

Ordinance No.: 19-08
Historic Preservation Amendment No.: 19-1
Concerning: Historic Resources Preservation
Commission – Technical
Corrections
Draft No. & Date: 1 – 9/13/19
Introduced: October 1, 2019
Public Hearing: November 12, 2019
Adopted: November 12, 2019
Effective: December 2, 2019

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

Lead Sponsor: District Council

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:

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

2 **24A-4. Historic [preservation commission] Preservation Commission.**

3 (a) *Created.* There is [hereby created a commission to be known as the
4 "historic preservation commission] a Historic Preservation Commission
5 of Montgomery County, Maryland.["]

6 (b) *Membership.* The [commission shall consist of] Commission has 9
7 members appointed by the [county executive with the confirmation of
8 the county council] County Executive and confirmed by the County
9 Council. Each member must be a resident of the [county] County. The 4
10 fields of history, architecture, preservation and urban design [shall] must
11 be represented by a minimum of 1 member qualified by special interest,
12 knowledge, or training. The remaining members of the [commission
13 shall] Commission should, to the extent possible, [be selected to]
14 represent the geographical, social, economic, and cultural concerns of
15 the residents of the [county] County.

16 (c) *Officers.* The [county executive shall appoint the chairman and vice-
17 chairman of the commission] County Executive must appoint the Chair
18 and Vice-Chair of the Commission, who [shall] serve at [his] the
19 Executive's pleasure[, but such appointments occurring after the
20 commission's first year of operation shall be made after due
21 consideration has been given to the recommendation of the
22 commission]. The Executive must consider the Commission's
23 recommendation when appointing officers of the Commission.

24 (d) *Term.* The [terms] term of [the members of the commission shall be for
25 a three-year period and members shall continue to serve] each member
26 is 3 years. A member serves until [their successors are] a successor is
27 appointed and qualified.

- 28 (e) *Vacancy.* Any vacancy in the membership of the [commission]
29 Commission caused by the expiration of a term, by resignation or death,
30 by a superseding incapacity to discharge duties, by a removal for cause,
31 or by any other cause [creating such vacancy], [shall] must be filled for
32 a new term, or for the remainder of the term for which there is a
33 vacancy as the case may be, in the same manner as provided [herein for
34 the nomination and appointment of the initial members of the
35 commission] in paragraph (b).
- 36 (f) *Removal for cause.* [A member may be removed for cause from the
37 commission by the county executive] The County Executive may
38 remove a member from the Commission for cause.
- 39 (g) *Compensation.* [The members of the commission] A member of the
40 Commission must serve without compensation.
- 41 (h) *Regulations.* The [commission] Commission must adopt, under
42 [method] Method (2) of Section 2A-15 [of this Code], rules, guidelines,
43 and regulations that are necessary for the proper transaction of the
44 business of the [commission] Commission. This includes provisions
45 governing contested cases before the [commission] Commission.
- 46 [(1)] (i) *Meetings.* The [commission shall] Commission must hold [such]
47 regular meetings which, in its discretion, are necessary to [discharge]
48 perform its duties. Such meetings [shall] must be open to the public.
- 49 [(2)] (j) *Staff.* [There may be appointed and assigned to the commission such
50 employees, and the chief administrative officer shall] The Chief
51 Administrative Officer must provide appropriate staff to the
52 Commission and make available to the [commission such] Commission
53 services and facilities [of the county, as] that are necessary or
54 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:*

63  11/12/19

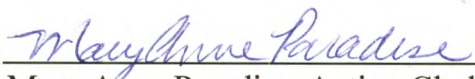
Nancy Navarro, President, County Council Date

64 *Approved:*

65  11/13/19

Marc Elrich, County Executive Date

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

67  11/19/19

Mary Anne Paradise, Acting Clerk of the Council Date