members Terrasa and Watson.

Amendment No. 2 to Council Resolution No. 80-2009 passed.

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

Council Resolution No. 80-2009 passed as amended.

Council Resolution No. 81-2009 – Endorsing the provision of financing by the State Department of Business and Economic Development for an economic development project in Howard County; designating the Howard County Economic Development Authority as the agency to administer the project; and certifying that the project is consistent with the County's plan for economic development

The Chairperson moved to adopt Council Resolution No. 81-2009. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the resolution was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.
Council Resolution No. 81-2009 passed.

Council Resolution No. 88-2009 - RESOLUTION calling the County Council of Howard County, Maryland into legislative session on October 26th, 2009.

The Chairperson moved to adopt Council Resolution No. 88-2009. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the resolution was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.
Council Resolution No. 88-2009 passed.

ADJOURNMENT

The Chairperson adjourned the legislative session at 8:50 p.m.