

COUNCIL COMING ATTRACTIONS



Week of Nov. 4, 2019

Vape-Free Montgomery, Minimum Work Week for Building Maintenance Workers, CROWN Act Natural Hairstyles, Racial Equity and Social Justice Act, Affordable Housing Targets, Wheaton Community Recreation Center, Housing Initiative Fund, Transportation Demand Management

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> .

- 🕒 The Council will meet on Tuesday, Nov. 5 at 10 a.m.
- 🕒 Councilmember Craig Rice and County Executive Marc Elrich will present a proclamation recognizing November as Carbon Monoxide Awareness Month.

COUNCIL

Resolution to support Metropolitan Washington Council of Governments' regional housing targets for Montgomery County

On Nov. 5 at 10:20 a.m. the Council is scheduled to vote on a resolution to support the Metropolitan Washington Council of Governments' (MWCOG) regional housing targets for Montgomery County. Council President Nancy Navarro is the lead sponsor of this resolution. All other Councilmembers are cosponsors. In 2019, MWCOG analyzed and reviewed cooperative employment and housing forecasts in the region. Employment growth is currently outpacing housing. Insufficient housing impacts housing affordability and undercuts economic development that relies on an available workforce. In addition, regional transportation systems are strained as workers commute long distances. MWCOG has adopted three regional housing targets:

- add at least 320,000 housing units to the region between 2020 and 2030;
- at least 75 percent of new housing should be in activity centers or near high-capacity transit; and
- at least 75 percent of new housing should be affordable to low- and middle-income households.

The new housing target is 75,000 more units than the current regional forecast and allocates 10,000 of these additional units to Montgomery County (including a portion in the City of Gaithersburg and the City of Rockville). The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191105/20191105_2B.pdf

FY21 Washington Suburban Sanitary Commission Spending Control Limits

The Council is scheduled to vote on the fiscal year 2021 (FY21) Washington Suburban Sanitary Commission (WSSC) spending control limits. WSSC's spending control limits process was established in April 1994 via resolution by both Montgomery and Prince George's County Councils, with the goal of both Councils agreeing on certain budgetary limits by November 1 of each year. WSSC is the bi-county governmental agency charged with the responsibility of providing water and sanitary sewer service within the Washington Suburban Sanitary District, which includes most of Montgomery County and Prince George's County. The Transportation and Environment (T&E) Committee recommends enactment of the seven percent rate increase recommended by the County Executive and by the staffs of both the Montgomery County and Prince George's Council. The impact of this rate increase on the average residential account (assuming 165 gallons per day of water usage) would be approximately \$5.06 per month. Those expected to attend the meeting include the following: Fausto Bayonet, commissioner, WSSC; Howard Denis, commissioner, WSSC; T. Eloise Foster, commission vice-chair, WSSC; and Carla Reid, general manager and CEO, WSSC. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191105/20191105_3.pdf

Bill 12-19, Human Rights and Civil Liberties - Building Maintenance Worker - Minimum Work Week

The Council is scheduled to vote on Bill 12-19. Councilmember Hans Riemer is the lead sponsor. Councilmembers Will Jawando and Tom Hucker, Council President Nancy Navarro and Councilmember Craig Rice are cosponsors. Bill 12-19 would require an employer to provide a minimum work week of at least 30 hours for each employee working as a janitor, building cleaner, security officer, concierge, doorperson, handyperson or building superintendent at an office building occupying at least 350,000 square feet in the County. The bill would also apply to a County government employee working as a building maintenance worker in an office building of at least 350,000 square feet. The bill would not apply to a person working in a building owned by the United States, any state or any other local government. The goal of this bill is to increase the availability of full-time work with health insurance for the above types of workers. The Health and Human Services (HHS) Committee recommends enactment with the following amendments:

1. clarify that certain buildings that are not primarily used for offices are not covered locations;
2. permit a covered employer to reserve up to 30 percent of the available hours for part-time work of at least 20 hours per week;
3. limit application of the law to employees performing janitorial work;
4. limit application of the law to a building with an occupancy rate of 50 percent or more; and
5. delay the effective date until January 1, 2021.

The Council staff report can be viewed at:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191105/20191105_4A.pdf

#MinimumWorkWeek is being used for this bill on social media.

Bill 30-19, Human Rights and Civil Liberties - Race Discrimination - Protective Hairstyles (CROWN Act)

The Council is scheduled to vote on Bill 30-19, the CROWN Act, which would prohibit discrimination based on certain natural hairstyles. Councilmember Will Jawando and Council President Nancy Navarro are the lead sponsors. The CROWN Act would ensure that individuals who are discriminated against because of the appearance of their natural hair can seek a civil penalty of up to \$5,000 through the County's

Office of Human Rights. Montgomery County is the first local jurisdiction to introduce such legislation. The goal of this legislation is to prevent workplace and other forms of discrimination against people who wear such hairstyles including braids, locks, afros, curls and twists. The HHS Committee recommends enactment with amendments, which can be found on page 2 of the Council staff report. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191105/20191105_4B.pdf

#NaturalHairMoCo is being used for this bill on social media.

PUBLIC HEARINGS

Special appropriation to the County Government's FY20 Operating Budget, Department of Recreation – \$203,484 to provide Senior Adult Programming at the Wheaton Community Recreation Center

The Council will hold a public hearing on a special appropriation of \$203,484 to the County government's FY20 operating budget to provide senior adult programming at the Wheaton Community Recreation Center. This appropriation would fund personnel and operating costs effective December 2019 to include a recreational specialist, seasonal staffing, instructional costs, one-time equipment costs and a five-days-a-week senior nutrition program to implement senior adult programming at the Wheaton Recreation Center. The Council staff report will be available here on Monday, Nov. 4:

https://montgomerycountymd.gov/COUNCIL/Resources/Files/agenda/col/2019/20191105/20191105_AG.pdf

Special appropriation to the County Government's FY20 Operating Budget, Office of the Inspector General - \$272,881 for implementation of Bill 11-19, Administration - Internal Audit - Inspector General - Amendments

The Council will hold a public hearing on a special appropriation of \$272,881 for implementation of Bill 11-19, which does following: requires the Office of Internal Audit to prepare an annual work plan for approval of the Chief Administrative Officer and submit the work plan to the Council for comment; requires the Office to submit an annual report to the Inspector General (IG); requires the IG to conduct a risk analysis of the County's internal controls and processes, and based on the risk analysis, conduct a systematic rotating group by group review of the internal accounting and contracting processes and controls used by each department and principal office in the Executive Branch; and requires the IG to audit each completed County contract funded in the operating budget with a contract value greater than one million dollars. The Council's Audit Committee (which includes Council President Nancy Navarro, Councilmember Andrew Friedson and Council Vice President Sidney Katz) was the lead sponsor of Bill 11-19, which was enacted on Oct. 15. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191105/20191105_7.pdf

Zoning Text Amendment (ZTA) 19-06, Vape Shops

The Council will hold a public hearing on ZTA 19-06, which would prohibit vape shops that sell e-cigarettes and similar products from opening within half a mile of a middle or high school. It also would prohibit vape shops from allowing access to people under 21 years of age. Councilmembers Gabe Albornoz and Craig Rice are the lead sponsors. All other Councilmembers are cosponsors. The goal of this ZTA is to protect the health of young people and limit their ability to purchase nicotine vaping products. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191105/20191105_8A-8D.pdf

Bill 29-19, Health and Sanitation - Electronic Cigarettes - Distribution, and Resolution to adopt Bill 29-19 as a Board of Health Regulation

The Council will hold a public hearing on Bill 29-19 and a resolution to adopt Bill 29-19 as a Board of Health regulation. Bill 29-19 would prohibit manufacturers of e-cigarettes from distributing them to retail

stores within a half mile of a middle or high school through a Board of Health regulation. Councilmembers Gabe Alborno and Craig Rice are the lead sponsors. All other Councilmembers are cosponsors. The goal of this legislation is to protect the health of young people and limit their ability to purchase nicotine vaping products. It is illegal for retailers to sell such products to Montgomery County residents under the age of 21, with the exemption of active duty service members over the age of 18. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191105/20191105_8A-8D.pdf

#VapeFreeMontgomery is being used for this bill on social media.

Bill 31-19, Health and Sanitation - Electronic Cigarettes - Distribution, Use and Possession, and Resolution to adopt Bill 31-19 as a Board of Health Regulation

The Council will hold a public hearing on Bill 31-19 and a resolution to adopt Bill 31-19 as a Board of Health regulation. Bill 31-19, which would prohibit the distribution of any tobacco product, coupon redeemable for a tobacco product, cigarette rolling paper, or electronic cigarette to any individual under 21 except under certain circumstances. Councilmembers Tom Hucker and Gabe Alborno are the lead sponsors. Bill 31-19 also would prohibit an individual under 21 from using or possessing a tobacco product or electronic cigarette except under certain circumstances. The goal of this legislation is to update County law to reflect state law changes and provide an enforcement mechanism for young people using and possessing tobacco products and electronic cigarettes. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191105/20191105_8A-8D.pdf

#VapeFreeMontgomery is being used for this bill on social media.

Bill 32-19, Health and Sanitation - Flavored Electronic Cigarettes, and Resolution to adopt Bill 32-19 as a Board of Health Regulation

The Council will hold a public hearing on Bill 32-19 and a resolution to adopt Bill 32-19 as a Board of Health regulation. Bill 32-19 would prohibit electronic smoking device manufacturers from distributing flavored electronic cigarettes to retail stores within half a mile of any middle or high school, library, park, playground or recreational facility in the County. Councilmembers Hans Riemer and Gabe Alborno are the lead sponsors. Councilmember Tom Hucker is a cosponsor. The goal of this legislation is to protect the health of young people and limit their ability to purchase nicotine vaping products. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191105/20191105_8A-8D.pdf

#VapeFreeMontgomery is being used for this bill on social media.

COMMITTEES

Housing Initiative Fund budget components and process

On Nov. 4 at 9:30 a.m. the Planning, Housing and Economic Development (PHED) Committee will receive a briefing on the Housing Initiative Fund's budget components and processes. The County established the Montgomery Housing Initiative in 1988 to promote a broad range of housing opportunities in the County. County law requires that the initiative be included in the Capital Improvements Program (CIP). The CIP includes the Affordable Housing Acquisition and Preservation Project. However, most of the Housing Initiative Fund's (HIF) new annual funding is included in the operating budget. Those expected to attend the meeting include the following: Aseem Nigam, director, Department of Housing and Community Affairs (DHCA); Frank Demarais, deputy director, DHCA; Stephanie Killian, chief, Housing Division, DHCA; Tim Goetzinger, chief, Finance and Administration, DHCA; and Pofen Salem, Office of Management and Budget. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191104/20191104_PHED1.pdf

Payment in Lieu of Taxes (PILOT) agreements for affordable housing

The PHED Committee also will receive a briefing on PILOT agreements for affordable housing. PILOT agreements are a tool the County has to support affordable housing by lowering the ongoing cost of operating for the housing provider. There are two main categories of agreements: those that must fit within a cap approved annually by the Council, and PILOTs for HOC properties, which are exempt from the cap. DHCA will present the Committee with an overview of the criteria and process they used for determining the amount of a PILOT agreement and the length of time it should remain in place. Those expected to attend the meeting include the following: Aseem Nigam, director, DHCA; Frank Demarais, deputy director, DHCA; Stephanie Killian, chief, Housing Division DHCA; Stacy Spann, executive director, Housing Opportunities Commission (HOC); Zachary Marks, director of development, Real Estate, HOC; and Pofen Salem, Office of Management and Budget. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191104/20191104_PHED2.pdf

Bill 27-19, Office of Racial Equity and Social Justice - Racial Equity and Social Justice Advisory Committee – Established

On Nov. 4 at 2 p.m. the Government Operations and Fiscal Policy (GO) Committee will review Bill 27-19, the Racial Equity and Social Justice Act. This legislation would create a Racial Equity and Social Justice Program for Montgomery County government that would be implemented across county government by a new executive branch Office of Racial Equity and Social Justice. Council President Nancy Navarro is the lead sponsor. All other Councilmembers are cosponsors. Under Bill 27-19, the County Executive would be required to adopt a county-wide racial equity and social justice action plan by regulation. Each County department and office also would be required to develop a racial equity and social justice action plan. In addition, Bill 27-19 would require that legislation, public policy initiatives and government programs, supported by budget requests, include a racial equity and social justice impact statement. The bill also would establish a Racial Equity and Social Justice Advisory Committee that would include members of the public.

Since land use plans and policies are major drivers for shaping communities, Bill 27-19 requires the Montgomery County Planning Board to consider racial equity and social justice issues when preparing master plans that are submitted to the Council. These plans include recommendations for land uses, transportation and public facilities such as schools, libraries, community and recreation centers, parks and fire and police stations.

Formal community conversations on racial equity and social justice, which were co-hosted by Council President Navarro and County Executive Marc Elrich, began in March. These conversations in Silver Spring, Germantown and White Oak, and a youth meeting at Gaithersburg High School, were attended by more than 750 community members. Various community groups also hosted individual meetings at nonprofit organizations, religious institutions, community centers and in private homes. More than 45 individuals, including County residents, heads of County departments and agencies and representatives of nonprofits testified at the Oct. 29 public hearings on Bill 27-19. The Council staff report can be viewed here:

The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191104/20191104_GO1.pdf

#EquityMattersinMoCo is being used for this bill on social media.

Bill 36-18, Transportation Management - Transportation Demand Management Plan - Amendments

On Nov. 7 at 3 p.m. the T&E Committee will review Bill 36-18. Councilmember Hans Riemer is the lead sponsor, at the request of the County Executive. The goal of this legislation is to reduce traffic congestion and automobile emissions and to support multi-modal transportation. A Transportation and Environment

(T&E) Committee meeting is tentatively scheduled for January 31, 2019. Expedited Bill 36-18 would do the following:

- expand transportation demand management to reduce traffic congestion and automobile emissions, support multi-modal transportation and non-automobile travel goals, enhance the efficient use of transportation infrastructure and promote the sustainability of existing and future development; and
- establish the requirements for a transportation demand management plan for development in certain areas of the County

The Council staff report will be available on Nov. 4.

OLO Report 2019-12, Strathmore and the Arts in Montgomery County

On Nov. 7 at 3 p.m. the T&E Committee will review Office of Legislative Oversight (OLO) Report 2019-12, which the Council requested to assess the County's relationship with the Strathmore Hall Foundation (SHF), SHF's management of the Strathmore property, and SHF's relationship with its resident partners. The report makes the following recommendations:

- Ask the County Executive to gather, analyze and present data regarding the County Government's arts-related spending and functions.
- Ask the Executive to begin a conversation with the Strathmore Hall Foundation regarding the lease agreement that expires in 2023.

The full report can be viewed here:

<https://www.montgomerycountymd.gov/OLO/Resources/Files/2019%20Reports/OLOReport2019-12.pdf>

The Council staff report will be available on Nov. 4.