

COUNCIL and COMMITTEE SESSION SUMMARY

Wednesday, May 6, 2009 - Thursday, May 21, 2009

*This summary is not intended to be the official record of the Council –
Official minutes are available for that purpose in the Office of Legislative Information Services*

COUNCIL MEETING THURSDAY, MAY 7, 2009		
	8:30 BREAKFAST MEETING with Congresswoman Donna Edwards (<i>6th floor Council Conference Room</i>)	Meeting
	9:30 WORKSESSION - FY10 Operating Budget <u>PS</u> (5) • Department of Police (McMillan)	Worksession
	<u>PHED</u> (1) • Economic Development Fund (Ferber) (2) • Economic Development (Ferber) (3) • Department of Housing and Community Affairs (McMillan/Davidson) (4) • Housing First (McMillan)	Worksession
	<u>PS</u> (6) • Fire and Rescue Service (Davidson)	Worksession
	<u>PHED</u> (7) • Recreation (Yao) (8) • CIP Amendments: Recreation (Yao) <u>T&E</u> (9) • Utilities (Levchenko) <u>HHS</u> (10) • Human Rights Commission (Yao)	Deferred
	12:00 - DISCUSSION - Bi-County budgets (Farber)	Discussion
	12:30 ADJOURN	
	3:00 MEETING with Prince George's County Council regarding Bi-County Budgets (Farber) (<i>Montgomery County hosting at WSSC Headquarters in Laurel</i>)	Held meeting
PS/T&E	10:00 AM - 7CHR To be televised live on County Cable Montgomery	
May 8	• PROPOSED CLOSED SESSION for the purpose of considering acquisition of real property for a public purpose and matters related directly thereto, pursuant to Maryland Code, State Government Article, §10-508 (a)(3). Topic is GE Tech Park acquisition. (<i>6th floor Conference Room</i>) (McMillan)	Held closed session
	(1) • Supplemental appropriation and CIP amendment - Property Use/Smart Growth Initiative - \$12,893,000 for Public Safety Headquarters (GE Tech Park Building) (McMillan)	Recommended approval

FRIDAY, MAY 8, 2009

RES/ORD	SUBJECT	ACTION
PS/T&E	10:00 AM - 7CHR, <i>continued</i>	
May 8	(2) • Bill 14-09 , Special Capital Improvements Project - Public Safety Headquarters, sponsored by the Council President at the request of the County Executive (McMillan) (3) • Amendment to the County Government's FY09-14 Capital Improvements Program for the Department of Police - First District Police Station - Property Use/Smart Growth Initiative projects (McMillan)	Recommended approval
T&E	11:00 AM - 7CHR	
May 8	(1) • General Services: Fleet and Motor Pool Fund Contribution NDA (<i>continued</i>) (Farg)	Worksession
MFP	1:30 PM - 7CHR <i>To be televised live on County Cable Montgomery</i>	
May 8	<u>FY09 Operating Budget</u> (1) • Action - Compensation and Benefits (all agencies) (Farber)	Worksession
	(2) • Expedited Bill 10-09 , Personnel - Retirement Incentive Program (<i>continued</i>) (Drummer)	Recommended deferral
	(3) • Action - Collective Bargaining Agreements (Faden/Drummer) (4) • Property Tax options (Sherer) (5) • Property Tax Credit for Income Tax Offset (Faden)	Worksession
	(6) • Expedited Bill 15-09 - Recordation Tax - Use of Revenue (Faden) (7) • Expedited Bill 16-09 - Room Rental and Transient Tax - Amendments (Faden)	Recommended approval with amendments
	(8) • Expedited Bill 18-09 , Personnel - Retirement - Imputed Compensation (Drummer)	Worksession to be continued 5/11/09
	(9) • Bill 19-09 , Board of Investment Trustees - Membership (Drummer)	Recommended approval with amendments
COUNCIL MEETING MONDAY, MAY 11, 2009		
	9:30 WORKSESSION - FY10 Operating Budget	
	<u>HHS</u>	
	(1) • Department of Health and Human Services (McMillan/Yao) (2) • NDA: Arts and Humanities Council (Davidson)	Worksession
	(3) • NDA: Community Grants (Fitzgerald-Bare) (4) • CIP adjustment : Cost Sharing, and State Match community grants (Fitzgerald/Bare)	Deferred to 5/12/09
	<u>T&E</u>	
	(5) • General Services: Fleet Management (Farg) and Motor Pool Fund Contribution NDA	Worksession
	<u>MFP</u>	
	(6) • NDA: Leases (Sherer)	
	<u>ED</u>	
	(7) • Montgomery County Public Schools (McGuire)	

MONDAY, MAY 11, 2009

RES/ORD	SUBJECT	ACTION
MFP	11:30 AM - 3CHR or immediately following morning session	
May 11	(1) • Expedited Bill 18-09 , Personnel - Retirement - Imputed Compensation (<i>continued</i>) (Drummer)	Worksession
	12:15 RECESS	
	1:30 WORKSESSION - FY10 Operating Budget (<i>continued</i>) <u>ED</u> (8) • CIP Amendments: MCPS (McGuire) <u>PHED</u> (9) • Recreation (Yao) (10) • CIP Amendments: Recreation (Yao) <u>T&E</u> (11) • Utilities (Levchenko) <u>HHS</u> (12) • Human Rights Commission (Yao) <u>PS</u> (13) • Fire and Rescue Service (<i>continued</i>) (Davidson)	Worksession
	5:00 ADJOURN	
TUESDAY, MAY 12, 2009		
	9:30 INVOCATION - Reverend Steve Robertson, Chevy Case Presbyterian Church, Chevy Chase	Invocation given by Reverend Steve Robertson
	9:35 PRESENTATIONS:	
	• Proclamation in recognition of the Springbrook Boys Basketball for winning the 4-A State championship by Councilmember Ervin	Proclamation presented
	• Proclamation in recognition of the Tree House Child Assessment Center by Councilmember Trachtenberg	Proclamation presented
	• Proclamation in recognition of the NIH Bicycle Commuter Club by Councilmember Trachtenberg	Proclamation presented
	10:00 GENERAL BUSINESS (Lauer)	
	A. Announcement - Agenda and Calendar Changes	Announced changes
(1)	B. Acknowledgement - Receipt of Petitions	Acknowledged petitions
	C. Action - Approval of Minutes: April 28, 2009	Approved (8y)*

TUESDAY, MAY 12, 2009

RES/ORD	SUBJECT	ACTION
	(2) 10:05 CONSENT CALENDAR	Approved (8y)*
	<p align="center">A. Introduction - <u>Special</u> appropriation to the Montgomery County Public Schools' FY09 Capital Budget - \$335,000 for the Current Replacements/Modernizations project (Walter Johnson HS) (Source: Contribution from the Bethesda Soccer Club) (McGuire)</p> <p align="center"><i>Public Hearing is scheduled for 6/9/09 at 1:30 pm.</i></p>	Introduced
16-947	<p align="center">B. Action - Resolution to authorize grant application request for Annual Transportation Plan & Clean Fuels, JARC & New Freedom Grants (Orlin)</p>	Adopted
16-948	<p align="center">C. Introduction/Suspension of Rules/Action - Resolution acknowledging election returns from Friendship Heights Village Council (Lauer)</p> <p align="center"><i>Request to suspend Rules of Procedure (Rule 7c) to allow immediate action.</i></p>	Introduced/ Suspended Rules/Adopted
16-949	(3) 10:10 ACTION - Confirmation of County Executive's appointment of Chief, Department of Fire and Rescue Services: Richard R. Bowers, Jr. (Ferber)	Adopted (8y)*
	10:15 DISTRICT COUNCIL SESSION	
	(4) A. Action - Resolution regarding request for waiver of filing fee: Dr. Benesh requests a partial waiver of filing fee for a new zoning application on a 16,552 s.f. property in Germantown (Zyontz)	Motion failed for lack of second
	10:20 LEGISLATIVE SESSION Day # 19	
	A. Introduction of Bills	
	B. Call of Bills for Final Reading	
	(5) <ul style="list-style-type: none"> • Expedited Bill 37-08, Personnel - Disability Retirement - Amendments (Drummer) <p align="center"><i>PS/MFP Committee recommends approval with amendments.</i></p>	Enacted (8y)*
	(5.1) <ul style="list-style-type: none"> • Bill 7-09, Schools and Camps - Workforce Investment Scholarship (Drummer) <p align="center"><i>PHED Committee recommends approval with amendments.</i></p>	Enacted (7y, DT ta)*
	12:00 RECESS 12:30 - <i>Brown Bag Lunch for Councilmembers to discuss budget and other issues (6CCR)</i>	Cancelled

TUESDAY, MAY 12, 2009

RES/ORD	SUBJECT	ACTION
	1:30 PUBLIC HEARING on the following: (Mihill) (6) • Bill 20-09 , Boards, Committees, and Commissions - Committee Evaluation Review Board (CERB) Recommendations (7) • Bill 21-09 , Boards, Committees, and Commissions - Amendments (8) • Resolution to repeal the Dickerson Area Facilities Implementation Group (9) • Resolution to implement recommendations of the Committee Evaluation Review Board (CERB) <i>MFP Committee worksession tentatively scheduled for 6/22/09.</i>	PH held; record open until COB 6/18/09
	(10) 2:15 OVERVIEW - Germantown Sector Plan	Overview
	2:45 WORKSESSION - FY10 Operating Budget <i>(continued)</i> Deferred items: (#3 from 5/11) • NDA: Community Grants (Fitzgerald-Bare) (#4 from 5/11) • CIP adjustment: Cost Sharing, and State Match community grants (Fitzgerald/Bare)	Worksession
	Add: (10.1) • Use of Housing Initiative Funds (HIF) for rental assistance (McMillan)	Worksession
	ADJOURN	
	(11) 7:30 PUBLIC HEARING - Germantown Sector Plan	PH held; record open until COB 5/29/09
MFP	9:00 AM - 7CHR	
May 13	(1) • Expedited Bill 18-09 , Personnel - Retirement - Imputed Compensation <i>(continued)</i> (Drummer)	Recommended approval with amendments
	Added: (2) • Expedited Bill 4-09 , Development Impact Tax - Deferral (Faden/Orlin)	Recommended deferral; back to MFP late June
COUNCIL MEETING		
WEDNESDAY, MAY 13, 2009		
	(1) 9:30 BRIEFING - Third quarterly analysis of FY09 revenues and expenditures by the Office of Management and Budget and the Department of Finance (Farber)	Received briefing
	(2) STATUS REPORT - Overview of FY10 revenues and expenditures (Farber)	Received update

WEDNESDAY, MAY 13, 2009

RES/ORD	SUBJECT	ACTION
	(3) CONSENT CALENDAR	Approved (8y)*
16-950	<p align="center">A. Introduction/Suspension of Rules/Action - Resolution acknowledging election returns from Village of Drummond (Lauer) <i>Request to suspend Rules of Procedure (Rule 7c) to allow immediate action.</i></p>	Adopted
	<p align="center">B. Introduction - Supplemental appropriation to the County Government's FY09 Operating Budget, Department of Transportation, Division of Transit Services - \$382,000 for FFY2007 Transit Security Grant Program (Source: Federal grant) (Orlin) <i>Public Hearing/Action is scheduled for 6/9/09 at 1:30 pm.</i></p>	Introduced
16-951	<p align="center">C. Action - Resolution to amend FY10 Transportation Fees, Charges, and Fares (Orlin) <i>T&E Committee recommends approval with amendments.</i></p>	Adopted
16-952	<p align="center">D. Action - Resolution to revise Taxicab Fees (Orlin) <i>T&E Committee recommends approval with amendments.</i></p>	Adopted
16-953	<p align="center">E. Action - Resolution to establish FY10 Solid Waste Service Charges (Levchenko) <i>T&E Committee recommends approval.</i></p>	Adopted
16-954	<p align="center">F. Action - Resolution to establish FY10 Water Quality Protection Charge (Levchenko) <i>T&E Committee recommends approval with amendments.</i></p>	Adopted
16-955	<p align="center">G. Action - Resolution to approve WSSC System Development Charge (Levchenko) <i>T&E Committee recommends approval.</i></p>	Adopted
	LEGISLATIVE SESSION Day # 20	
	A. Introduction of Bills	
	B. Call of Bills for Final Reading	
	<p>(4) • Expedited Bill 15-09 - Recordation Tax - Use of Revenue (Faden) <i>MFP Committee recommends approval with amendments.</i></p>	Deferred action until 5/19/09
	<p>(5) • Expedited Bill 16-09 - Room Rental and Transient Tax - Amendments (Faden) <i>MFP Committee recommends approval with amendments.</i></p>	Enacted (8y)*

WEDNESDAY, MAY 13, 2009

RES/ORD	SUBJECT	ACTION
	LEGISLATIVE SESSION Day # 20	
	(6) • Expedited Bill 4-09 , Development Impact Tax - Deferral (Faden) <i>MFP Committee recommends approval with amendments.</i>	Deferred until receipt of fiscal impact information from Executive
	WORKSESSION/ACTION on the following:	
	(7) A. Compensation and Benefits (all agencies)	Worksession
16-956	(8) B. Resolution to indicate Council's intention regarding the actions necessary to implement the Collective Bargaining Agreement with the Fraternal Order of Police, Lodge 35 (Faden/Drummer)	Adopted
16-957	(9) C. Resolution to indicate Council's intention regarding the actions necessary to implement the Collective Bargaining Agreement with the Montgomery County Career Fire Fighters Association of the International Association of Fire Fighters, Local 1664, AFL-CIO (Faden/Drummer)	Adopted
16-958	(10) D. Resolution to indicate Council's intention regarding the actions necessary to implement the Collective Bargaining Agreement with the Municipal & County Government Employees' Organization, Local 1994 (Faden/Drummer)	Adopted
	LEGISLATIVE SESSION Day # 20 (continued)	
	B. Call of Bills for Final Reading (<i>continued</i>)	
	(11) • Expedited Bill 18-09 , Personnel - Retirement - Imputed Compensation (Drummer) <i>MFP Committee recommendation will be available 5/12/09.</i>	Enacted (7y, PA n)*
	(12) • Bill 19-09 , Board of Investment Trustees - Membership (Drummer) <i>MFP Committee recommends approval with amendments.</i>	Enacted (8y)*
	(13) • Expedited Bill 10-09 , Personnel - Retirement Incentive Program (Drummer) <i>MFP Committee recommends deferral.</i>	Deferred action
16-959	(14) ACTION - Supplemental appropriation and amendment to the FY09-14 Capital Improvements Program of the Montgomery County Government - Property Use/Smart Growth Initiative; \$12,893,000 for the Public Safety Headquarters (GE Tech Park Building) (McMillan) <i>PS/T&E Committee recommends approval with amendments.</i>	Adopted (8y)*

WEDNESDAY, MAY 13, 2009

RES/ORD	SUBJECT	ACTION
16-960	(15) ACTION - Amendment to the County Government's FY09-14 Capital Improvements Program for the Department of Police - 1st District Police Station - Property Use/Smart Growth Initiative projects (McMillan) <i>PS/T&E Committee recommends approval.</i>	Adopted (8y)*
	LEGISLATIVE SESSION Day # 20 (continued)	
	B. Call of Bills for final reading (<i>continued</i>):	
	(16) • Bill 14-09 , Special Capital Improvements Project - Public Safety Headquarters (McMillan) <i>PS/T&E Committee recommends approval with amendments.</i>	Enacted as an expedited bill (8y)*
	ADJOURN	
COUNCIL MEETING THURSDAY, MAY 14, 2009		
	10:00 WORKSESSION - FY10 Capital and Operating Budgets	
	(1) • Capital Budget Wrap-Up and CIP Reconciliation (Orlin)	Worksession
	ADJOURN	
COUNCIL MEETING MONDAY, MAY 18, 2009		
	REVISED	
	11:00 PROPOSED CLOSED SESSION for the purpose of consulting with counsel to obtain legal advice, and to consult about pending or potential litigation, pursuant to Maryland Code, State Government Article, §10-508 (a) (7) and (8). Topic is education funding. (<i>6th floor Conference Room</i>) (Faden)	Closed session
COUNCIL MEETING THURSDAY, MAY 21, 2009		
	9:00 LEGISLATIVE SESSION Day # 22	
	A. Introduction of Bills	
	B. Call of Bills for Final Reading	
	(23) • Expedited Bill 15-09 - Recordation Tax - Use of Revenue (Faden) <i>MFP Committee recommends approval with amendments.</i>	Enacted (8y)*

THURSDAY, MAY 21, 2009

RES/ORD	SUBJECT	ACTION
	9:05 ACTION - Approval Resolutions for the FY10 Capital Budget and for amendments to the FY09-14 Capital Improvements Program:	
16-961	1) County Government (Orlin)	Adopted
16-962	2) Montgomery County Public Schools (Levchenko/McGuire)	Adopted
16-963	3) Montgomery College (Sherer)	Adopted
16-964	4) Maryland-National Capital Park and Planning Commission (Michaelson)	Adopted
16-965	5) Revenue Authority (Foster)	Adopted
16-966	6) Housing Opportunities Commission (McMillan)	Adopted
16-967	7) Aggregate Capital Budget for County General Obligation Bonds (Orlin) - Spending Affordability Guidelines	Adopted
16-968	8) Aggregate Capital Budget for Park and Planning Bonds (Orlin) - Spending Affordability Guidelines	Adopted
16-969	9) FY10 State Participation (Orlin)	Adopted
	ACTION - Approval Resolutions for FY10 Operating Budget:	Adopted
16-970	10) County Government (McMillan/Levchenko)	Adopted (7y, MK n)*
16-971	11) Montgomery County Public Schools (McGuire)	Adopted (7y, MK n)*
16-972	12) Montgomery College (Sherer)	Adopted
16-973	13) Maryland-National Capital Park and Planning Commission (Michaelson)	Adopted
16-974	14) Administrative Expense Budget of the Washington Suburban Transit Commission (Orlin)	Adopted
16-975	15) Aggregate Operating Budget (Sherer) - Spending Affordability Guidelines	Adopted Adopted
	ACTION - Resolutions to Approve:	
16-976	16) WSSC - FY10-15 Capital Improvements Program (Levchenko)	Adopted
16-977	17) WSSC - FY10 Capital and Operating Budgets (Levchenko)	Adopted
16-978	18) Cable Television Communications Plan (Toregas)	Adopted
	ACTION:	
16-979	19) Resolution to establish the FY10 Property Tax Rates (Sherer)	Adopted
16-980	20) Resolution to authorize the substitution of Current Revenue for General Obligation Bonds in FY10 (Orlin)	Adopted
16-981	21) Resolution to set amount of Property Tax Credit for Income Tax Offset (Faden)	Adopted

THURSDAY, MAY 21, 2009

RES/ORD	SUBJECT	ACTION
	(22) CONSENT CALENDAR	Approved (8y)*
	<p>A. Introduction - Supplemental appropriation to the Montgomery County Public Schools' FY09 Operating Budget - \$2,910,000 and a categorical transfer of \$600,000 for the Provision for Future Supported Projects (Source: Federal and State grants) (McGuire)</p> <p style="text-align: center;"><i>Public Hearing is scheduled for 6/9/09 at 1:30 pm.</i></p>	Introduced
16-982	<p>B. Action - Resolution to amend Resolution 16-577 for the FY09 Designation of Entities for Non-Competitive Award Status for the following: (McMillan)</p> <ul style="list-style-type: none"> • Montgomery County Coalition for the Homeless, Inc. • Interfaith Works, Inc. • African American Festival of Academic Excellence 	Adopted
16-983	<p>C. Action - Executive Regulation 6-09, System Benefit Charges - Residential Waste Estimates (Levchenko)</p>	Adopted
16-984	<p>D. Action - Confirmation of County Executive appointment to the Agricultural Preservation Advisory Board: Robert F. Cissel Jr. (Ferber)</p>	Adopted
16-985	<p>E. Action - Confirmation of County Executive appointments to the Commission on Children and Youth: Isabel M. Estrada-Portales, Indira Aisa Shaik, Deatrice V. Williams, Kelcey R. Klass, Diane H. Laviolette, Jeanne H. Ellinport, Christopher Michael DiMisa, Julia Strauss, Eleanor Katz, Adrienne Lane, Savonna Keller, Jodie-Ann K. Asher, Adam Kopp (Ferber)</p>	Adopted
16-986	<p>F. Action - Confirmation of County Executive appointments to the East County Citizens Advisory Board: Thomas J. Aylward III, Peter Myo Khin, Odessa Shannon, Allan Mulligan, Benoy Thomas, John P. Thomas (Ferber)</p>	Adopted
16-987	<p>G. Action - Confirmation of County Executive appointment to the Friendship Heights Transportation Management District Advisory Committee: Tiffany L. Gee (Ferber)</p>	Adopted
16-988	<p>H. Action - Confirmation of County Executive appointments to the Strathmore Hall Foundation Board of Directors: Delia "Dede" K. Lang, Dianne G. Kay (Ferber)</p>	Adopted
16-989	<p>I. Action - Confirmation of County Executive appointment to the Victim Services Advisory Board: George Simms, III (Ferber)</p>	Adopted

THURSDAY, MAY 21, 2009

RES/ORD	SUBJECT	ACTION
16-990	J. Action - Confirmation of County Executive appointment to the Washington Suburban Sanitary Commission: Adrienne A. Mandel (Ferber)	Adopted
	K. Introduction - Supplemental appropriation to the County Government's FY09 Operating Budget, Department of Police, Motor Pool Fund Contribution Non-Departmental Account - \$2,907,250 for the Expansion of the Speed Camera Program (Source: General Fund) (McMillan) <i>Public Hearing is scheduled for 6/9/09 at 1:30 pm.</i>	Introduced
	L. Introduction - Supplemental appropriation to the County Government's FY09 Operating Budget, Department of Economic Development - \$1,301,992 for the U.S. Department of Labor for Workforce Development through the Maryland Department of Labor, Licensing, and Regulation Grant Award (Source: Federal via State Grant Funds) (Ferber) <i>Public Hearing/Action is scheduled for 6/9/09 at 1:30 pm.</i>	Introduced
	M. Introduction - Supplemental appropriation to the County Government's FY09 Operating Budget, Montgomery County Board of Elections - \$1,300,000 for Special Election Costs (Source: General Fund) (Mihill) <i>Public Hearing is scheduled for 6/9/09 at 1:30 pm.</i>	Introduced
	N. Introduction - Supplemental appropriation to the County Government's FY09 Capital Budget, Department of Transportation - \$685,000 for White Oak Transit Center (Source: G.O. Bonds) (Orlin) <i>Public Hearing is scheduled for 6/9/09 at 1:30 pm.</i>	Introduced
	O. Introduction - Supplemental appropriation to the County Government's FY09 Operating Budget, Departments of Transportation and General Services - \$9,256,540 for Snow Removal/Wind and Rain Storm Cleanup (Source: General Fund) (Orlin) <i>Public Hearing is scheduled for 6/9/09 at 1:30 pm.</i>	Introduced
	DISTRICT COUNCIL SESSION	
16-991	(24) A. Action - Resolution to establish public hearing on the Wheaton CBD Sector Plan Sectional Map Amendment (G-883) for June 30, 2009 at 1:30 pm. (Michaelson)	Adopted (8y)*
	ADJOURN	

*y=yes; n=no; ta=temporarily absent