

SENATE BILL 818

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L6

2001 Regular Session
1r2720
CF 1r2148

By: **Senator Stoltzfus**

Introduced and read first time: February 15, 2001

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Tri-County Council for the Lower Eastern Shore of Maryland**

3 FOR the purpose of adding a new article to the Annotated Code of Maryland to be
4 designated and known as the "Tri-County Council for the Lower Eastern Shore
5 of Maryland"; establishing the Council as an association of local governments
6 from Somerset, Wicomico, and Worcester counties to facilitate regional planning
7 and development in the region where the counties are located; providing for the
8 function and dissolution of the Council; providing for the membership of the
9 Council; providing for the terms of the members of the Council; prohibiting a
10 member of the Council from receiving compensation; providing for the powers
11 and functions of the Council; requiring the members of the Council to elect a
12 chairperson from among the members of the Council; authorizing the Council to
13 establish rules and advisory committees or boards; providing for a Director to
14 serve the Council; providing funding for the Council from the State budget and
15 the local governments representing the Council; providing procedures for the
16 adoption of an overall development plan for the region; providing restrictions on
17 local governments in the region concerning the overall development plan for the
18 region; defining certain terms; and generally relating to the Tri-County Council
19 of the Lower Eastern Shore.

20 BY adding

21 New Article 20B - Tri-County Council for the Lower Eastern Shore of Maryland
22 Section 1-101 through 3-103
23 Annotated Code of Maryland
24 (1998 Replacement Volume and 2000 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 MARYLAND, That the Laws of Maryland read as follows:

1 **ARTICLE 20B - TRI-COUNTY COUNCIL FOR THE LOWER EASTERN SHORE OF**
2 **MARYLAND**

3 TITLE 1. GENERAL PROVISIONS.

4 1-101.

5 (A) IN THIS ARTICLE THE FOLLOWING WORDS HAVE THE MEANINGS
6 INDICATED.

7 (B) "AREA" MEANS THE REGIONAL PLANNING AND DEVELOPMENT AREA THAT
8 INCLUDES ALL OF SOMERSET, WICOMICO, AND WORCESTER COUNTIES.

9 (C) "COMMISSIONERS" MEANS THE COUNTY COMMISSIONERS OF SOMERSET
10 AND WORCESTER COUNTIES.

11 (D) "COUNCIL MEMBER" MEANS THE COUNTY COUNCIL MEMBERS OF
12 WICOMICO COUNTY.

13 (E) "COUNCIL" MEANS THE TRI-COUNTY COUNCIL FOR THE LOWER EASTERN
14 SHORE OF MARYLAND.

15 (F) "PLAN" MEANS A REGIONAL PLAN PREPARED BY THE COUNCIL FOR ALL OF
16 SOMERSET, WICOMICO, AND WORCESTER COUNTIES.

17 (G) "REGION" MEANS THE AREA THAT INCLUDES ALL OF SOMERSET,
18 WICOMICO, AND WORCESTER COUNTIES.

19 1-102.

20 (A) THE TRI-COUNTY COUNCIL FOR THE LOWER EASTERN SHORE OF
21 MARYLAND IS CREATED AS A REGIONAL PLANNING AND DEVELOPMENT AGENCY
22 FOR THE TRI-COUNTY AREA.

23 (B) THE TRI-COUNTY AREA CONSISTS OF ALL OF SOMERSET, WICOMICO, AND
24 WORCESTER COUNTIES.

25 1-103.

26 (A) (1) THE COUNCIL IS A TAX-EXEMPT PUBLIC BODY CORPORATE AND
27 POLITIC WHICH OPERATES AS A COOPERATIVE PLANNING AND DEVELOPMENT
28 AGENCY IN THE REGION TO FOSTER THE PHYSICAL, ECONOMIC, AND SOCIAL
29 DEVELOPMENT OF THE REGION AND UTILIZES EFFECTIVELY THE ASSISTANCE
30 PROVIDED BY THE STATE.

31 (2) THE COUNCIL INITIATES AND COORDINATES PLANS AND PROJECTS
32 FOR THE DEVELOPMENT OF HUMAN AND ECONOMIC RESOURCES OF THE LOWER
33 EASTERN SHORE OF MARYLAND REGION AS A LOWER EASTERN SHORE OF
34 MARYLAND PLANNING AND DEVELOPMENT AGENCY.

1 (B) (1) ON THE DISSOLUTION OF THE COUNCIL, THE COUNCIL, AFTER
2 PAYING OR MAKING PROVISION FOR THE PAYMENT OF ALL OF THE LIABILITIES OF
3 THE COUNCIL, SHALL DISPOSE OF ALL OF THE ASSETS OF THE COUNCIL
4 EXCLUSIVELY FOR THE PURPOSES OF THE COUNCIL IN THE MANNER, OR TO AN
5 ORGANIZATION ORGANIZED AND OPERATED EXCLUSIVELY FOR CHARITABLE,
6 EDUCATIONAL, RELIGIOUS, OR SCIENTIFIC PURPOSES THAT QUALIFIES AS AN
7 EXEMPT ORGANIZATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE, AS
8 THE COUNCIL DETERMINES.

9 (2) THE ASSETS NOT DISPOSED OF SHALL BE DISPOSED OF BY THE
10 CIRCUIT COURT FOR THE COUNTY IN WHICH THE PRINCIPAL OFFICE OF THE
11 COUNCIL IS LOCATED, EXCLUSIVELY FOR THE PURPOSES OF THE COUNCIL OR TO AN
12 ORGANIZATION, THAT THE COURT DETERMINES, WHICH ARE ORGANIZED AND
13 OPERATED EXCLUSIVELY FOR THE PURPOSES OF THE COUNCIL.

14 1-104.

15 (A) THE COUNCIL SHALL COOPERATE WITH STATE DEPARTMENTS AND
16 AGENCIES.

17 (B) THE COUNCIL SHALL SUBMIT FOR APPROVAL PLANS AND PROJECTS OF
18 THE COUNCIL IN WHICH THE DEPARTMENTS OR AGENCIES HAVE STATUTORY
19 FUNCTIONS AND RESPONSIBILITIES.

20 1-105.

21 (A) THE COUNCIL SHALL SELECT AND RETAIN ITS OWN LEGAL COUNSEL.

22 (B) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, THE ATTORNEY
23 GENERAL OF MARYLAND SHALL SERVE AS THE LEGAL ADVISOR TO THE COUNCIL IN
24 ALL MATTERS PERTAINING TO THE COUNCIL'S ACTIVITIES.

25 1-106.

26 THE COUNCIL IS AN INDEPENDENT UNIT AND MAY NOT BE PLACED BY THE
27 GOVERNOR IN ANY PRINCIPAL DEPARTMENT.

28 TITLE 2. COUNCIL MEMBERSHIP AND DUTIES.

29 SUBTITLE 1. MEMBERSHIP.

30 2-101.

31 (A) THE MEMBERSHIP OF THE COUNCIL CONSISTS OF:

32 (1) FIVE COUNTY COMMISSIONERS OF SOMERSET COUNTY AS VOTING
33 MEMBERS;

34 (2) FIVE COUNTY COMMISSIONERS OF WORCESTER COUNTY AS VOTING
35 MEMBERS;

1 (3) FIVE COUNTY COUNCIL MEMBERS OF WICOMICO COUNTY AS VOTING
2 MEMBERS;

3 (4) (I) THREE MUNICIPAL ELECTED OFFICIALS, ONE FROM EACH
4 COUNTY, APPOINTED BY THEIR RESPECTIVE MUNICIPAL CORPORATIONS AS
5 NONVOTING MEMBER; OR

6 (II) IF THE MUNICIPAL CORPORATION LOCATED WITHIN A COUNTY
7 IS UNABLE TO CHOOSE A MUNICIPAL ELECTED OFFICIAL WITHIN A REASONABLE
8 PERIOD OF TIME, THE EASTERN SHORE MUNICIPAL ASSOCIATION SHALL APPOINT AN
9 ELECTED MUNICIPAL OFFICIAL TO REPRESENT THE MUNICIPAL CORPORATION;

10 (5) OTHER MEMBERS OF SOMERSET AND WORCESTER COUNTY
11 COMMISSIONERS AND THE WICOMICO COUNTY COUNCIL AS EX OFFICIO NONVOTING
12 MEMBERS;

13 (6) MEMBERS OF THE GENERAL ASSEMBLY REPRESENTING THE REGION
14 WHO HAVE A MAJORITY OF THEIR LEGISLATIVE DISTRICT IN THE REGION AS VOTING
15 EX OFFICIO MEMBERS; AND

16 (7) OTHER MEMBERS OF THE GENERAL ASSEMBLY REPRESENTING THE
17 REGION BUT WHO DO NOT HAVE A MAJORITY OF THEIR LEGISLATIVE DISTRICT IN
18 THE REGION AS NONVOTING EX OFFICIO MEMBERS.

19 (B) THE BYLAWS OF THE COUNCIL MAY PROVIDE FOR ADDITIONAL PRIVATE
20 CITIZEN MEMBERSHIP ON THE COUNCIL.

21 (C) (1) A COUNCIL COMMISSIONER OR ADMINISTRATOR OF A COUNTY
22 LISTED UNDER SUBSECTION (A)(1) AND (2) OF THIS SECTION MAY VOTE BY PROXY
23 FOR ANOTHER COUNCIL MEMBER WHO IS ABSENT FROM A MEETING IF THE OTHER
24 COUNCIL MEMBER REPRESENTS THE SAME COUNTY GOVERNING BODY.

25 (2) A COUNCIL MEMBER LISTED UNDER SUBSECTION (A)(1) OF THIS
26 SECTION SHALL INFORM THE COUNCIL DIRECTOR IN ADVANCE OF WHICH OTHER
27 COUNCIL MEMBER MAY CAST A PROXY VOTE ON BEHALF OF THE COUNCIL MEMBER
28 WHEN PRESENT UNDER THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION.

29 2-102.

30 A MEMBER WHO HOLDS MEMBERSHIP BY VIRTUE OF THE MEMBER'S ELECTED
31 POSITION HOLDS OFFICE ONLY DURING THE MEMBER'S TERM.

32 2-103.

33 VACANCIES ON THE COUNCIL SHALL BE FILLED FOR THE DURATION OF THE
34 UNEXPIRED TERM IN THE SAME MANNER AS PROVIDED FOR THE ORIGINAL
35 APPOINTMENT.

1 2-104.

2 MEMBERS OF THE COUNCIL SERVE WITHOUT COMPENSATION.

3 2-105.

4 THE COUNCIL SHALL ELECT A CHAIRPERSON FROM AMONG ITS MEMBERS.

5 SUBTITLE 2. AREA OF OPERATION.

6 2-201.

7 THE AREA OF OPERATION OF THE COUNCIL IS THE REGION.

8 SUBTITLE 3. POWERS.

9 2-301.

10 WITHOUT LIMITING OR RESTRICTING THE GENERAL POWERS CONFERRED BY
11 THIS ARTICLE, THE COUNCIL MAY:

12 (1) ADOPT A COMMON SEAL;

13 (2) SUE;

14 (3) ADOPT BYLAWS, RULES, AND REGULATIONS FOR THE CONDUCT OF
15 THE COUNCIL'S BUSINESS;

16 (4) ENTER INTO CONTRACTS OR AGREEMENTS NECESSARY OR
17 INCIDENTAL TO THE PERFORMANCE OF THE COUNCIL'S DUTIES;

18 (5) (I) FOR THE PURPOSES OF THIS ARTICLE, BORROW MONEY AND
19 APPLY FOR AND ACCEPT ADVANCES, LOANS, GRANTS, CONTRIBUTIONS, AND ANY
20 OTHER FORM OF ASSISTANCE FROM THE FEDERAL GOVERNMENT, THE STATE, OR
21 OTHER PUBLIC BODY, OR FROM ANY PUBLIC OR PRIVATE SOURCES; AND

22 (II) FOR THE PURPOSES OF THIS ARTICLE:

23 1. GIVE SECURITY AS REQUIRED AND ENTER INTO AND
24 CARRY OUT CONTRACTS OR AGREEMENTS; AND

25 2. INCLUDE IN ANY CONTRACT FOR FINANCIAL ASSISTANCE
26 WITH THE FEDERAL GOVERNMENT THE CONDITIONS IMPOSED IN ACCORDANCE
27 WITH FEDERAL LAW THAT ARE REASONABLE AND APPROPRIATE, AND WHICH ARE
28 NOT INCONSISTENT WITH THE PURPOSES OF THIS ARTICLE;

29 (6) REEVALUATE THE GENERAL DEVELOPMENT PLAN FOR THE
30 DEVELOPMENT OF THE REGION AT LEAST EVERY 4 YEARS, FOLLOWING THE
31 ELECTION OF STATE AND LOCAL OFFICIALS;

1 (7) REVIEW AND COMMENT ON ANY APPLICATIONS TO AGENCIES OF
2 THE STATE OR FEDERAL GOVERNMENT FOR LOANS OR GRANTS-IN-AID FOR
3 PROJECTS BY GOVERNMENTAL SUBDIVISIONS IN THE REGION;

4 (8) REVIEW AND COMMENT ON LOCAL PLANS, PROPOSALS FOR
5 PROJECTS, AND ORDINANCES THAT HAVE AN IMPACT OUTSIDE THE BOUNDARIES OF
6 THE LOCAL GOVERNMENT, SUBDIVISIONS, AND ARE IN THE REGION;

7 (9) EMPLOY A DIRECTOR, ENGINEER, ATTORNEY, PLANNER,
8 CONSULTANT, AND OTHER EMPLOYEES, PRESCRIBE THEIR POWERS AND DUTIES,
9 AND FIX THEIR COMPENSATION;

10 (10) PREPARE STUDIES OF THE REGION'S RESOURCES WITH RESPECT TO
11 EXISTING AND EMERGING PROBLEMS OF INDUSTRY, COMMERCE, TRANSPORTATION,
12 POPULATION, HOUSING, AGRICULTURE, PUBLIC SERVICES, LOCAL GOVERNMENTS,
13 AND ANY OTHER MATTERS WHICH ARE RELEVANT TO REGIONAL PLANNING;

14 (11) (I) COLLECT, PROCESS, AND ANALYZE AT REGULAR INTERVALS
15 THE SOCIAL AND ECONOMIC STATISTICS FOR THE REGION WHICH ARE NECESSARY
16 TO PLANNING STUDIES; AND

17 (II) MAKE THE RESULTS OF THE STATISTICS AVAILABLE TO THE
18 GENERAL PUBLIC;

19 (12) PARTICIPATE WITH OTHER GOVERNMENT AGENCIES, EDUCATIONAL
20 INSTITUTIONS, AND PRIVATE ORGANIZATIONS IN THE COORDINATION OF RESEARCH
21 ACTIVITIES;

22 (13) (I) COOPERATE WITH AND PROVIDE PLANNING ASSISTANCE TO
23 COUNTY, MUNICIPAL, AND OTHER LOCAL GOVERNMENTS, INSTRUMENTALITIES, OR
24 PLANNING AGENCIES IN THE REGION; AND

25 (II) COORDINATE REGIONAL AREA PLANNING WITH:

26 1. PLANNING ACTIVITIES OF THE STATE AND OF THE
27 COUNTIES, MUNICIPAL CORPORATIONS, SPECIAL TAXING DISTRICTS, OR OTHER
28 LOCAL GOVERNMENTAL UNITS IN THE REGION AND NEIGHBORING REGIONS; AND

29 2. THE PROGRAMS OF FEDERAL DEPARTMENTS AND
30 AGENCIES;

31 (14) PROVIDE INFORMATION TO:

32 (I) OFFICIALS IN STATE DEPARTMENTS, AGENCIES, AND
33 INSTRUMENTALITIES;

34 (II) FEDERAL AND LOCAL GOVERNMENTS; AND

35 (III) THE PUBLIC, IN ORDER TO FOSTER PUBLIC AWARENESS AND
36 UNDERSTANDING OF THE OBJECTIVES OF THE COMPREHENSIVE PLAN AND THE

1 FUNCTIONS OF REGIONAL AND LOCAL PLANNING AND TO STIMULATE PUBLIC
2 INTEREST AND PARTICIPATION IN THE ORDERLY, INTEGRATED DEVELOPMENT OF
3 THE REGION; AND

4 (15) EXECUTE ANY INSTRUMENTS AND ACT AS NECESSARY,
5 CONVENIENT, OR DESIRABLE FOR ITS PURPOSES OR TO CARRY OUT THE POWERS
6 EXPRESSLY GRANTED IN THIS ARTICLE.

7 SUBTITLE 4. ADMINISTRATION.

8 2-401.

9 (A) THE COUNCIL MAY PUBLISH RULES AND ESTABLISH COMMITTEES AND
10 ADVISORY BOARDS, SUBJECT TO THE APPROVAL OF A MAJORITY OF THE COUNCIL,
11 TO CARRY ON THE COUNCIL'S WORK AND TO MEET REQUIREMENTS FOR THE
12 OVERSIGHT OF FUNDS.

13 (B) THE COMMITTEES AND ADVISORY BOARDS MAY INCLUDE AS MEMBERS
14 INDIVIDUALS OTHER THAN COUNCIL MEMBERS AND ELECTED OFFICIALS.

15 2-402.

16 (A) THE COUNCIL MAY APPOINT A DIRECTOR WHO IS QUALIFIED BY TRAINING
17 AND EXPERIENCE AND SERVES AT THE PLEASURE OF THE COUNCIL.

18 (B) THE DIRECTOR:

19 (1) IS THE CHIEF ADMINISTRATIVE AND PLANNING OFFICER AND
20 REGULAR TECHNICAL ADVISOR OF THE COUNCIL; AND

21 (2) SHALL APPOINT AND REMOVE THE STAFF OF THE COUNCIL.

22 (C) THE DIRECTOR MAY:

23 (1) MAKE AGREEMENTS WITH LOCAL PLANNING AGENCIES AND WITH
24 PUBLIC OFFICIALS IN THE REGION, FOR TEMPORARY TRANSFER OR JOINT USE OF
25 STAFF EMPLOYEES; AND

26 (2) CONTRACT FOR PROFESSIONAL OR CONSULTANT SERVICES FROM
27 OTHER GOVERNMENTAL AND PRIVATE AGENCIES.

28 2-403.

29 (A) (1) THE COUNCIL MAY RECEIVE STATE FINANCIAL SUPPORT TO ASSIST
30 IN CARRYING OUT ITS ACTIVITIES.

31 (2) (I) ON OR BEFORE AUGUST 1 OF EACH YEAR, THE COUNCIL SHALL
32 SUBMIT TO THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT ITS
33 PROPOSED WORK PROGRAMS AND OPERATING BUDGET FOR THE FOLLOWING FISCAL

1 YEAR, TOGETHER WITH SUPPORTING SCHEDULES TO SHOW HOW THE BUDGET IS
2 FINANCED, AND TO PROVIDE FOR REVIEW AND RECOMMENDATIONS.

3 (II) THE DEPARTMENT OF BUSINESS AND ECONOMIC
4 DEVELOPMENT SHALL FORWARD THE COUNCIL'S PLAN TO THE DEPARTMENT OF
5 BUDGET AND MANAGEMENT FOR CONSIDERATION.

6 (3) THE STATE BUDGET, SUBJECT TO ANNUAL REVIEW BY THE GENERAL
7 ASSEMBLY, SHALL PROVIDE AN APPROPRIATION IN THE FOLLOWING FISCAL YEAR
8 FOR PARTIAL SUPPORT OF THE COUNCIL.

9 (B) (1) THE COUNCIL AND THE COUNCIL'S ACTIVITIES MAY BE FINANCED
10 COOPERATIVELY BY THE STATE OF MARYLAND AND SOMERSET, WICOMICO, AND
11 WORCESTER COUNTIES.

12 (2) THE COUNCIL MAY RECEIVE ADDITIONAL FUNDS FROM OTHER
13 PUBLIC OR PRIVATE SOURCES.

14 TITLE 3. GENERAL DEVELOPMENT PLAN.

15 3-101.

16 (A) THE COUNCIL SHALL PREPARE, ADOPT, AND FROM TIME TO TIME REVISE
17 OR AMEND AN OVERALL PLAN FOR THE DEVELOPMENT OF THE REGION WITH THE
18 FOLLOWING OBJECTIVES:

19 (1) THE PLAN MAY GUIDE A COORDINATED, ADJUSTED, EFFICIENT, AND
20 ECONOMIC DEVELOPMENT OF THE REGION WHICH SHALL IN ACCORDANCE WITH
21 PRESENT AND FUTURE NEEDS AND RESOURCES BEST PROMOTE THE HEALTH,
22 SAFETY, ORDER, CONVENIENCE, PROSPERITY, AND WELFARE OF THE CITIZENS;

23 (2) THE PLAN SHALL:

24 (I) RECOGNIZE STATE COMPREHENSIVE PLANNING AND
25 DEVELOPMENT ACTIVITIES; AND

26 (II) REFLECT THE PLANS AND PROGRAMS OF THE PARTICIPATING
27 GOVERNMENTAL UNITS;

28 (3) THE PLAN MAY:

29 (I) PROVIDE FOR PATTERNS OF URBANIZATION AND THE USES OF
30 LAND AND RESOURCES FOR TRADE, INDUSTRY, RECREATION, FORESTRY,
31 AGRICULTURE, AND TOURISM;

32 (II) CREATE CONDITIONS FAVORABLE TO THE DEVELOPMENT OF
33 HUMAN RESOURCES; AND

34 (III) PROMOTE THE GENERAL WELFARE OF THE CITIZENS;

1 (4) THE PLAN SHALL IDENTIFY THE PUBLIC INTEREST AND THE
2 NECESSITY FOR PUBLIC ACTION AND INTERGOVERNMENTAL COOPERATION AND
3 COORDINATION WITHIN THE REGION AND SHALL BE COORDINATED WITH THE
4 EFFORTS OF THE PRIVATE SECTOR WITHIN THE REGION; AND

5 (5) THE PLAN SHALL TAKE INTO ACCOUNT ECONOMIC AND
6 DEMOGRAPHIC FACTORS, CONDITIONS, AND TRENDS THAT ARE RELEVANT TO THE
7 FUTURE DEVELOPMENT OF THE AREA.

8 (B) THE GENERAL DEVELOPMENT PLAN SHALL EMBODY THE POLICY
9 RECOMMENDATIONS OF THE COUNCIL AND SHALL INCLUDE AT LEAST THE
10 FOLLOWING:

11 (1) A STATEMENT OF THE OBJECTIVES, STANDARDS, AND PRINCIPLES
12 SOUGHT TO BE EXPRESSED IN THE PLAN;

13 (2) RECOMMENDATIONS FOR THE GENERAL CIRCULATION PATTERN
14 FOR THE REGION INCLUDING LAND, WATER, AND AIR TRANSPORTATION AND
15 COMMUNICATION FACILITIES WHETHER USED FOR MOVEMENT IN THE REGION OR
16 TO AND FROM ADJOINING AREAS;

17 (3) RECOMMENDATIONS ON THE NEED FOR AND PROPOSED GENERAL
18 LOCATION OF PUBLIC AND PRIVATE WORKS AND FACILITIES WHICH BY REASON OF
19 THEIR FUNCTION, SIZE, EXTENT, OR FOR ANY OTHER CAUSE ARE OF A REGIONAL AS
20 DISTINGUISHED FROM PURELY LOCAL CONCERN;

21 (4) IDENTIFICATION OF ISSUES THAT NEED TO BE RESOLVED BETWEEN
22 LOCAL GOVERNMENTS AND APPROPRIATE RECOMMENDATIONS CONCERNING
23 THESE ISSUES; AND

24 (5) PROMOTION OF REGIONAL CONCERNS AND NECESSARY
25 RECOMMENDATIONS ON CURRENT AND IMPENDING PROBLEMS THAT MAY AFFECT
26 THE REGION.

27 3-102.

28 (A) BEFORE THE PLAN, OR ANY PART, IS ADOPTED, THE COUNCIL SHALL
29 SUBMIT IT TO THE DEPARTMENT OF PLANNING AND TO THE LOCAL PLANNING
30 COMMISSION, AND GOVERNING BODY OF EACH GOVERNMENTAL SUBDIVISION IN
31 THE REGION, AT LEAST 60 DAYS PRIOR TO A PUBLIC HEARING.

32 (B) NOTICE OF THE HEARING SHALL BE GIVEN BY PUBLICATION IN
33 NEWSPAPERS OF GENERAL CIRCULATION IN EACH OF THE THREE COUNTIES OF THE
34 REGION, AT LEAST ONCE EACH WEEK FOR A PERIOD OF 3 WEEKS BEFORE THE
35 HEARING.

36 (C) THE DEPARTMENT OF PLANNING MAY MAKE RECOMMENDATIONS TO THE
37 COUNCIL ON OR BEFORE THE DATE OF THE HEARING.

1 (D) ON ADOPTION OF THE PLAN BY THE COUNCIL AFTER PUBLIC HEARING,
2 THE COUNCIL MAY NOT ESTABLISH ANY POLICIES OR TAKE ANY ACTION WHICH
3 DOES NOT CONFORM TO THE PLAN.

4 (E) THE PLAN MAY BE AMENDED IN THE SAME MANNER AS PROVIDED FOR
5 THE ORIGINAL ADOPTION.

6 3-103.

7 (A) WHENEVER THE COUNCIL HAS ADOPTED A PLAN FOR THE REGION:

8 (1) ANY PLAN OR CHANGE OF PLANS HAVING REGIONAL IMPACT MAY
9 NOT BE ADOPTED BY ANY UNIT OF GOVERNMENT WITHIN THE REGION UNTIL THE
10 PLAN HAS BEEN REFERRED TO THE COUNCIL FOR ITS CONSIDERATION, REVIEW, AND
11 RECOMMENDATIONS; AND

12 (2) ANY ROAD, PARK, PUBLIC WAY, PUBLIC BUILDING, OR ANY OTHER
13 DEVELOPMENT WHICH IS REGIONAL IN NATURE OR AFFECTS AN AREA GREATER
14 THAN A SINGLE UNIT OF GOVERNMENT MAY NOT BE CONSTRUCTED OR AUTHORIZED
15 IN THE REGION, UNTIL THE PROPOSED LOCATION AND EXTENT OF IT HAS BEEN
16 REFERRED TO THE COUNCIL FOR ITS CONSIDERATION, REVIEW, AND
17 RECOMMENDATIONS.

18 (B) (1) THE COUNCIL SHALL COMPLETE ITS CONSIDERATION, REVIEW, AND
19 RECOMMENDATION WITHIN 90 DAYS AFTER RECEIVING THE PLAN.

20 (2) THE COUNCIL WAIVES ITS RIGHT TO COMMENT ON A PLAN IF THE
21 COUNCIL FAILS TO RESPOND WITH A RECOMMENDATION WITHIN 90 DAYS AFTER
22 RECEIVING THE PLAN.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2001.