

COUNCIL COMING ATTRACTIONS



Week of July 24, 2017

**Minimum Wage, Human Trafficking Prevention, Taxicab Licenses, Dog Parks
and Pubic Campaign Financing**



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> .

Also 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> .

-  On July 25, the Council session will begin at 1:30 p.m.
-  Council President Roger Berliner will present a proclamation recognizing National Farmers Market Week.

COUNCIL

Zoning Text Amendment 17-06, Agricultural Zone – Transfer of Development Rights (TDR) Requirements

The Council is scheduled to introduce ZTA 17-06. Councilmember Floreen is the lead sponsor. A public hearing is scheduled for Sept. 12 at 1:30 p.m. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5034&meta_id=141952 .

ZTA 17-06 would amend the Agricultural Reserve (AR) zone. It would replace the “Farm Tenant Dwelling” use with a “Farm Labor Housing Unit” and would define that use as:

“A dwelling unit accessory to the farm and under the control of the owner or operator of the farm on which the dwelling unit is located and occupied by an agricultural worker actively engaged in farming on a full-time or part-time basis. Farm Labor Housing Unit includes up to three mobile homes.”

- Under ZTA 17-06, certain Farm Labor Housing Units would be excluded from the calculation of density in the subdivision process under certain circumstances. The effect of this proposed exclusion allows the property owner to have a subdivision approved without a retained Transfer of Development Right (TDR) for the excluded units.

Bill 26-17, Forest Conservation – Amendments

The Council is scheduled to introduce Bill 26-17. Council President Berliner is the lead sponsor, at the request of the Planning Board. A public hearing is scheduled for Sept. 19 at 1:30 p.m. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5034&meta_id=141976 .

Bill 26-17 would:

- require certain administrative and minor subdivisions to comply with the Forest Conservation Law;
- subject certain conditional uses to the Forest Conservation Law;
- require park development plans to comply with the Forest Conservation Law;
- exempt certain modifications to existing residential development property under certain circumstances;
- require certain projects requiring sketch plan approval to submit a forest stand delineation;
- modify the process for submitting a forest stand delineation;
- alter the maintenance period for forest conservation plans for certain areas;
- remove the requirement that tree variances be referred to the County arborist for recommendation; and
- generally amend laws related to forest conservation.

Bill 27-17, Human Rights and Civil Liberties – Human Trafficking Prevention Committee – Established

The Council is scheduled to introduce Bill 27-17. Council President Berliner is the lead sponsor, at the request of the Executive. A public hearing is scheduled for Sept. 19 at 1:30 p.m.

The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5034&meta_id=141978 ,

Bill 27-17 would establish the Human Trafficking Prevention Committee and define its membership, duties and responsibilities.

- The County currently has a Human Trafficking Task Force that meets to develop methods of preventing human trafficking in the County; however, it is unable to officially advise the Executive or the Council because it is not a permanent committee created by law.
- The Task Force also would like to be able to work with the Commission for Women to raise and spend money on human trafficking related issues. Bill 27-17 would establish a permanent committee with 15 voting members appointed by the Executive subject to Council confirmation.

 **Bill 28-17, Human Rights and Civil Liberties – County Minimum Wage – Amount – Annual Adjustment**

The Council is scheduled to introduce Bill 28-17. Councilmember Elrich is the lead sponsor. Councilmembers Leventhal, Riemer, Hucker and Navarro are cosponsors. A public hearing will be scheduled at a later date. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/Viewer.php?view_id=169&event_id=5034&meta_id=141980 .

Bill 28-17 would: increase the County minimum wage for many workers to \$15 per hour by 2020; require the Chief Administrative Officer to adjust the County minimum wage rate each year; and require the Office of Legislative Oversight to conduct an annual analysis of the impact of the County minimum wage. The current minimum wage in the County is \$11.50 per hour. There are no requirements in County law for further minimum wage increases.

- In January the Council enacted Bill 12-16, which would have extended the incremental minimum wage increases in County law to \$15 by 2020 for many employees. The scheduled increases under Bill 12-16 were based on the size of the employer. Workers whose employers had 26 or more employees would reach \$15 per hour by 2020. Employers with 25 or fewer employees would reach \$15 by July 1, 2022. Bill 12-16 also would have required, beginning in 2023, annual adjustment to the minimum wage by the annual average increase, if any, in the Consumer Price Index for urban wage earners and clerical workers for the previous calendar year. This bill also included a “safety-valve” provision that would have allowed the Executive to pause the implementation of a scheduled increase under certain adverse economic conditions. On January 23, 2017 the Executive vetoed Bill 12-16.
- Bill 28-17 would replicate the changes that would have been implemented under Bill 12-16, with key differences.
 - Under Bill 28-17, two additional classes of employers would be subject to the slower phase-in schedule for smaller employers (i.e., \$15.00/hour by 2022). This schedule would apply to employers who: (1) employ 25 or fewer employees; (2) have tax exempt status under Section 501(c)(3) of the Internal Revenue Code; or (3) provide “home health services” or “home or community-based services,” as defined under federal Medicaid regulations, and receive at least 75 percent of gross revenues through state and federal medical programs. The third group (Medicaid funded employers) would have to be determined eligible by the Office of Human Rights.
- Bill 28-17 would retain the annual adjustment based on increases in the Consumer Price Index and the requirement that the Office of Legislative Oversight provide the Council with an annual analysis of the impact of the County minimum wage on the local economy. The Bill also includes the “safety-valve” provisions of Bill 12-16, which allows the Executive to temporarily suspend scheduled increases during the phase-in.

 **Expedited Bill 20-17, Taxicabs – Licenses**

The Council is scheduled to vote on Expedited Bill 20-17. The Transportation, Infrastructure, Energy and Environment (T&E) Committee (2-0) recommends enactment of Expedited Bill 20-17. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/Viewer.php?view_id=169&event_id=5034&meta_id=141984 .

Expedited Bill 20-17 provides that any applicants approved for issuance of a taxicab license, under Section 3 of Chapter 39 of the Laws of Montgomery County 2015, must be issued a license if the applicant:

- ✓ notifies the Department of Transportation of its intention to place a vehicle in service under this Section;
- ✓ is a qualified applicant under Chapter 53; and
- ✓ places a taxicab in service no later than January 31, 2019.

- In 2015 the Council enacted Expedited Bill 53-14, Taxicabs – Licenses – Vehicle Requirements – Driver Identification Cards. The law substantially revised the County’s regulation of the taxicab industry. One of the objectives of the law was to increase the number of accessible taxicabs serving County residents by specifically providing for the issuance of additional licenses for accessible taxicabs and requiring a plan to increase the number of accessible taxicabs Countywide.
- In addition to requiring a plan to increase the number of accessible taxicabs in the County, the law required the issuance of 100 new taxicab licenses.
- Of these licenses, many were approved for issuance but never issued because taxicab vehicles were not placed in service. Thus, the number of accessible taxicabs operating in the County has not increased since the enactment of the 2015 law.

 **Bill 21-17, Animal Control – Municipal Dog Exercise Area**

The Council is scheduled to vote on Bill 21-17. Councilmember Katz is the lead sponsor. Council President Berliner and Councilmembers Rice and Elrich are cosponsors. The Public Safety (PS) Committee recommends enactment. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5034&meta_id=141986 .

Bill 21-17 would allow a dog to be off leash if it is in an area that a municipality has identified as a dog exercise area and would amend the definition of at-large animals.

 **Expedited Bill 25-17, Elections – Public Campaign Financing – Amendments**

The Council is scheduled to vote on Expedited Bill 25-17. Councilmembers Navarro, Katz, Riemer and Elrich are the lead sponsors. The Government Operations and Fiscal Policy (GO) Committee recommends enacting Bill 25-17 as introduced. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5034&meta_id=141988 .

In 2014 the Council enacted Bill 16-14, Elections – Public Campaign Financing, which established the first public campaign financing system in Maryland. The law designates the Maryland State Board of Elections to certify candidates and generally administer the public campaign financing system. The Director of Finance is responsible for establishing a Public Election Fund and distributing the public contributions to certified candidates. The Council has appropriated approximately \$11 million for the Public Election Fund.

- In June the GO Committee received an update on the status of the public campaign finance system from David Crow, Department of Finance, and Jared DeMarinis, Director - Division of Candidacy and Campaign Finance for the State Board of Elections. The Committee discussed several issues that have arisen as the system goes through its initial election. The Committee decided to introduce legislation to resolve these outstanding issues for the 2018 election cycle. Expedited Bill 25-17 would resolve these issues.
- Expedited Bill 25-17 would:
 - permit a candidate to correct a mistake in an application for certification in a certain time;
 - clarify that a candidate may receive a matching public contribution during the general election for certain unmatched qualifying contributions received during the primary election; and
 - permit a candidate to use unspent funds returned to the County after an election as a credit against any repayment required for a public contribution mistakenly received.

 **Amendments to Ten-Year Comprehensive Water Supply and Sewerage Systems Plan: Creation of the South Overlea Drive Special Sewer Service Area and Associated Category Changes**

The Council is scheduled to vote on amendments to the Ten-Year Comprehensive Water Supply and Sewerage Systems Plan: Creation of the South Overlea Drive Special Sewer Service Area and

associated category changes. The Transportation, Infrastructure, Energy & Environment (T&E) Committee recommends approval. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5034&meta_id=141982.

- On April 27 the Executive transmitted his recommendation to create a special sewer service area along Overlea Drive in the Glen Hills area of Potomac. In total 24 lots were reviewed.
- The recommended special sewer service area includes 16 of the lots reviewed of which 13 are recommended for sewer category changes from S-6 to S-3 (restricted to single sewer hookups only). Three others already have S-1 or S-3 designations. Two other properties not in the special sewer service area are recommended for category S-1 corrections since they have existing sewer service. The requests and recommendations are summarized in the Council staff report.

Executive Regulation 6-17, Childcare Regulations for Before and After School Childcare Programs in Public Schools

The Council is scheduled to vote on Executive Regulation 6-17. The HHS/ED Committee recommends approval. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5034&meta_id=141990.

The proposed regulation implements Resolution No. 19-13, which was adopted by the Board of Education on January 8, 2013. Resolution No. 19-13 delegates the authority to schedule the before and after school child care programs in Montgomery County Public School facilities to the Interagency Coordinating Board for the Community Use of Public Facilities.

Montgomery County Business Portal

The Council is scheduled to receive a briefing on the County's business portal from Lily Qi, Assistant Chief Administrative Officer, and Judy Stephenson, Small Business Navigator. In June the County launched its business portal, which is a gateway to government services and information related to doing business in the County. It is modeled after national, best practices and based on input from a 2016 survey on improving government services for businesses. Integrating information from multiple County departments, the business portal is a single point of entry that aims to further streamline County services and operations to make it easier to start and grow a business in the County. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5034&meta_id=141992.

Supplemental Appropriation and CIP Amendment – Department of Recreation: \$6,582,000 for Wall Park Garage and Park Improvements (GO Bonds)

The Council is scheduled to hold a public hearing and vote on a supplemental appropriation for \$6,582,000 for the Wall Park garage and park improvements. The Planning, Housing and Economic Development (PHED) Committee recommends approval. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5034&meta_id=141994.

The appropriation for this project will fund the relocation of surface parking from the Wall Park and Kennedy Shriver Aquatic Center (KSAC) to an adjacent parking garage on private property, as suggested by the White Flint Sector Plan. This increase is needed because the relocation of the surface parking to a parking garage will provide for an urban park with amenities in an area with significant multi-family residential development. This appropriation will facilitate development that will provide the opportunity for the County to obtain right-of-way through dedication from the Maryland-National Capital Park and Planning Commission.

- Upon completion of the garage project the County will own 30 percent of the parking spaces under a condominium regime that affords voting rights and ownership to the County for a specific portion of the garage.

- This recommended amendment is consistent with the criteria for amending the CIP because it offers the opportunity to achieve significant savings through a public private partnership that takes advantage of economies of scale, which will provide the parking garage at a lower cost than if the County had to build its own garage.

 **Special Appropriation to MCPS' FY18 Operating Budget – \$2,186,180 for Head Start Program Expansion (General Fund Reserves)**

The Council is scheduled to hold a public hearing and vote on a special appropriation to the FY18 Operating Budget to implement the Head Start program expansion. The Education (ED) Committee recommends approval with an amendment to the source of funds. The Board of Education requested this appropriation on June 29. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5034&meta_id=141996 .

As part of its final action on the FY18 budget, the Council supported the Executive's recommended appropriation for early childhood education services in both the County Government and MCPS budgets and took action to expand these services by appropriating an additional:

- \$2,186,180 to the Montgomery County Department of Health and Human Services (DHHS) budget to expand 10 MCPS Head Start classrooms from half-day to full-day programming;
- \$342,000 for community-based Pre-Kindergarten (Pre-K) services delivered by Centro Nia to accommodate an additional 40 three- and four-year-olds; and
- \$50,000 for higher education scholarships for child care providers to build a quality workforce to expand Pre-K services.

The additional funding to expand MCPS Head Start classrooms to full-day was appropriated to the DHHS budget since the Community Action Agency in DHHS is the recipient of federal Head Start funds. MCPS is the implementing agency for Head Start funds in the County, and it was the Council's intention that MCPS would implement the program expansion in conjunction with the existing Head Start programs. MCPS currently operates 34 Head Start classrooms, with 17 full school-day programs and 17 half-day programs. The additional funding will bring 27 of the 34 MCPS Head Start classes to full school-day programs, impacting 200 students. In preparing to implement the program expansion for the upcoming school year, MCPS has determined that it requires appropriation authority from the Council to spend these dollars. Thus, the Board of Education requested a supplemental appropriation of \$2,186,180 for the MCPS FY18 Operating Budget. The Board's request would not require the appropriation of any new dollars; instead, it would allow MCPS to receive and spend the additional Head Start dollars.

COMMITTEE

 **Police Community Engagement Initiatives**

On July 24 at 9:30 a.m. the Public Safety (PS) Committee will receive an update from Assistant Chief Darryl McSwain and Captain Marc Yamada, Director of Community Engagement Services, on community engagement initiatives in the Police Department. These activities have been expanded to provide enhanced communication with community members. In addition the FY18 operating budget included two new patrol officers to work exclusively with community services. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5978&meta_id=141939 .

 **Center for Science in the Public Interest on Menu Labeling and Restaurant Children's Meals**

On July 24 at 9:30 a.m. the Health and Human Services (HHS) Committee will get an update from the Center for Science in the Public Interest (CSPI) on menu labeling and restaurant children's meals. Dr. Margo G. Wootan, D.Sc., Director of Nutrition Policy, CSPI, and Melvin R. Thompson,

Senior Vice President for Governmental Affairs and Public Policy, Restaurant Association of Maryland, are expected to attend the meeting.

- CSPI brief, “Serve Kids Better, Healthy Restaurant Children’s Meals Improve Children’s Diets and Health,” notes that a 2015 report found 89 percent of parents reported making a purchase from a fast food restaurant for their children in the previous week.
 - ✓ This emphasizes the importance of healthier food choices. There is a high likelihood that children will eat fast food at some point during a given week and that, according to a 2016 survey, parents are more likely to order a fast food kids’ meal for a younger child (age 2-5) compared to an older child (age 6-11).
- Dr. Wootan also will discuss the delay in the federal requirements for menu labeling. The implementation of these rules was to take effect May 5, 2017, after a previous delay. Since the County has implemented local menu labeling requirements, the impact of the delay does not change the requirements for restaurants in the County (that have more than 20 locations in the United States). However, the delay means that establishments exempt from County law, such as grocery stores, convenience stores and movie theaters, will still not have requirements to show calorie and other information.

The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5979&meta_id=141870 .



2017-2019 Community Health Improvement Plan (Healthy Montgomery)

The Committee also will discuss Healthy Montgomery, which is the County’s community health improvement process. Uma Ahluwalia, Director, Department of Health and Human Services (DHHS) and Jackie De Carlo, Co-Chair, Healthy Montgomery Steering Committee, are expected to attend the meeting. Healthy Montgomery is an ongoing effort that brings together County government agencies, County hospital systems, minority health programs/initiatives, advocacy groups, academic institutions, community-based service providers and other stakeholders to achieve optimal health and well-being for County residents. Healthy Montgomery’s goals are to improve access to health and social services, achieve health equity for all residents, and enhance the physical and social environment to support optimal health and wellbeing. Healthy Montgomery’s top-ranked priority areas are obesity, behavioral health, diabetes, cardiovascular disease, cancer and maternal and infant health. Councilmember Leventhal serves as co-chair for the Healthy Montgomery Steering Committee.

- On April 24 Healthy Montgomery issued its 2017-2019 Community Health Improvement Plan. The Committee will receive a presentation on the background data on health conditions in the County and the three priority strategies for 2017-2019.

The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5979&meta_id=141872 .



Heroin/Opioid/Narcan Use

On July 24 at 10:45 a.m. the PS and HHS Committees will meet jointly to receive an update from the Police Department and Fire Rescue Services on the impact of opioid use in the County. The following individuals are expected to attend the meeting: Scott Goldstein, Chief, Montgomery County Fire and Rescue Service (MCFRS); Russell Hamill, Assistant Chief, Montgomery County Police Department (MCPD); Betsy Davis, Assistant Chief, MCPD; Paul Liquorie, Captain, Special Investigations Division, MCPD; John Kinsley, Chief MCFRS; and Dr. Raymond Crowel, Health and Human Services, Chief, Behavioral Health and Crisis Services. The topics that will be covered include: statistics on the number of overdose calls, arrests and Narcan administration; information on the synthetic opiates now available, such as Fentanyl; and the potential dangers to first responders from handling these drugs. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5978&meta_id=141943 .

Medically Supervised Opioid Treatment in the County

The Committees will receive a briefing from Steven Rausher, Council Summer Associate, on his background research regarding heroin and opiate related deaths, the different medically supervised Opioid treatment programs in the County, and the differences in the medications that may be used in these programs. He will also provide recommendations for the Committees to review. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5978&meta_id=141868 .

Bill 4-17, Economic Development Fund – Small Business Assistance Program – Amendments

On July 24 at 2 p.m. the Planning, Housing and Economic Development (PHED) Committee will review Bill 4-17. Councilmember Elrich is the lead sponsor. Councilmembers Floreen, Katz, and Rice are cosponsors. Alex Espinosa, Director, Department of Finance, and Peter McGinnity, Management and Budget Specialist, Department of Finance, are expected to attend the meeting. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5980&meta_id=141874 .

Bill 4-17 would expand the eligibility for grants or loans under the small business assistance program to a business adversely impacted by a County redevelopment project located in a Parking Lot District. The Bill would also expand the definition of a County redevelopment project to include a project constructed by a private entity for use, in whole or in part, by the County as a public facility.

- The Council unanimously enacted Bill 6-12 in 2012 to establish a program to assist small businesses located in either an enterprise zone or an urban renewal area of the County that are adversely impacted by a County redevelopment project or a redevelopment project located on County property. Councilmember Nancy Navarro was the lead sponsor of Bill 6-12. Council President Berliner and Councilmembers Floreen and Leventhal were cosponsors.
- Bill 6-12 required the Director of the Department of Economic Development to create and operate the program, which was transferred to the Director of Finance as part of the law creating the Montgomery County Economic Development Corporation and eliminating the Department of Economic Development. Subject to Council appropriation, the Director may award a grant or loan from the Economic Development Fund (EDF) to an eligible small business and provide technical assistance and training to a small business receiving financial assistance under the program.

Montgomery County Planning Board Regulations 17-02, Administrative Procedures for Development Review

The PHED Committee also will review Planning Board Regulations 17-01, Administrative Procedures for Development Review. The staff report including a summary of proposed changes can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=5980&meta_id=141876 .

The proposed regulation is an update to the Planning Board's existing "Manual of Development Review Procedures" that was adopted and approved in 2007 under Method 2 (Regulation 07-01 – amended by Regulation 08-01). Most of the requirements remain the same, although they have been completely reorganized and reformatted in this regulation. The purpose of the proposed regulation is to clearly explain the overall regulatory review process for applicants, staff and interested parties. It establishes standards and procedures for the timely submission of relevant information by applicants and review by participating staff. The regulation also provides for timely participation by interested parties before action is taken.