

# **COUNCIL COMING ATTRACTIONS**



## **Week of April 4, 2022**

*Proclamations Recognizing Autism Acceptance Month by Councilmembers Rice, Albornoz, Jawando and Katz; Recognizing Arab Heritage Month and Recognizing National Fair Housing Month by Council President Albornoz and County Executive Elrich*

Council Coming Attractions is a summary of some of the issues before the Council. All Council staff reports and additional information on each item scheduled for Council or Committee review can be viewed

at: <http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html>

The Council meeting schedule may change from time to time. The current Council and Committee agendas can also be viewed

at: <http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html>

## Week of April 4, 2022

The Council will meet on **Tuesday, April 5 at 9 a.m.** The meeting will begin with three proclamations. The first, presented by Councilmembers Rice, Albornoz, Jawando and Katz, will recognize Autism Acceptance Month. The second, presented by Council President Albornoz and County Executive Elrich, will recognize Arab Heritage Month. The third, presented by Council President Albornoz and County Executive Elrich, will recognize National Fair Housing Month.

More detail on each agenda item is provided below.

### [Resolution to appoint Clerk of the Council: Judy Rupp](#)

**Vote expected:** The Council is expected to vote on a resolution to appoint Judy Rupp as the Clerk of the Montgomery County Council.

### [Supplemental Appropriation #22-56 to the FY22 Operating Budget Montgomery County Department of Health and Human Services \(DHHS\) COVID-19 Emergency Response, \\$69,691,000](#)

**Vote expected:** The Council will vote on a more than \$69.6 million supplemental appropriation to DHHS for COVID-19 pandemic emergency expenses and expenses related to the response to the Rock Creek flood. The pandemic requires the County to respond quickly to the public health needs of county residents as well as related emergency services, such as modifying procedures for emergency shelter.

DHHS has incurred costs that were not included in their FY22 approved budget, and a supplemental appropriation is required to recognize these expenditures. In addition to costs related to the pandemic, \$100,000 is included in this supplemental for emergency response to the Rock Creek flood. The County is pursuing FEMA reimbursement for all costs to the extent that those costs are eligible for reimbursement.

The lead sponsor is the Council President, at the request of the County Executive.

## *Legislative Session*

### [Expedited Bill 49-21, Police - Police Accountability Board - Administrative Charging Committee](#)

**Vote expected:** The Council is expected to vote on Expedited Bill 49-21, Police – Police Accountability Board – Administrative Charging Committee – Established, which would establish a Police Accountability Board (PAB) and Administrative Charging Committee (ACC) for the County. The Council deferred the vote on Bill 49-21 from March 29 to April 5 to provide an additional week for the Maryland General Assembly to conduct votes on potential amendments to the state law requiring localities to have PABs and ACCs. The goal of the bill is to help improve police accountability.

The Public Safety (PS) Committee held three meetings to review and amend the bill. The proposed amendments would increase the PAB membership to nine voting members with at least one member residing in a municipality covered by the PAB and permit the Executive to appoint one or more non-voting members, clarify that all complaints from the public must be investigated and reported to the

ACC, require funding for training of PAB and ACC members from the police and outside organizations and authorize the Council to remove a member for failure to complete required training.

The Council approved each of these PS Committee amendments at its first meeting to review Expedited Bill 49-21. In addition, the Council removed reference to a violation of law, as one of the reasons for removal of a member. The Council also approved an amendment that replaces general language indicating that professional experience is required, with more detailed language requiring that the individual be able to demonstrate through professional or lived experience the ability to balance effective oversight, perform objective analysis of an investigation report and practice procedural fairness.

In addition, the Council approved two additional amendments. The first removes the prohibition on compensation for PAB members to permit the Council to provide for compensation in the budget. The second, adds a requirement for full-time dedicated staff for both the PAB and the ACC and require the County Attorney to retain special legal counsel to provide legal support for both the PAB and the ACC.

Anticipated changes to the state law will require two amendments to Council Bill 49-21: 1) An amendment to make internal complaints subject to the ACC/PAB process; and 2) An amendment to change the transition clause so that, for officers not covered by a collective bargaining agreement covering discipline, the new system will apply only to misconduct occurring after Oct. 1, 2022. The legislation will apply to incidents occurring on or after July 1, 2023, for a complaint against a police officer covered by a collective bargaining agreement, if the agreement includes discipline.

Finally, the bill as amended would require each law enforcement agency to provide a monthly report to the ACC detailing the number of complaints received and the status of each investigation.

The Maryland General Assembly enacted a series of laws establishing uniform standards for police department operations throughout the state. One of these laws, House Bill (HB) 670, created a new uniform procedure for police accountability and discipline. This new law requires the governing body of each county to establish a PAB and an ACC to handle complaints of police misconduct from residents. HB 670 also gives the County PAB and the County ACC jurisdiction over police misconduct complaints against municipal police departments located in the County.

The lead sponsor of Bill 49-21 is the Council President, at the request of the County Executive.

### **[I-270 Corridor Forward Plan](#)**

**Vote expected:** The Council is expected to vote on a resolution to enact the [Corridor Forward: The I-270 Transit Plan](#). The T&E Committee met on [Feb. 28](#) to and on [March 9](#) to review the plan and formulate its recommendations to the Council. The Council concurred with these recommendations on March 22.

Corridor Forward contains recommendations for a near-term network of dedicated bus lanes and a long-term vision of an extension of Metrorail's Red Line and enhanced MARC service along the Brunswick Line.

The near-term network of dedicated bus lanes builds on existing master planned projects, including the MD 355 and Veirs Mill Road Bus Rapid Transit (BRT) projects to create a transit network that serves communities and employment centers along the I-270 corridor.

Corridor Forward re-envisioned the master planned Corridor Cities Transitway (CCT) as a network of dedicated bus lanes, which connect the I-270 corridor communities to the county's existing and planned rapid transit network.

This plan recommends the MD 355 BRT and Veirs Mill Road BRT as crucial first steps in improving transit accessibility along the I-270 corridor. Incremental implementation of the Corridor Connectors and efforts to advance the Red Line extension and MARC commuter rail enhancements are included in the plan's long-term vision.

### *FY23-28 Capital Improvements Program*

The County Executive's Recommended FY23 Capital Budget and Amendments to the FY23-28 Capital Improvements Program (CIP) was transmitted to the Council on January 18, 2022. The CIP's cover larger long-term investments in facilities and infrastructure or capital projects. Details on each of the capital budgets can be found in the Council staff reports.

During the morning meeting, the Council will review CIPs for the following departments and outside agencies:

- **Montgomery College Recommended FY 23-28 CIP**—The County Executive's recommended FY23-28 CIP for Montgomery College is \$327 million, which includes moving \$20 million to beyond the six-year period due to affordability constraints. The E&C Committee's recommended budget is more than \$333 million.
- **Montgomery County Police Department (MCPD) Recommended FY 23-28 CIP**—The recommended FY23-28 CIP for MCPD has three projects at a cost of \$49.3 million, which includes funding for the Sixth District Police Station, Outdoor Firearms Training Center and the second phase of the Public Safety Communications Center project. The Public Safety Committee recommends approval.
- **Montgomery County Fire and Rescue Service (MCFRS) Recommended FY 23-28 CIP**—The recommended FY23-28 CIP for MCFRS has 11 projects totaling \$126 million, which includes two fire station projects and two volunteer station renovations, among other projects. The Public Safety Committee recommends approval.
- **Public Safety Radio System Modernization Recommended FY 23-28 CIP**—The recommended FY23-28 CIP for Public Safety Radio System Modernization (PSSM) includes a total project cost of more than \$111 million, which is a \$2 million decrease from the approved FY21-26 CIP. Project savings of \$2 million was transferred to the Dickerson Radio Tower project.

This project provides funding subprojects and associated staff charges needed to upgrade and modernize public safety systems. Currently active subprojects include the Law Enforcement Records Management System (LE-RMS) and the last component of the Radio System Infrastructure Project which provides for the Advanced Messaging and Responder Locator project.

The staff report will be available on Monday.

- **Radio Replacement Recommended FY 23-28 CIP**—The recommended FY23-28 CIP for radio replacement is a \$41 million project will provide for the phased replacement of voice radio systems used by the County's public safety and first responder agencies, as these systems reach the end of their expected 10-year service life. These agencies include County police, fire and rescue, sheriff, correction and rehabilitation, the Department of Transportation and the Maryland-National Capital Park and Planning Commission.

The staff report will be available on Monday.

- **Department of Health and Human Services (DHHS) Recommended FY 23-28 CIP**— The County Executive's recommended FY23-28 CIP for DHHS includes \$62.6 million for Child Care Renovations, construction funding in Linkages to Learning and School Based Health Centers, design and construction funding for the new Restoration Center, and planning and design funding for Affordable Living Quarters.

The Health and Human Services (HHS) Committee recommends approval of Emergency Homeless Shelter, Restoration Center, and Affordable Living Quarter projects.

The Joint HHS and Education and Culture (E&C) Committee recommends approval of the Child Care Renovations and the School-Based Health and Linkages to Learning Center Project with updated individual project completion dates. The Joint Committee also voted to move forward with a package of three special appropriations for introduction, to implement the initial phase of the expansion of high school wellness services that would provide mental health and youth development services in high schools that do not currently have a wellness center. These funding requests are spearheaded by Councilmember Navarro.

- **Montgomery County Public Libraries (MCPL) Recommended FY 23-28 CIP**— The recommended FY23-28 CIP for MCPL is comprised of five library projects totaling \$49.1 million in funding. This amount represents an increase of \$2.4 million, or 5.1 percent, from the amended FY21-26 total, which had a six-year cost of \$46.8 million.

The cost increase is a result of the completion of the Clarksburg Library during the six-year planning period, an increase in construction costs for the Noyes Library project and the inclusion of the Chevy Chase Library refurbishment in the FY23-28 CIP. The Education and Culture (E&C) Committee recommends approval of 21st Century Library Enhancements Level of Effort, Clarksburg Library, Library Refurbishment Level of Effort and Noyes Library for Young Children Rehabilitation and Renovation. The Committee recommends monitoring the Noyes Children's Library Foundation fundraising efforts and State of Maryland bond bill funding and monitoring progress through the operating budget for the Wheaton Library and Community Recreation Center.

- **Public Arts Trust Recommended FY 23-28 CIP**— The recommended FY23-28 CIP for the Public Arts Trust includes annual funding of \$408,000 from current revenue, totaling more than \$2.4 million over the six-year period. This funding is designated for commissioning, purchasing, maintaining, accepting gifts and deaccessioning of art displayed in County Government, Montgomery County Public Schools, Montgomery College, and the Maryland-National Capital Park and Planning Commission. The E&C Committee recommends approval.

During its afternoon meeting, the Council will review CIPs for the following project and departments:

- **Maryland-National Capital Park and Planning Commission (M-NCPPC) FY23-28 CIP**— The recommended FY23-28 CIP for M-NCPPC is \$265 million, which is an increase of \$25.4 million or 10.6 percent over the amended FY21-26 CIP. The FY23-28 CIP consists of one new project and 40 ongoing projects. The County Executive's recommended M-NCPPC budget is \$254.5 million or a 6.2 percent increase from the previously approved budget. The PHED Committee made five project by project recommendations included in the [staff report](#). A significant portion of the increase is due to the addition of a proposed \$8.8 million to fund work the Commission will do on behalf of the County toward the County's MS4 permit.
- **Housing Opportunities Commission (HOC) Recommended FY23-28 CIP**— The recommended six-year CIP for HOC is \$8.2 million, which includes funds to continue improvements for deeply subsidized HOC-owned units and funds for a new project to improve WSSC sewer and storm lines at Elizabeth Square. The Planning, Housing and Economic Development (PHED) Committee recommends approval of these projects.
- **Department of Housing and Community Affairs (DHCA) Recommended FY23-28 CIP**— The recommended FY23-28 CIP for DHCA includes \$4.3 million for community development and \$138 million for housing projects. The Planning, Housing, and Economic Development (PHED) Committee recommends approval of the Community Development CIP projects.
- **Montgomery County Revenue Authority Recommended FY 23-28 CIP**—The recommended FY23-28 CIP for the Montgomery County Revenue Authority (MCRA) includes \$17.3 million for 12 projects. The Planning, Housing, and Economic Development (PHED) Committee recommends approval of these projects.
- **Department of Recreation Recommended FY 23-28 CIP**— The recommended FY23-28 CIP for the Department of Recreation includes eight ongoing and two new recreation projects totaling \$97.4 million over six years. This is a decrease of \$41.1 million or 29.7 percent decrease from the amended FY21-26 program. The PHED Committee met on March 2 to review seven of the 10 recreation CIP projects. The Committee recommends approval of these projects.

The decrease is primarily due to substantial progress on the South County Regional Recreation and Aquatic Center. The decrease is partially offset by cost increases for the Kennedy Shriver Aquatic Center Building Envelope Improvement project, a new Holiday Park Net Zero Initiative project, and the addition of FY27 and FY28 funding for the Recreation Facilities Refurbishment Level of Effort project.

- **Montgomery County Public Schools (MCPS) Recommended FY 23-28 CIP**— The county Executive's recommended FY23-28 CIP for MCPS includes more than \$1.8 billion over the six-year period. The Board of Education's Proposed FY23-28 CIP includes 40 projects totaling nearly \$1.77 billion, which is \$148.3 million or 9.2 percent higher than the FY21-26 amended CIP of \$1.62 billion. The County Executive's Recommended FY23-28 CIP is higher overall than the Board request by \$55.3 million or 3.1 and is \$203.6 million higher (12.6 percent) than the FY21-26 Amended CIP.

Given the undesignated reductions and deferrals assumed by the County Executive in his

recommendations for the FY23-28 MCPS CIP, as well as uncertainty regarding any additional state aid that may be forthcoming, the E&C Committee requested additional non-recommended reductions that would more closely align the Board's Proposed CIP with the County Executive's assumed totals. The Council will discuss these non-recommended reductions and considered how best to prioritize projects.

## *Consent Calendar Highlights*

### Economic Development Strategic Plan

**Vote expected:** The Council is expected to vote on a resolution to adopt the County's Draft Economic Development Plan. The Council reviewed the plan at its [meeting held on March 29](#). Previously, the PHED Committee recommended several revisions to the plan. On Feb. 10, 2022, the Committee received a [briefing on the approach and process](#) needed to complete the plan from members of the Montgomery County Economic Development Corporation (MCEDC). On March 14, the Committee discussed [updates provided by MCEDC](#).

The PHED Committee recommendations include adding more background information to the strengths, weaknesses, opportunities and threats section; providing summaries from relevant background reports for each strategic priority; amending the recommendation related to the expansion of the American Legion Bridge; providing additional context to the plan's metrics; and including additional metrics that are relevant to the goals and recommendations of the plan.

Council Bill 10-21, which was led by Councilmember Friedson and cosponsored by Councilmembers Riemer, Navarro and Katz and Council President Alborno, was enacted in May 2021. The law shifted the responsibility for drafting the County's Economic Development Strategic Plan from the County Executive to MCEDC. Section 15A-4A of the County Code details the requirements and procedure for the Economic Development Strategic Plan. The Council must review and adopt the plan by April 15, 2022.

### Resolution to Support Application to the State for Redesignation of Bethesda and Silver Spring Arts and Entertainment Districts in Montgomery County

**Vote expected:** The Council is expected to vote on a resolution to support redesignation of the Bethesda and Silver Spring Arts and Entertainment Districts. The current Bethesda and Silver Spring Arts and Entertainment Districts in Montgomery County are set to expire. The last redesignation of the districts occurred in 2012. Since then, the districts have created more opportunities for regional artists and opened new studio space. The Secretary of the Maryland Department of Commerce is authorized to designate one or more Arts and Entertainment Districts within the state every year.

The lead sponsor is the Council President, at the request of the County Executive.

### Special Appropriation to the FY22 Operating Budget, Montgomery County Government, Department of Health and Human Services - \$450,000 for Pediatric Mobile Medical Vehicle (Source of Funds: General Fund Reserves) and Amendment to FY22 Designation of Entities for Non-Competitive Contract Award Status: Casa Ruben, Inc.



**Vote expected:** The Council is expected to vote on a \$450,000 special appropriation to the FY22 Operating Budget and an amendment to FY22 Operating Budget, which would fund a mobile medical clinic through the creation of a public-private partnership between Casa Ruben, Inc., the Robert I. Schattner Foundation and Montgomery County. The lead sponsors are Council President Albornoz and Councilmember Friedson. Councilmember Katz, Councilmember Navarro, Councilmember Riemer, Councilmember Hucker, Councilmember Rice, Councilmember Jawando and Councilmember Glass are cosponsors. The HHS Committee recommends approval.

The mobile medical clinic would connect uninsured, under-insured and under-resourced children and youth to healthcare and increase the number of children and youth who receive vaccinations needed for overall health and to enroll in school. The County will fund the purchase of the mobile medical clinic and the Schattner Foundation will provide matching funds of up to \$450,000 directly to Casa Ruben, Inc. for staffing and operating expenses. Casa Ruben, Inc. and the Department of Health and Human Services would collaborate on connecting children and families to health care.

The County has invested in efforts to address health disparities, eliminate barriers to healthcare access and reach residents in their communities in innovative ways. Mobile medical care has been shown to be a cost-effective way to reach underserved and disenfranchised communities that do not have access to healthcare.

### *Additional Consent Calendar Items*

**Special Appropriation #22-79 to the County Government's FY22 Operating Budget, COVID-19 Human Services and Community Assistance Non-Departmental Account (NDA) - \$1,710,000 for COVID-19 Response: Montgomery County Food Security Fund**—The Council will introduce this special appropriation. A public hearing is scheduled for April 19.

**Special Appropriation to the County Government's FY22 Operating Budget, Department of Health and Human Services - \$2,539,747 for Centers for Disease Control and Prevention Crisis Cooperative Agreement, COVID-19 Public Health Workforce Supplemental Funding Grant**—The Council is expected to vote on this special appropriation. The funding will support school-based health programs and support hiring school nurses, clinical staff, disease control investigation staff and administrative support. The lead sponsor is the Council President, at the request of the County Executive.

**The Council acknowledges receipt of the following Inspector General reports: 1) Performance Audit of the Montgomery County Public Libraries Collection Management Program, OIG Publication #OIG-22-012; and 2) Light-Duty Fleet Vehicles and Driver Suitability Inspection, OIG Publication #OIG-22-013**—The Council is expected to acknowledge receipt of publications released by the Office of the Inspector General (OIG).

**Abandonment - Portions of Westbard Avenue and Ridgefield Road Bethesda, 7th Election District**—The Council is expected to vote on the abandonment of portions of Westbard Avenue and Ridgefield Road in Bethesda. Details can be found in the Council staff report.



### M-NCPPC Semi-Annual presentation to the Council

**Briefing:** The council will receive a briefing on the Semi-Annual Report, a presentation from the Planning Board. Occurring in the spring and fall, the report is an opportunity for the Board to brief the Council on the accomplishments of the Parks and Planning Departments and provide an update on work program items.

### **Proposed Closed Session**

**Review:** The Council will hold a closed session to discuss public security and cybersecurity, pursuant to Maryland Code, State Government Article, §3-305(b)(10) and (15), on the grounds that public discussion would constitute a risk to public security, including the development and implementation of emergency plans, and a risk to security assessments and deployments relating to information resources technology. The topic of discussion is potential threats to public security and cybersecurity and recommended preparations.

*Monday, April 4*

The Planning, Housing and Economic Development (PHED) Committee will meet on **Monday, April 4, at 9:30 a.m.** to discuss the Silver Spring Downtown and Adjacent Communities Plan.

The members of the PHED Committee include Chair Hans Riemer and Councilmembers Andrew Friedson (Lead for Parks) and Will Jawando.

The Council will meet virtually at **12:30 p.m.** to review and approve a list of Montgomery County's federal priorities for 2022 and federal earmark requests by County departments for FY23.

### Silver Spring Downtown and Adjacent Communities Plan

**Review:** The PHED Committee will continue to review the Planning Board Draft of the [Silver Spring Downtown and Adjacent Communities Plan](#). The plan makes recommendations within the Silver Spring Downtown and Adjacent Communities Plan area for land use and zoning, housing, economic development, urban design, transportation, parks and public spaces, environmental resiliency, community facilities and historic resources.

At the [meeting held on March 7](#), the Committee discussed the introduction to the plan, the eight districts that make up the plan area and recommendations on housing. At the [meeting held on March 28](#), the PHED Committee discussed recommendations for parks, trails and public spaces, transportation, school infrastructure and the Executive's Fiscal Impact Statement. At this meeting, the Committee will discuss recommendations for land use and zoning, economic growth and urban design. An additional future meeting will address any remaining recommendations, implementation elements and follow-up items.

### Federal Priorities 2022 and Federal Earmarks FY2023

**Review:** The Council will meet virtually to review and approve a list of Montgomery County's federal priorities for 2022 and federal earmark requests by County departments for FY23. The deadline to provide the 2022 priorities to the Congressional Delegation is April 6, 2022.

The federal priorities under consideration include legislation on transportation, the biotech and life sciences economy, health and human services, the environment, telecommunications technology, the LOCAL Infrastructure Act, the Coronavirus state and local fiscal recovery fund, Title I and Individuals with Disabilities Education Act (IDEA), school-based mental health supports and services, WSSC Water and affordable housing.

### *Thursday, April 7*

The Planning, Housing and Economic Development (PHED) Committee will meet on **Thursday, April 7, at 9:30 a.m.** to discuss the Silver Spring Downtown and Adjacent Communities Plan.

The members of the PHED Committee include Chair Hans Riemer and Councilmembers Andrew Friedson (Lead for Parks) and Will Jawando.

#### **Silver Spring Downtown and Adjacent Communities Plan**

**Review:** The PHED Committee will continue to review the Planning Board Draft of the [Silver Spring Downtown and Adjacent Communities Plan](#). The plan makes recommendations within the Silver Spring Downtown and Adjacent Communities Plan area for land use and zoning, housing, economic development, urban design, transportation, parks and public spaces, environmental resiliency, community facilities and historic resources.

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