



Montgomery
County Council

Committee: GO
Committee Review: At a future date
Staff: Christine M.H. Wellons, Legislative Attorney
Purpose: To introduce agenda item – no vote expected
Keywords: #StipendsforMoCoService

AGENDA ITEM #4B
January 21, 2020
Introduction

SUBJECT

Bill 3-20, Boards, Committees, and Commissions - Compensation, Reimbursement, and Stipends
Lead Sponsor: Councilmember Rice

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A; Bill introduction

DESCRIPTION/ISSUE

Bill 3-20, Boards, Committees, and Commissions – Compensation, Reimbursement, and Stipends would:

- define terms related to boards, committees, and commissions;
- permit a public member of a board, committee, or commission to apply for an annual stipend in lieu of reimbursement;
- alter provisions related to the compensation and reimbursement of members of certain boards, committees, and commissions; and
- generally amend the law related to boards, committees, and commissions

SUMMARY OF KEY DISCUSSION POINTS

- N/A

This report contains:

Staff Report

Bill 3-20

Legislative Request Report

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MEMORANDUM

January 16, 2020

TO: County Council

FROM: Christine M.H. Wellons, Legislative Attorney
Wellons

SUBJECT: Bill 3-20, Boards, Committees, and Commissions - Compensation, Reimbursement, and Stipends

PURPOSE: Introduction – no Council votes required

Bill 3-20 Boards, Committees, and Commissions - Compensation, Reimbursement, and Stipends, sponsored by Lead Sponsor Councilmember Rice, is scheduled to be introduced on January 21, 2020. A public hearing is tentatively scheduled for February 11 at 1:30 p.m.¹

Bill 3-20 would:

- define terms related to boards, committees, and commissions;
- permit a public member of a board, committee, or commission to apply for an annual stipend in lieu of reimbursement; and
- alter provisions related to the compensation and reimbursement of members of certain boards, committees, and commissions.

BACKGROUND

Under current law, members of County Boards, Committees, and Commissions (BCCs) may be reimbursed for actual expenses, but generally they do not receive stipends or compensation for their services. Members of certain quasi-judicial BCCs, such as the Board of Appeals and the Property Tax Assessment Appeal Board, receive compensation because of the scope and amount of their work.

With respect to stipends, a recently passed law provides for a stipend to each public member of the Racial Equity and Social Justice Advisory Committee. To increase consistency among the County's many BCCs – and also to enable more members of the public to serve on BCCs – Bill 3-20 would make most public members of BCCs eligible to receive either reimbursement of expenses, or an annual stipend of \$1,200. The purpose of the stipend would be to help defray the member's childcare, travel, and other costs associated with serving on the BCC.

This packet contains:	<u>Circle #</u>
Bill 3-20	1
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¹ # StipendsforMoCoService

Bill No. 3-20
Concerning: Boards, Committees, and
Commissions - Compensation,
Reimbursement, and Stipends
Revised: 12/16/2019 Draft No. 1
Introduced: January 21, 2020
Expires: July 21, 2021
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Rice

AN ACT to:

- (1) define terms related to boards, committees, and commissions;
- (2) permit a public member of a board, committee, or commission to apply for an annual stipend in lieu of reimbursement;
- (3) alter provisions related to the compensation and reimbursement of members of certain boards, committees, and commissions; and
- (4) generally amend the law related to boards, committees, and commissions.

By amending

Montgomery County Code
Chapter 2, Administration
Sections 2-59, 2-142 and 2-145

Chapter 2B, Agricultural Land Preservation
Sections 2B-2 and 2B-21

Chapter 10A, Child Care
Section 10A-3

Chapter 16, Elections
Section 16-27

Chapter 21, Fire and Rescue Services
Section 21-2

Chapter 22A, Forest Conservation
Section 22A-31

Chapter 24, Health and Sanitation
Sections 24-51, 24-61, and 24-66

Chapter 27, Human Rights and Civil Liberties
Section 27-83

Chapter 29, Landlord-Tenant Relations
Section 29-9

Chapter 35, Police
Section 35-6

Chapter 37, Public Welfare
Section 37-8

Chapter 49, Streets and Roads
Section 49-81

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

27 Stipend means a fixed sum of money paid by the County to a public
 28 member to defray expenses associated with serving on the group, such
 29 as travel expenses and child-care expenses.

30 *Task Force* means a body appointed to study or work on a particular
 31 subject or problem. A task force ceases to exist upon completion of its
 32 charge.

33 * * *

34 **2-145. Compensation; reimbursement; annual stipend in lieu of reimbursement.**

35 (a) Compensation.

36 (1) Unless a law expressly precludes compensation, the Council may
 37 establish compensation for members of a particular group by an
 38 appropriation that funds a line item in the budget. An
 39 appropriation may establish levels of compensation by categories
 40 or subcategories or groups.

41 [(b)] (2) Unless another method of compensation is established, a
 42 group member is compensated for each day that the member
 43 works on group business after the member is authorized to do the
 44 work by the group or the presiding officer of the group.

45 (b) Reimbursement of actual expenses.

46 (1) Whether or not a group member is compensated for serving on
 47 the group, the member may request reimbursement for travel and
 48 dependent care expenses. The rate of reimbursement is
 49 established in an appropriation.

50 (2) A member who requests reimbursement under this subsection
 51 must not request a stipend under subsection (c).

52 (c) Public members - stipend in lieu of reimbursement. Except as provided
53 in subsection (e):

54 (1) a public member who is not compensated under subsection (a)
55 may request an annual stipend; and

56 (2) subject to appropriation, the amount of the stipend must be
57 \$1,200.

58 (3) A member who requests a stipend under this subsection must not
59 request or receive:

60 (A) compensation under subsection (a); or

61 (B) reimbursement under subsection (b).

62 (d) A group member must not be compensated, [or] reimbursed for travel or
63 childcare expenses, or receive a stipend if appropriated funds are not
64 available.

65 (e) Subsection (c) must not apply to:

66 (1) a member of a board of directors of a corporation, including the
67 Economic Development Corporation under Section 15A-2, the
68 Workforce Development Corporation under Section 15A-9, and
69 the Green Bank under Section 18A-46;

70 (2) a member of the Board of Investment Trustees under Section 33-
71 59;

72 (3) a member of the Consolidated Retiree Health Trust Board of
73 Trustees under Section 33-160; or

74 (4) a member of the Revenue Authority under Section 42-3.

75 * * *

76 **2B-2. Agricultural Preservation Advisory Board.**

77 * * *

78 (c) *Terms of office.*

79 * * *

80 (3) A member serves without compensation. [However] Under
81 Section 2-145, a member may:

82 (A) request reimbursement for [mileage and dependent care
83 costs at rates established by the County] expenses; or

84 (B) if the member is a public member under Section 2-142,
85 request a stipend.

86 * * *

87 **2B-21. Agricultural Advisory Committee.**

88 * * *

89 (d) *Officers, meetings, and compensation.*

90 * * *

91 (3) A member serves without compensation. [However,] Under
92 Section 2-145, a member may:

93 (A) request reimbursement for [mileage and dependent care
94 costs at rates established by the County] expenses; or

95 (B) if the member is a public member under Section 2-142,
96 request a stipend.

97 * * *

98 **10A-3. Early Childhood Coordinating Council.**

99 * * *

100 (d) *Voting, officers, chairs, meetings, and compensation.*

101 * * *

102 (4) A member serves without compensation. [However,] Under
103 Section 2-145, a member may:

- 104 (A) request reimbursement for [mileage and dependent care
- 105 costs at rates established by the County] expenses; or
- 106 (B) if the member is a public member under 2-142, request a
- 107 stipend.

* * *

109 **16-27. Committee to Recommend Funding for the Public Election Fund.**

* * *

- 111 (c) Each member must serve without compensation[,] but, under Section 2-
- 112 145, the member may:
- 113 (1) [be reimbursed for reasonable] request reimbursement for
- 114 expenses; or
- 115 (2) if the member is a public member under 2-142, request a stipend.

* * *

117 **21-2. Fire and Emergency Services Commission.**

* * *

- 119 (c) *Compensation.* A Commission member is not entitled to compensation
- 120 for service on the Commission. Under Section 2-145, [Each] each
- 121 Commission member [must be reimbursed for reasonable travel and
- 122 dependent care expenses, as appropriated in the operating budget] may:
- 123 (1) request reimbursement for expenses; or
- 124 (2) if the member is a public member under 2-142, request a stipend.

* * *

126 **22A-31. Forest Conservation Advisory Committee.**

* * *

- 128 (d) *Voting, officers, meetings, and compensation.*

* * *

130 (4) A member must serve without compensation. [However, a]
131 Under Section 2-145, a member may:

132 (A) request reimbursement for [mileage and dependent care
133 costs at rates established by the County] expenses; or

134 (B) if the member is a public member under Section 2-142,
135 request a stipend.

136 * * *

137 **24-51. Voting; chair; meetings; compensation.**

138 * * *

139 (e) *Expenses.* [A] Under Section 2-145, a member may:

140 (1) request reimbursement for [mileage and dependent care costs at
141 rates established by the County] expenses; or

142 (2) if the member is a public member under Section 2-142, request a
143 stipend.

144 * * *

145 **24-61. Commission on Veterans Affairs.**

146 * * *

147 (g) *Compensation.* A member must serve without compensation.
148 [However,] Under Section 2-145, a member may:

149 (1) request reimbursement for [mileage and dependent care costs at
150 rates established by the County] expenses; or

151 (2) if the member is a public member under Section 2-142, request a
152 stipend.

153 * * *

154 **24-66. Voting, officers, chairs, meetings, compensation; subcommittees.**

155 * * *

156 (d) A member serves without compensation. [However,] Under Section 2-
157 145, a member may:

158 (1) request reimbursement for [mileage and dependent care costs at
159 rates established by the County] expenses; or

160 (2) if the member is a public member under Section 2-142, request a
161 stipend.

162 * * *

163 **27-83. Racial Equity and Social Justice Advisory Committee.**

164 (a) *Members.* The Executive must appoint, subject to confirmation by the
165 Council, a Racial Equity and Social Justice Advisory Committee. The
166 Committee must have 15 voting members.

167 * * *

168 (3) *Compensation.* [Except for the 8 public members, members]
169 Members must receive no compensation for their services.
170 [Each] Under Section 2-145, each of the 8 public members may
171 [receive] request:

172 (A) an annual stipend; [of \$2,000.00 and] or .

173 (B) reimbursement for expenses [incurred in serving].

174 * * *

175 **29-9. Creation; composition; applicant disclosure; term of office; compensation.**

176 * * *

177 (e) *Compensation.* Members of the Commission serve without
178 compensation[, except]. Under Section 2-145, a member may:

179 (1) request reimbursement for expenses [as appropriated.]; or

180 (2) if the member is a public member under Section 2-142, request a
181 stipend.

182

* * *

183 **35-6. Policing Advisory Commission.**

184

* * *

185 (e) *Voting, officers, meetings, and compensation.*

186

* * *

187 (4) A member must serve without compensation. [However, a]

188 Under Section 2-145, a member may:

189 (A) request reimbursement for [mileage and dependent care
190 costs at rates established by the County] expenses; or

191 (B) if the member is a public member under Section 2-142,
192 request a stipend.

193

* * *

194 **37-8. Board of Social Services.**

195

* * *

196 (a) *Members.* The County Executive must appoint a Board of Social
197 Services, subject to confirmation by the County Council. The Board
198 has 13 voting members. One member must be a member of the County
199 Council. Members must not be paid for their service[,] but, under
200 Section 2-145, a member may:

201 (1) [be reimbursed] request reimbursement for expenses [subject to
202 appropriations]; or

203 (2) if the member is a public member under Section 2-142, request a
204 stipend.

205

* * *

206 **49-81. Pedestrian, Bicycle, and Traffic Safety Advisory Committee.**

207

* * *

208 (d) *Voting, officers, meetings, and compensation.*

209 * * *

210 (4) A member must serve without compensation. [However,] Under
211 Section 2-145, a member may:

212 (A) request reimbursement for [mileage and dependent care
213 costs at rates established by the County] expenses; or

214 (B) if the member is a public member under Section 2-142,
215 request a stipend.

216 * * *

217 **Sec. 2. Transition.** A group member whose term began before the effective
218 date of this Act must not receive a stipend under Section 1 of this Act. A member
219 whose term begins on or after the Act's effective date is subject to the provisions of
220 Section 1 of this Act.

LEGISLATIVE REQUEST REPORT

Bill 3-20

Boards, Committees, and Commissions - Compensation, Reimbursement, and Stipends

DESCRIPTION: Bill 3-20, Boards, Committees, and Commissions - Compensation, Reimbursement, and Stipends would:

- define terms related to boards, committees, and commissions;
- permit a public member of a board, committee, or commission to apply for an annual stipend in lieu of reimbursement;
- alter provisions related to the compensation and reimbursement of members of certain boards, committees, and commissions.

PROBLEM: Board, committee, and commission members should be entitled to a stipend in lieu of reimbursement.

GOALS AND OBJECTIVES: Specify the circumstances in which board, committee, and commission members may receive a stipend in lieu of reimbursement.

COORDINATION:

FISCAL IMPACT:

ECONOMIC IMPACT:

EVALUATION: To be done.

EXPERIENCE ELSEWHERE: To be researched.

SOURCE OF INFORMATION: Christine M.H. Wellons, Legislative Attorney

APPLICATION WITHIN MUNICIPALITIES: N/A

PENALTIES: N/A