

COUNCIL COMING ATTRACTIONS



Week of Jan. 31, 2022

*Proclamations Recognizing Transit Equity Day 2022 by Council
Vice President Glass and recognizing Lunar New Year by
Council President Alborno and the full Council*

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>

Summary

The Council will meet on **Tuesday, Feb. 1 at 9 a.m.** The virtual meeting will begin with two proclamations. The first will be presented by Council Vice President Glass recognizing Transit Equity Day 2022. The second will be presented by Council President Alborno and the full Council recognizing Lunar New Year.

Next, sitting as the Board of Health, the Council will receive an update on the County's ongoing response to the COVID-19 pandemic and its recovery and vaccination efforts. The update will include information from Montgomery County Public Schools about case data, vaccinations, quarantine and testing programs. In addition, an update will be provided on the status of virtual learning for schools and for individual students.

Then, the Council will vote on Spending Affordability Guidelines for the FY23 Aggregate Capital Budget and other CIP assumptions and introduce a resolution to adopt the County's Economic Development Strategic Plan. In addition, the Council will introduce a \$1.92 million Special Appropriation to support the operating expenses of the Montgomery County Conference Center and a \$432,014 Supplemental Appropriation to provide meals to eligible seniors while a federal major disaster declaration is in effect.

Next, the Council will introduce and is expected to vote on an amendment to FY22 Operating Budget Resolution 19- 872 to allow the Department of Housing and Community Affairs (DHCA) to increase the amount of funding for the Housing Initiative Partnership to provide tenant education and support services and to the Legal Aid Bureau to provide tenant support services, including assistance in district court. In addition, The Council is expected to vote on a request to extend the time to satisfy the conditions specified in Council Resolution 18-711 related to the conditional approval of the abandonment of a portion of Rugby Avenue and a 20-foot-wide alley off Glenbrook Road in the Samuel T. Robertson's Addition to Bethesda Subdivision of Bethesda.

In the afternoon, the Council will hold a public hearings on a more than \$8.6 million supplemental appropriation for the Department of Transportation to implement new salary schedules for the transit bus operator and transit coordination job classifications; on Bill 1-22 - Eating and Drinking Establishments - Healthy Meals for Children, which would require children's meals offered by food service facilities to include certain healthy food and beverage options; and on Bill 2-22, Municipal Tax Duplication, which addresses the codification of municipal tax duplication formulas.

Before the meeting adjourns, the Council will conduct interviews to fill a vacancy on the Board of Appeals to replace Mary Gonzales for a partial term set to expire in September 2023; introduce Bill 3-22, which would require the Director of the Office of Legislative Oversight to prepare a climate assessment for each bill, zoning text amendment, master plan and master plan amendment pending before the Council; and vote on Bill 44-21, which would mandate that the Council appropriate 10 percent of the fuel-energy tax revenue to the County Green Bank each year in the annual operating budget.

Useful Information - Week of Jan. 31, 2022

Tuesday's Council meeting will be held Feb. 1 at 9 a.m.

Updates from County Government and Montgomery County Public Schools - Novel Coronavirus (COVID-19) and Health Planning

Update: Sitting as the Board of Health, the Council will receive an update on the County's ongoing response to the COVID-19 pandemic and its recovery and vaccination efforts. The update will include information from Montgomery County Public Schools about case data, vaccinations, quarantine and testing programs. In addition, an update will be provided on the status of virtual learning for schools and for individual students.

Those expected to provide information include Dr. Raymond Crowel, director, Department of Health and Human Services (DHHS); James Bridgers, acting chief health officer, DHHS; Dr. Earl Stoddard, assistant chief administrative officer, Montgomery County Government; Sean O'Donnell, program administrator, Public Health Emergency Preparedness and Response, DHHS; James D'Andrea, chief of staff, Office of the Superintendent, Montgomery County Public Schools (MCPS); and Heather Dublinske, coordinator, Student Welfare and Compliance, MCPS and Stephanie Iszard, coordinator, Student Health and Wellness. Join the conversation with [#COVID-19](#).

Spending Affordability Guidelines for the FY23 Aggregate Capital Budget and CIP Assumptions

Vote expected: The Council will vote on Spending Affordability Guidelines for the FY23 Aggregate Capital Budget and other CIP assumptions. The Government Operations and Fiscal Policy (GO) Committee, chaired by Councilmember Navarro, recommends that the Council retain the Council-adopted guidelines from Oct. 2021 because the conditions have not changed enough to warrant a change in the adopted guidelines. The GO Committee continues to support a tapering of the general obligation bond guidelines to meet the County's policy thresholds for debt capacity. Page one of the Council staff report details the amounts for the recommended guidelines.

Mary Beck, Office of Management and Budget (OMB) is expected to attend and provide information.

Resolution to adopt the Economic Development Strategic Plan

Introduction: The Council will introduce a resolution to adopt the County's Economic Development Strategic 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 the Montgomery County Economic Development Corporation (MCEDC).

Section 15A-4A of the County Code details the requirements and procedure for the Economic Development Strategic Plan. In Feb. and March, the Planning, Housing and Economic Development (PHED) Committee will review and consider amendments to the plan and the Council must adopt the plan by April 15, 2022.

Special Appropriation to the County Government's FY22 Operating Budget, Conference Center Non-Departmental Account (NDA) - \$1,920,000

Introduction: The Council will introduce a \$1.92 million Special Appropriation to the County Government's FY22 Operating Budget to support the operating expenses of the Montgomery County Conference Center. The Council previously approved a \$1.5 million appropriation to address any revenue shortfalls in July 2020 and \$2.5 million in January 2021. Due to the ongoing pandemic, another appropriation is required. The County owns the property jointly with the state, and the management agreement with Marriott requires that the County cover operating losses in an event the property does not generate a profit.

Since its opening in 2004, the County has received a profit from the center's operations. Most years the profit is in the range of \$1.4 million to \$1.9 million per the Executive's transmittal. The Conference Center's operations were restricted due to state and County health regulations in 2020. Based on cancellations due to the omicron variant, the Conference Center estimates a loss through the remainder of FY22.

The public hearing and vote are tentatively scheduled for Tuesday, Feb. 8.

Supplemental Appropriation to the County Government's FY22 Operating Budget, Department of Health and Human Services (DHHS) - Supplemental Nutrition Grant Funding (HDC5), \$432,014

Introduction: The Council will introduce a \$432,014 Supplemental Appropriation for the Department of Health and Human Services (DHHS) to support the County's COVID-19 response efforts through supplemental the Senior Nutrition Program. The appropriation will be used to provide meals to eligible seniors while a federal major disaster declaration is in effect.

Due to the COVID-19 pandemic, the County shifted from providing senior meals through congregate settings to home delivered meals. However, the County is now returning to pre-pandemic operations. These funds will be used to provide both congregate and home delivered meals.

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

Amendment to FY22 Operating Budget Resolution 19- 872, Section G, FY22 Designation of Entities for Non-Competitive Contract Award Status: Housing Initiative Partnership, Inc. and Legal Aid Bureau, Inc.

Introduction and vote: The Council will introduce and is expected to vote on an amendment to FY22 Operating Budget Resolution 19- 872 to allow the Department of Housing and Community

Affairs (DHCA) to increase the amount of funding for the Housing Initiative Partnership to provide tenant education and support services and to the Legal Aid Bureau to provide tenant support services, including assistance in district court.

The County has been partnering with non-profit organizations and Legal Aid to help tenants avoid eviction through education on the eviction process, assistance with applying for COVID-19 rent relief, outreach to tenants and legal advice and representation on specific cases. Additional funding is needed for these two entities to continue to provide services.

Amendment to Abandonment Resolution 18-711: Portion of Rugby Avenue and Alley in the Samuel T. Robertson's Addition to Bethesda Subdivision, Bethesda

Vote expected: The Council is expected to vote on a request to extend the time to satisfy the conditions specified in Council Resolution 18-711 related to the conditional approval of the abandonment of a portion of Rugby Avenue and a 20-foot-wide alley off Glenbrook Road in the Samuel T. Robertson's Addition to Bethesda Subdivision of Bethesda. The Transportation and Environment (T&E) Committee recommends approval.

Resolution 18-711 adopted by the Council on Feb. of 2017, approves the conditional abandonment of 4,043 square feet portion of right-of-way (ROW) at the terminus of Rugby Avenue and a 1,970 square foot alley located off Glenbrook Road. The original applicant, Christ Evangelical Lutheran Church of Bethesda Chevy Chase, which has since sold the property abutting the areas in question to JLB, was required to satisfy certain conditions prior to the abandonment becoming effective.

In Nov. 2021, Miles & Stockbridge P.C., on behalf of their client, JLB Georgetown Road LLC (JLB), sent a letter to the Council requesting a 30-month extension of the validity period for JLB to satisfy all of the conditions of the approved abandonment specified in Resolution No. 18-711.

The resolution does not provide a specified time frame for which the applicant must satisfy each condition. As such, pursuant to Section 49-65(d)1 of the County Code, the abandonment is automatically revoked within five years of approval if all of the conditions are not satisfied. Five years from when the abandonment was approved is February 7, 2022.

Proposed Closed Session

Discussion: The Council is expected to hold a proposed closed session pursuant to Maryland Code, General Provisions Article §3-305(b)(10) to discuss public security. The topic is security of public water supply infrastructure.

Supplemental Appropriation to the FY22 Operating Budget, Montgomery County Government, Department of Transportation, Transit Services, \$8,631,001

Public hearing: The Council will hold a public hearing on a more than \$8.6 million supplemental appropriation for the Department of Transportation to implement new salary schedules for the transit bus operator and transit coordination job classifications. The proposed

salary schedules are intended to address deficiencies identified as part of a market compatibility study comparing the current Montgomery County Government salary schedules with the Washington Metro Area Transit Authority salary schedules for these job classifications.

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

Bill 1-22, Eating and Drinking Establishments – Healthy Meals for Children

Public hearing: The Council will hold a public hearing on Bill 1-22 - Eating and Drinking Establishments - Healthy Meals for Children, which would require children's meals offered by food service facilities to include certain healthy food and beverage options. The lead sponsor is Councilmember Rice. Council President Albornoz and Councilmembers Jawando, Navarro and Hucker are cosponsors.

Expedited Bill 2-22, Montgomery County Municipal Revenue Program -Amendments

Public hearing: The Council will hold a public hearing on Bill 2-22, Municipal Tax Duplication, which addresses the codification of municipal tax duplication formulas. Chapter 30A of the County Code creates a program that allows reimbursements to municipalities for those public services provided by municipalities that would otherwise be provided by the County.

This reimbursement program addresses the issue of property tax duplication since both the County and the municipality levy a property tax, but only the municipality provides that service within its jurisdiction. Under the bill, a municipality would be reimbursed by the County based upon the County Executive's approximation of the costs that the County would incur if it were to provide the municipality with transportation, police, crossing guards and park maintenance services.

Bill 2-22 would alter the calculation of reimbursements to municipalities for eligible costs, alter the requirements for municipalities to participate in the municipal revenue program, provide for a timeline of when certain reimbursement activities must be accomplished, amend reimbursements for the City of Takoma Park police services and provide for a phased-in implementation period.

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

Board of Appeals

Interviews: The Council will conduct interviews to fill a vacancy on the Board of Appeals to replace Mary Gonzales for a partial term set to expire in September 2023. The Council advertised to fill the vacancy in Nov. 2021 after Gonzales indicated her intent to resign from the Board. The interviewees expected to attend and provide information include William England, Seth Grimes and Roberto Pinero.

By law, no more than three members of the board may be from the same political party. This position can be filled by a Democrat, a Republican, a voter who is unaffiliated with party, or a

voter who is a member of another party officially recognized by the Board of Elections. The current members of the Board include Chair John Pentecost (Democrat), Bruce Goldensohn (Republican), Richard Melnick (Unaffiliated) and Caryn Hines (Democrat).

Members of County Boards, Committees and Commissions may not serve on more than one such group at a time. Members of the Board currently receive \$15,689.00 annually, with the Chair receiving \$22,173.00. Salaries are adjusted each December to reflect 50 percent of the change in the Washington Area Consumer Price Index.

Bill 3-22, Legislative Branch - Climate Assessments - Required

Introduction: The Council is expected to introduce Bill 3-22, Legislative Branch – Climate Assessments – Required, which would require the Director of the Office of Legislative Oversight to prepare a climate assessment for each bill, zoning text amendment, master plan and master plan amendment pending before the Council. The purpose of Bill 3-22 is to facilitate the County’s climate goals.

Each climate assessment would consist of the potential positive or negative effects, if any, of the bill, zoning text amendment, master plan, or master plan amendment upon climate change, including greenhouse gas emissions, sequestration and carbon drawdown. In addition, the assessment would provide a quantitative or qualitative evaluations of the of the identified effects on community resilience and adaptative capacity and make recommendations regarding amendments or other measures to mitigate any negative climate impacts.

Bill 44-21, Montgomery County Green Bank - Funding - Fuel-energy tax revenue

Vote expected: The Council is expected to vote on Bill 44-21, Montgomery County Green Bank – Funding – Fuel Tax Revenue, which would mandate that the Council appropriate 10 percent of the fuel-energy tax revenue to the County Green Bank each year in the annual operating budget. The Montgomery County Green Bank was established by Bill 18-15, enacted by the Council on June 30, 2015, and signed into law by the County Executive on July 7, 2015.

The Green Bank promotes the investment in clean energy technologies in the County by offering financing structures to lower the cost of financing these technologies for County residential and commercial properties. The fuel-energy tax is levied and imposed on every person transmitting, distributing, manufacturing, producing, or supplying electricity, gas, steam, coal, fuel oil or liquefied petroleum gas in the County.

The lead sponsors are Councilmembers Huckler and Friedson. Council President Albornoz and Councilmembers Riemer, Navarro, Katz, Rice and Jawando are cosponsors.

Monday, Jan. 31

The Public Safety (PS) Committee will meet on **Monday, Jan. 31 at 9:30 a.m.** to discuss Bill 37-21, Animal Control - Services Advisory Committee – Established and receive a briefing on police department staffing.

The Planning, Housing and Economic Development (PHED) Committee will meet at **9:30 a.m.** to discuss Zoning Text Amendment (ZTA) 21-09, Office and Professional – Biohealth Priority Campus and Subdivision Regulation Amendment (SRA) 21-02, Administrative Subdivision -Biohealth Priority Campus. In addition, the Committee will receive a briefing on the Master Licensing Agreement for 5G deployment.

The Education and Culture (E&C) Committee will meet at **1:30 p.m.** to receive an update on OLO Report 2021-12, State School Construction Aid Eligibility and Funding of MCPS Capital Projects. In addition, the Committee will discuss the Montgomery County Public Schools FY23-28 Capital Improvements Program.

More detail on each agenda item is provided below.

Bill 37-21, Animal Control - Services Advisory Committee – Established

Review: The PS Committee will review Bill 37-21, Animal Control – Animal Services Advisory Committee – Established, which would establish a new County Animal Services Advisory Committee to improve operations of the County Office of Animal Services (OAS).

The proposed committee would have 11 voting members representing different stakeholders and three non-voting ex officio members from OAS. All Committee members would be appointed by the County Executive and confirmed by the County Council. The committee would work with OAS to advise the Executive and the Council on issues related to animal care and welfare, rescue, fostering and adoption, population control, disease and bite prevention, public education about wildlife, best practices and volunteer recruitment for the County animal shelter and the operation of OAS.

The lead sponsor is Council President Alborno. Councilmembers Navarro, Hucker, Katz, Jawando, Rice and Riemer and Council Vice President Glass are cosponsors.

Thomas Koenig, executive director, Office of Animal Services will attend and provide information.

Police Department Staffing

Briefing: The PS Committee will receive an update on Montgomery County Police Department (MCPD) staffing. The briefing will include information on increased recruitment and retention challenges and details about how staffing shortages impact the provision of public safety services to the community.

Those expected to attend and provide information include Marcus Jones, chief, MCPD; Darren Francke, assistant chief, Management Services Bureau, MCPD; and Captain David Smith, director of personnel, MCPD.

Zoning Text Amendment (ZTA) 21-09, Office and Professional – Biohealth Priority Campus

Review: The PHED Committee will discuss ZTA 21-09, which would create a streamlined regulatory process for biohealth facilities. The ZTA creates a new definition for a Biohealth Priority Campus that includes life sciences, research and development or medical, scientific manufacturing and production.

In addition, the ZTA would allow a speedier regulatory process for biohealth facilities of 150,000 square feet or more and for existing biohealth facilities already located in the County that are expanding by 50,000 square feet or more. If approved, this new use will be allowed in the commercial/residential and employment office zones and for developments within or adjacent to a red policy area, within an opportunity zone or within one-half mile of a planned or existing Bus Rapid Transit route.

The lead sponsor is Councilmember Friedson. All other Councilmembers are cosponsors.

Those expected to attend and provide information include Casey Anderson, chair, Montgomery County Planning Board; Gwen Wright, director, Planning Department; Robert Kronenberg, deputy director, Planning Department; Jason Sartori, chief, Countywide Planning and Policy, Planning Department; Benjamin Berbert, planner coordinator, Countywide Planning and Policy, Planning Department; Ehsan Motazed, deputy director, Department of Permitting Services (DPS); Victor Salazar, division chief, Zoning, Well and Septic and Code Compliance, DPS; and Mark Beall, zoning manager, Division of Zoning, Well & Septic and Code Compliance, DPS.

Subdivision Regulation Amendment (SRA) 21-02, Administrative Subdivision -Biohealth Priority Campus

Review: The PHED Committee will discuss Subdivision Regulation Amendment (SRA) 21-02, which would allow the Planning Director to approve an administrative subdivision plan for biohealth facilities under an expedited process.

This is an accompanying SRA to ZTA 21-09, Office and Professional – Biohealth Priority Campus, which was introduced by Councilmember Friedson on Oct. 19, 2021 and would create a streamlined regulatory process for biohealth facilities. Without an accompanying SRA, a biohealth priority campus would be subject to the preliminary plan of subdivision, which takes additional time and may conflict with the expedited process created for this use by ZTA 21-09.

The lead sponsor is Councilmember Friedson. Council President Hucker is a cosponsor of the legislation.

Those expected to attend and provide information include Casey Anderson, chair, Montgomery County Planning Board; Gwen Wright, director, Planning Department; Robert Kronenberg, deputy director, Planning Department; Jason Sartori, chief, Countywide Planning and Policy, Planning Department; and Benjamin Berbert, planner coordinator, Countywide Planning and Policy, Planning Department.

Master Licensing Agreement for 5G deployment

Briefing: The PHED Committee will receive an update from the County Executive's office on the status of the master licensing agreements for 5G deployment. Master licensing agreements provide a process and fee structure for carriers to attach 5G wireless equipment to County-owned infrastructure.

The Council approved zoning reforms to allow the deployment of 5G infrastructure in commercial areas with the enactment of ZTA 18-02 in 2018 and deployment in residential areas with the enactment of ZTA 19-07 in July 2021.

OLO Report 2021-12, State School Construction Aid Eligibility and Funding of MCPS Capital Projects

Briefing: The E&C Committee will receive an update on OLO Report 2021-12, State School Construction Aid Eligibility and Funding of MCPS Capital Projects. The report presents background information and analysis of the state's contributions to MCPS capital construction projects. The report further identifies key challenges facing the County and MCPS and identifies possible action items to help increase the State's share of MCPS capital construction expenditures.

As part of the FY22 OLO Work Plan, the Council directed OLO to chair an interagency working group to assess which state aid eligibility criteria have the greatest effect on capital project funding received by Montgomery County Public Schools (MCPS). In addition, the Council asked that the working group identify possible modifications to state policies and MCPS practices that would increase school construction aid to MCPS. OLO Report 2021-12, is the final product of the working group.

The working group convened in September 2021 and consisted of representatives from MCPS' Department of Facilities Management, the County Government's Office of Management and Budget, the Office of Intergovernmental Relations (OIR) and County Council central staff.

Melanie Wenger, director, Office of Intergovernmental Relations will attend and provide information.

Montgomery County Public Schools FY23-28 Capital Improvements Program

Review: The E&C Committee will review the FY23-28 MCPS Capital Improvements Program (CIP). The discussion will include a review of MCPS enrollment and demographic trends, the

County Executive's Recommended FY23-28 CIP for MCPS and the Board of Education's FY23-28 Proposed CIP.

Enrollment changes are one of the biggest drivers of both the Operating Budget and CIP for MCPS. Enrollment increases drive an immediate need for relocatable classrooms and consideration for additional permanent classrooms and core space improvements.

Those expected to attend and provide information include Adrienne Karamihas, director, Division of Capital Planning, MCPS; Seth Adams, director, Department of Facilities Management, MCPS; Mary Beck, CIP manager, Office of Management and Budget (OMB); and Veronica Jaua, fiscal and policy analyst, OMB.

Thursday, Feb. 3

The Government Operations & Fiscal Policy (GO) Committee will meet on **Thursday, Feb. 3 at 9:30 a.m.** to review Spending Affordability Guidelines for the FY23 Operating Budget and Expedited Bill 45-21, Elections - Public Campaign Financing – Restrictions.