

# COUNCIL COMING ATTRACTIONS



## Week of Oct. 14, 2019

**Community Policing, Housing Impact Fairness, Internal Audit,  
Local Business Preference Program, CROWN Act Natural Hair, Crime Statistics,  
Tenant Relocation Expenses, Missing Middle Housing Study,  
Property Tax Credit for Energy and Environment**

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, Oct. 15 at 9:30 a.m.
-  Council Vice President Sidney Katz will present a proclamation recognizing Domestic Violence Awareness Month.
-  Councilmember Evan Glass and County Executive Marc Elrich will present a proclamation recognizing Montgomery Housing Partnership's 30<sup>th</sup> Year Anniversary.
-  Council President Nancy Navarro and County Executive Elrich will present a proclamation recognizing National Disability Employment Awareness Month.
-  Council President Navarro will present a proclamation recognizing Breast Cancer Awareness Month.

## COUNCIL

### **Bill 33-19, Police - Community Policing**

On Oct. 15 at 11:45 the Council will introduce Bill 33-19. Council President Nancy Navarro and Councilmember Craig Rice are the lead sponsors. Councilmembers Tom Hucker and Gabe Albornoz are cosponsors. Bill 33-19 would create the following community policing guidelines and reporting requirements for the Montgomery County Police Department:

- **Community policing guidelines:**

- Officers must strive to regularly initiate/engage in positive nonenforcement activities with communities.
- MCPD must ensure cultural competency throughout the department.
- MCPD must emphasize the recruitment of candidates with ties to the County.
- MCPD must increase community outreach initiatives and officers should attend community events on behalf of the department.
- MCPD must provide adequate training in de-escalation tactics.
- MCPD must maintain and improve SRO program in recognition of its value to the community.
- **Reporting requirements:**
  - MCPD would provide the following information to the Executive and Council for the prior calendar year by Feb. 1 of each year:
    - number of officers in general, and within that, the number of “racial minority officers” female officers, and officers who reside within the County;
    - number of recruiting events MCPD either sponsored or participated in within the County;
    - number of instances of use of force that resulted in the transport of a civilian to a hospital by an emergency vehicle, when the injury occurred as a direct result of an officer’s actions;
    - number of civilian complaints about use of force by an officer
    - number of officers suspended with pay;
    - number of officers suspended without pay;
    - percentage of patrol officers assigned to neighborhood patrols; and
    - number of youths under age 18 referred to intervention programs by officers;
    - description of MCPD’s community policing efforts, including:
      - community policing programs;
      - participation in town hall meetings; and
      - efforts to engage with schools, recreation centers, community centers and senior centers.

The goal of this legislation is to encourage greater transparency and accountability in law enforcement. A public hearing on Bill 33-19 is scheduled for Jan. 21, 2020 at 7:30 p.m. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191015/20191015\\_4A.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191015/20191015_4A.pdf)

#TransparentAndAccountablePolicing is being used for this item on social media.



### **Bill 34-19, Taxation - Development Impact Taxes - Affordable Housing - Housing Impact Fairness Act**

The Council will introduce Bill 34-19, the Housing Impact Fairness Act. Councilmember Evan Glass is the lead sponsor. Councilmember Will Jawando is a cosponsor. Bill 34-19 would do the following:

- alter the applicability of the development impact tax for transportation improvements;
- alter the applicability of the development impact tax for public school improvements;
- establish an excise tax on certain demolitions and renovations of single-family homes;
- specify the use of certain tax revenues for affordable housing initiatives; and
- generally amend the law concerning taxation.

The goal of this legislation is to close a loophole so that all new residential construction in Montgomery County fairly contributes to the jurisdiction’s infrastructure needs. Councilmember Glass estimates that this tax will raise \$100 million over four years. A public hearing on the Housing Impact Fairness Act is scheduled for Dec. 3 at 7:30 p.m. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191015/20191015\\_4B.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191015/20191015_4B.pdf)

#HousingSchoolsFairness is being used for this item on social media.

 **Bill 11-19, Administration - Internal Audit - Inspector General - Amendments**

The Council is scheduled to vote on Bill 11-19, which would do the following: require 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; require the Office to submit an annual report to the Inspector General (IG); require 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 require the IG to audit each completed County contract funded in the operating budget with a contract value greater than \$1 million. The Council's Audit Committee, which includes Council President Nancy Navarro, Councilmember Andrew Friedson and Council Vice President Sidney Katz, is the lead sponsor. The goal of this bill is to improve the legislative oversight of the County's internal accounting and contracting processes. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191015/20191015\\_9.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191015/20191015_9.pdf)

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

### PUBLIC HEARINGS

All public hearings will be held on Oct. 15 at 1:30 p.m.

 **Expedited Bill 25-19 Contracts and Procurement - Local Business Preference Program Established**

The Council will hold a public hearing on Expedited Bill 25-19, which would increase the number of local businesses awarded County contracts and establish a Local Business Preference Program for certain County contracts. Council President Nancy Navarro is the lead sponsor, at the request of the County Executive. The goal of this legislation is to support local businesses. A Government Operations and Fiscal Policy (GO) Committee meeting on Expedited Bill 25-19 is tentatively scheduled for Dec. 5. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191015/20191015\\_5.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191015/20191015_5.pdf)

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

The Council will hold a public hearing 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 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. A Health and Human Services (HHS) Committee meeting on the CROWN Act is tentatively scheduled for Oct. 28. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191015/20191015\\_6.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191015/20191015_6.pdf)

 **MARC Rail Communities Sector Plan Sectional Map Amendment (H-133)**

The Council will hold a public hearing on a Sectional Map Amendment (SMA) to the MARC Rail Communities Sector Plan. SMA H-133, filed by the Maryland-National Capital Park and Planning Commission, is a comprehensive rezoning application to implement the zoning recommendations contained in the MARC Rail Communities Sector Plan, which was approved by the Council on April 30. The Council is scheduled to vote on this amendment on Oct. 22. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191015/20191015\\_7.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191015/20191015_7.pdf)

 **Supplemental appropriation to the County Government’s FY20 Capital Budget and amendment to the FY19-24 Capital Improvements Program, Department of Transportation - \$3,050,000 for Snouffer School Road**

The Council will hold a public hearing on a supplemental appropriation to the County Government’s FY20 Capital Budget and amendment to the Department of Transportation’s fiscal years 2019-2024 (FY19-24) Capital Improvements Program of \$3,050,000 to address utility delays and re-sequencing of construction to accommodate utilities on Snouffer School Road. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191015/20191015\\_8.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20191015/20191015_8.pdf)

## COMMITTEES

 **Executive Regulation (ER) 19-19, Maximum Rates for Motor Vehicle Towing from Private Property**  
 **Executive Regulation 20-19, Repeal of ER 29-96, Maximum Rates for Motor Vehicle Immobilization on Private Property**

 **Executive Regulation 21-19, Motor Vehicle Towing from Private Property**

On Oct. 14 at 9:30 a.m., the Public Safety (PS) Committee will review the above Executive Regulations.

ER 19-19 governs both trespass towing and the immobilization of vehicles (without the owner's consent) on private property. The regulation requires that the County Executive must review rates every two years. Towing rates were last raised in 2011. ER 20-19 repeals Regulation 29-96, which sets a maximum rate that a person may charge to release an immobilized (booted) vehicle on private property. In 2015, the Council passed Bill No. 17-15 which, in part, prohibited vehicle immobilization. This change repeals the \$50 maximum rate to release an immobilized vehicle. ER 21-19 comports with current County law, that requires trespass towing businesses to accept payment by the two most widely-used credit cards. The regulation reaffirms that MasterCard and Visa continue to be the two most widely-used credit cards. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191014/20191014\\_PS1-3.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191014/20191014_PS1-3.pdf)

 **Executive Regulation 1-19, Policies, Procedures and Fees for Alarm Businesses and Alarm Users**

The PS Committee will review ER 1-19. According to the Montgomery County Police Department (MCPD), the department responds to over 45,000 false alarms each year. Responding to false alarms reduces the police department's effectiveness to respond to other types of calls. To help reduce the number of false alarms, MCPD has a False Alarm Reduction Section (FARS). Among its duties are licensing alarm companies, registering alarm users and sending notifications of false alarms and bills for excessive false alarms to alarm users. The purpose of this regulation is to update the Alarm System Installation Standards section to ensure all alarm systems in the County meet the highest installation standard required by the industry. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191014/20191014\\_PS4.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191014/20191014_PS4.pdf)

 **Crime Statistics**

The PS Committee also will receive a briefing on crime statistics for the County compared to similar jurisdictions. Acting Assistant Police Chief Dinesh Patil and other Montgomery County Police Department staff are expected to brief the Committee. Total crime in the County is down 7.3 percent over the past three years. Total homicides have decreased from 30 in 2015 to 20 in 2018, which is a 33.3 percent decline. An overview of Montgomery County crime statistics is provided on circle page two of the Council staff report, which can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191014/20191014\\_PS5.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191014/20191014_PS5.pdf)

 **Bill 18-19, Landlord-Tenant Relations – Relocation Expenses**

On Oct. 14 at 9:30 a.m. the Planning, Housing and Economic Development (PHED) Committee will review Bill 18-19, which would require a landlord to make a tenant relocation payment if the tenant’s housing is condemned as unfit for human habitation and require a landlord to provide a tenant with a right of first

refusal to re-occupy rental housing. The lead sponsor is Councilmember Will Jawando. The goal of this bill is to help improve the health and safety of tenants and to provide financial assistance when a tenant is displaced because of unfit living conditions not caused by the tenant. The relocation payment would be the greater of three months fair market value rent for a unit of comparable size, as established by the most current federal Department of Housing and Urban Development schedule of fair market rents for the Washington-Arlington-Alexandria area, or three months of the tenant's rent at the time of relocation. The landlord must pay the relocation payment directly to the displaced tenant within 72 hours of posting the condemnation. Aseem Nigam, director of the Department of Housing and Community Affairs (DHCA), and other DHCA representatives are expected to attend the meeting. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191014/20191014\\_PHED1.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191014/20191014_PHED1.pdf)



### **Missing Middle Housing Study**

The PHED Committee will continue its review of the Montgomery County Planning Board's 2018 Missing Middle Housing Study. The term "missing middle" signifies multi-unit, clustered housing, such as townhouses, courtyard dwellings and smaller apartment buildings, that can bridge low- and high-density areas. Missing middle housing has been recognized as a potential solution to providing residential options along a spectrum of affordability for an increasingly diverse population, including downsizing seniors, young families and newcomers to the region. Developing these projects, however, is challenging due to market and economic challenges, unfavorable neighborhood perceptions and regulatory requirements. The 2018 study provides an in-depth analysis of the challenges and identifies potential ways that Montgomery County can address them through policy changes or incentives. Some recommendations from the study include the following:

- Create, through a zoning text amendment, a Missing Middle Optional Method of Development in the most appropriate zoning categories, which would have clear locational criteria and design standards, including site plan review.
- Evaluate the ability to use floating zones to create Missing Middle housing. Modify prerequisites for certain floating zones in specific locations or create a Missing Middle Floating Zone.
- Create a staff/consultant group that can evaluate and suggest potential financial incentives, such as tax credit programs and fee waivers that encourage Missing Middle typologies.

Casey Anderson, chair of the Planning Board, and Gwen Wright, director of the Planning Department, are among those expected to attend the meeting. The study can be viewed here:

[https://montgomeryplanning.org/wp-content/uploads/2018/09/MissingMiddleHousingStudy\\_9-2018.pdf](https://montgomeryplanning.org/wp-content/uploads/2018/09/MissingMiddleHousingStudy_9-2018.pdf)

The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191014/20191014\\_PHED2.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191014/20191014_PHED2.pdf)



### **Property Tax Credit for Energy and Environment**

On Oct. 14 at 2 p.m. the Transportation and Environment (T&E) and GO Committees will meet jointly to receive a briefing from Department of Environmental Protection staff on the Stakeholder Work Group's Recommendations on Montgomery County High-Performance Building Report, as well as the County Executive's comments. Several Stakeholder Work Group members also will be present to discuss the group's recommendations. In March 2018, the joint T&E and GO Committee under the prior Council requested that the County Executive convene a stakeholder work group to discuss whether the current property tax credit for energy and environmental design is still needed and, if so, what changes to the credit should be made. Those expected to attend the meeting include the following: Adriana Hochberg, assistant chief administrative officer (and director of County Climate Policy); Stan Edwards, chief, Environmental Policy and Compliance, Department of Environmental Protection (DEP); Lindsey Robinett Shaw, energy and sustainability programs manager, DEP; Mark Nauman, senior specialist, Energy and Green Building, Department of Permitting Services; Jonathan Bauer, LEED AP® O+M, Fitwel ambassador, Sustainability Manager, The Tower Companies; Mike Babcock, CEM, LEED AP BD+C, O+M, Sustainable Building

Partners; Chet Knaup, PE, LEED AP BD+C, BEMP, general manager, Spectrum Energy, LLC. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191014/20191014\\_TEGO1.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191014/20191014_TEGO1.pdf)

 **Fiscal Year 2021 (FY21) Washington Suburban Sanitary Commission (WSSC) Spending Control Limits**

On Oct. 14 at 3 p.m. the T&E Committee will review the FY21 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 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. Fausto Bayonet, commissioner, WSSC; Howie Denis, commissioner, WSSC; and Carla Reid, general manager, WSSC, are among those expected to attend the meeting. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191014/20191014\\_TE1.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191014/20191014_TE1.pdf)

 **Meeting with Health and Human Services Boards and Commissions**

On Oct. 17 at 8:30 a.m. the HHS Committee will continue its meetings with representatives of the Department of Health and Human Services' boards and commissions. The Committee will review how the County's advisory boards and commissions can further the County's policy priorities. Dr. Raymond Crowel, director of the Department of Health and Human Services, is among those expected to attend the meeting. The Council staff report will be available on Oct. 14.

 **Fiscal Plan**

On Oct. 17 at 9:30 a.m. the GO Committee will review the County's fiscal plan. This discussion is a continuation from the GO Committee's review of the County's economic indicators and fiscal policies on July 11, 2019. The committee will consider select updates to the fiscal plan and fiscal policies. David Platt, chief economist, Department of Finance; and Chris Mullin, lead fiscal and policy analyst, Office of Management and Budget, are among those expected to attend the meeting. The Council staff report will be available on Oct. 14.

 **Universities at Shady Grove**

On Oct. 18 at 10 a.m. the E&C and PHED Committees will take part in a tour and discussion of the Universities at Shady Grove. The Council staff report will be available on Oct. 15.