



Montgomery  
County Council

**Committee**  
**Committee Review:** N/A  
**Staff:** Amanda Mihill, Legislative Attorney  
**Purpose:** To introduce agenda item – no vote expected  
**Keywords:**

AGENDA ITEM #14  
October 1, 2019  
**Introduction**

## SUBJECT

Historic Preservation Amendment 19-1 - Historic Resources Preservation Commission – Technical Corrections

Lead Sponsor: District Council

## EXPECTED ATTENDEES

None

## COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- To introduce HPA – no vote expected

## DESCRIPTION/ISSUE

HPA 19-1 would correct technical, typographical, grammatical, reference, and codification errors in, and make stylistic, clarifying, and conforming amendments to, provisions related to the Historic Resources Preservation Commission.

## SUMMARY OF KEY DISCUSSION POINTS

- None

### This report contains:

Staff Report  
HPA 19-1

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AGENDA ITEM #14  
October 1, 2019  
**Introduction**

**MEMORANDUM**

September 26, 2019

TO: County Council

FROM: Amanda Mihill, Legislative Attorney *A. Mihill*

SUBJECT: Historic Preservation Amendment 19-1 - Historic Resources Preservation Commission – Technical Corrections

PURPOSE: Introduction – no Council vote required

Historic Preservation Amendment 19-1, sponsored by the District Council, would amend the Historic Preservation Ordinance to correct technical, typographical, grammatical, reference, and codification errors in, and make stylistic, clarifying, and conforming amendments to, provisions related to the Historic Resources Preservation Commission. A public hearing, followed by immediate action, is scheduled for November 12 at 1:30 p.m.

Historic Preservation Amendment No.: 19-1  
Concerning: Historic Resources Preservation  
Commission – Technical  
Corrections  
Draft No. & Date: 1 – 9/13/19  
Introduced:  
Public Hearing:  
Adopted:  
Effective:  
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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Lead Sponsor: District Council

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**AN AMENDMENT** to the Montgomery County Historic Preservation Ordinance to:

- correct technical, typographical, grammatical, reference, and codification errors in, and make stylistic, clarifying, and conforming amendments to, the Historic Resources Preservation Ordinance

By amending the following sections of the Montgomery County Historic Preservation Ordinance, Chapter 24A of the Montgomery County Code:

Section 24A-4. “Historic preservation commission.”  
Section 24A-5. “Same—Powers and duties.”

**EXPLANATION:** ***Boldface** indicates a Heading or a defined term.*

*Underlining indicates text that is added to existing law by the original bill.*

*[Single boldface brackets] indicate that text is deleted from existing law by original bill.*

*Double underlining indicates text that is added to the bill by amendment.*

*[[Double boldface brackets]] indicate text that is deleted from existing law or the bill by amendment.*

*\* \* \* indicates existing law unaffected by the bill.*

**ORDINANCE**

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

**Sec. 1. Section 24A-4 and 24A-5 are amended as follows:**

**24A-4. Historic [preservation commission] Preservation Commission.**

- (a) *Created.* There is [hereby created a commission to be known as the "historic preservation commission] a Historic Preservation Commission of Montgomery County, Maryland.["]
- (b) *Membership.* The [commission shall consist of] Commission has 9 members appointed by the [county executive with the confirmation of the county council] County Executive and confirmed by the County Council. Each member must be a resident of the [county] County. The 4 fields of history, architecture, preservation and urban design [shall] must be represented by a minimum of 1 member qualified by special interest, knowledge, or training. The remaining members of the [commission shall] Commission should, to the extent possible, [be selected to] represent the geographical, social, economic, and cultural concerns of the residents of the [county] County.
- (c) *Officers.* The [county executive shall appoint the chairman and vice-chairman of the commission] County Executive must appoint the Chair and Vice-Chair of the Commission, who [shall] serve at [his] the Executive's pleasure[, but such appointments occurring after the commission's first year of operation shall be made after due consideration has been given to the recommendation of the commission]. The Executive must consider the Commission's recommendation when appointing officers of the Commission.
- (d) *Term.* The [terms] term of [the members of the commission shall be for a three-year period and members shall continue to serve] each member is 3 years. A member serves until [their successors are] a successor is appointed and qualified.

- (e) *Vacancy.* Any vacancy in the membership of the [commission] Commission caused by the expiration of a term, by resignation or death, by a superseding incapacity to discharge duties, by a removal for cause, or by any other cause [creating such vacancy], [shall] must be filled for a new term, or for the remainder of the term for which there is a vacancy as the case may be, in the same manner as provided [herein for the nomination and appointment of the initial members of the commission] in paragraph (b).
- (f) *Removal for cause.* [A member may be removed for cause from the commission by the county executive] The County Executive may remove a member from the Commission for cause.
- (g) *Compensation.* [The members of the commission] A member of the Commission must serve without compensation.
- (h) *Regulations.* The [commission] Commission must adopt, under [method] Method (2) of Section 2A-15 [of this Code], rules, guidelines, and regulations that are necessary for the proper transaction of the business of the [commission] Commission. This includes provisions governing contested cases before the [commission] Commission.
- [(1)] (i) *Meetings.* The [commission shall] Commission must hold [such] regular meetings which, in its discretion, are necessary to [discharge] perform its duties. Such meetings [shall] must be open to the public.
- [(2)] (j) *Staff.* [There may be appointed and assigned to the commission such employees, and the chief administrative officer shall] The Chief Administrative Officer must provide appropriate staff to the Commission and make available to the [commission such] Commission services and facilities [of the county, as] that are necessary or appropriate for the proper performance of its duties[, and the county

55 attorney shall]. The County Attorney must serve as counsel to the  
56 [commission] Commission.

57 **24A-5. [Same-Powers] Commission powers and duties.**

58 The [commission] Commission has the following powers and duties:

59 \* \* \*

60 **Sec. 2. Effective Date.** This ordinance takes effect 20 days after the date of  
61 Council adoption.

62 *Approved:*

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Nancy Navarro, President, County Council

Date

64 *Approved:*

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Marc Elrich, County Executive

Date

66 *This is a correct copy of Council action.*

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Mary Anne Paradise, Acting Clerk of the Council

Date