

COUNCIL COMING ATTRACTIONS



Week of February 3, 2020

Resolution Condemning Supreme Court Public Charge Decision, Duty of Fair Representation, Spending Affordability Guidelines, Prohibited Roof Signs, Germantown Plan for the Town Sector Zone, Community Grants, Bodywork Establishments, Police Training, Adult English Literacy, General Plan, Local Small Business Reserve Program, Economic Development Platform

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, Feb. 4 at 9:30 a.m.

-  The Council will be joined by Montgomery County Public School student speaker Shairee Arora.
-  Councilmember Will Jawando will present a proclamation recognizing Library Lovers Month.

COUNCIL

Resolution Condemning Recent Supreme Court Decision On “Public Charge” Immigration Rule

On Feb. 4 at 9:45 a.m. the Council will introduce a resolution at the Montgomery County Council meeting on Tuesday, Feb. 4 to denounce the Supreme Court’s public charge decision and urging Congress to enact comprehensive immigration reform. Councilmembers Gabe Albornoz and Nancy Navarro are the lead sponsors. All other Councilmembers are cosponsors. This resolution is in response to the Supreme Court’s Jan. 27 decision regarding the Trump administration’s change to the current public charge regulation, which would create major barriers for low-income immigrants seeking to enter or remain legally in the U.S. Under this regulation, an individual’s income threshold (earning less than 125 percent of the federal poverty level), age, certain health conditions, limited English proficiency, minimal education background and prior receipt of certain benefits may be taken into account and negatively impact the individual’s eligibility to gain

permanent legal status, and in the future, attain lawful U.S. admission. The full text of the resolution will be available here on Feb. 3:

https://montgomerycountymd.gov/COUNCIL/Resources/Files/agenda/col/2020/20200204/20200204_AG.pdf

Bill 35-19, Personnel – Collective Bargaining – Certified Representative – Duty of Fair Representation

On Feb. 4 at 10 a.m. the Council is scheduled to vote on Bill 35-19, which would amend the duty of fair representation for a certified representative of County employees and authorize a certified representative to impose the reasonable costs of filing a grievance or pursuing arbitration on an employee who does not pay membership dues or the equivalent. Councilmember Tom Hucker is the lead sponsor. Bill 35-19 also would require a certified representative to file a grievance or pursue arbitration for an employee who does not pay membership dues if the employee pays the reasonable costs imposed. The goal of this legislation is to permit a union to receive payment for filing grievances on behalf of an employee who chooses not to pay union dues. The Government Operations and Fiscal Policy (GO) Committee recommends approval of this bill as introduced. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20200204/20200204_4A.pdf

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

Spending Affordability Guidelines for the Fiscal Year 2021 (FY21) Capital Budget and Other General Capital Improvements Program (CIP) Assumptions

The Council will review Spending Affordability Guidelines for the County's FY21 Capital Budget and other general Capital Improvements Program (CIP) assumptions. Feb. 4 is the legislative deadline for the Council either to confirm or amend guidelines. Any Feb. revision is supposed to "reflect a significant change in conditions" regarding affordability, and not take need into account. After Feb. 4, the Council can adopt an aggregate capital budget that has expenditures that exceed the guidelines, but only with seven or more affirmative votes. The GO Committee's recommendations can be found on pages three to 13 of the Council staff report, which can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20200204/20200204_4-1.pdf

Zoning Text Amendment (ZTA) 19-09, Prohibited Roof Signs – Exceptions

The Council is scheduled to vote on ZTA 19-09, which would allow roof signs in Red Policy Areas as identified in the most recent Subdivision Staging Policy. Councilmember Andrew Friedson is the lead sponsor. Each area in the Subdivision Staging Policy Map has been given a category which is used to assess impact fees. These categories are green, yellow, orange and red. The map can be viewed here: <https://montgomeryplanning.org/resources/subdivisionstaging-policy-area-map/>. Some buildings in high density areas are constructed with glass walls, and signs that block windows are impractical. The Planning, Housing and Economic Development (PHED) recommends approval of this ZTA as introduced. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20200204/20200204_5A.pdf

Germantown Plan for the Town Sector Zone

The Council will review the [Germantown Plan for the Town Sector Zone](#). The purpose of this master plan is to replace the existing Town Sector zoning with current zoning classifications for the Churchill Village community of Germantown. The master plan recommends appropriate zoning and ways of protecting the community's open space and recreation areas, while maintaining the predominantly residential character of Churchill Village. The plan recommends new zones related to three goals developed during the community planning process: maintain the residential core, protect open space and recreation areas and support neighborhood-serving commercial uses. Casey Anderson, chair of the Planning Board, and Gwen Wright, director of the Planning Department, are among those expected to attend the meeting. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20200204/20200204_5B.pdf

Community Grants

The Council will receive an update on the community grants process. The Council has scheduled this update from Council staff and the Office of Management and Budget (OMB) to provide ongoing oversight for the FY21 community grants process. Joshua Watters, budget manager, OMB; and Rafael Murphy, fiscal and policy analyst, OMB, are among those expected to attend the meeting. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20200204/20200204_6.pdf

PUBLIC HEARINGS

All public hearings will be held at 1:30 p.m. on Feb. 4.

Bill 1-20, Bodywork Establishments – Licensing – Amendments; and Resolution to Adopt Bill 1-20 as a Board of Health Regulation

The Council will hold a public hearing on Bill 1-20 and on a companion regulation to adopt Bill 1-20 as a Board of Health Regulation. Councilmember Craig Rice and Council Vice President Tom Hucker are the lead sponsors. Council President Sidney Katz and Councilmembers Nancy Navarro, Gabe Albornoz and Hans Riemer are cosponsors. This legislation would repeal code provisions concerning massage establishments and expand the scope of bodyworks establishments to include massage establishments. Councilmember Craig Rice and Council Vice President Tom Hucker are the lead sponsors. Bill 1-20 also would do the following:

- require every individual performing bodyworks services to be a certified massage therapist or registered massage practitioner;
- require compliance with all County licensing requirements as a condition of building permits;
- allow the revocation of use and occupancy permits for zoning and licensing violations; and
- generally amend the provisions for bodyworks establishments.

The goal of this legislation is to prevent owners of bodyworks establishments from using unqualified employees and to ensure compliance with the County's licensing requirements. A joint Health and Human Services (HHS) and Public Safety (PS) Committee meeting on Bill 1-20 is tentatively scheduled for Feb. 25. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20200204/20200204_7&8.pdf

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

Germantown Plan for the Town Sector Zone

The Council will hold a public hearing on the Germantown Plan for the Town Sector Zone. See page one of this document for more information.

COMMITTEES

Police Training

On Feb. 3 at 9:30 a.m. the PS Committee will meet to review Montgomery County Police Department (MCPD) police training. Representatives of MCPD will discuss the basic training provided at the police academy, specialized training for positions like school resource officers and District Community Action Teams and comparative data from other police departments nationwide. Chief Marcus Jones, MCPD, and Captain Jason Cokinos, director, Training and Education Division, MCPD, 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/2020/20200203/20200203_PS1.pdf

Montgomery Coalition for Adult English Literacy (MCAEL)

On Feb. 3 at 9:30 a.m. the Education and Culture (E&C) Committee will receive an update on MCAEL, which is a community coalition comprised of individuals and organizations which aims to strengthen and promote adult English literacy services in Montgomery County. Potential topics for discussion include the following:

- addressing unmet need in literacy access by increasing the capacity of MCAEL to coordinate provider networks and utilizing online and mobile marketing and technology to decrease waitlists and increase participation in target communities;
- partnering with WorkSource Montgomery to develop workforce development programs that include adult literacy classes and with Montgomery County Economic Development Corporation to identify need in specific industries to expand on-site classes;
- exploring research and evidence-based practices linking adult Spanish literacy programs to acquisition of English literacy and develop pathways to success; and
- monitoring future changes to the County's community grants process to find mechanisms to increase the administrative capacity of MCAEL and review the viability of multi-year contracting with grantees to measure long-term outcomes.

Kathy Stevens, executive director of MCAEL, is expected to attend the meeting. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2020/20200203/20200203_EC1.pdf

General Plan

On Feb. 3 at 2 p.m. the PHED Committee will receive a briefing on the General Plan – Thrive Montgomery 2050. The General Plan is a policy document that guides, over multiple decades, how the County will develop, change and respond to future opportunities and challenges. It provides a long-term vision and broad policies that guide future, more detailed land use planning, public investments in infrastructure and community amenities, and private development. Thrive Montgomery 2050 will ultimately result in an update to the County's General Plan. Those expected to attend the meeting include the following: Gwen Wright, director, Planning Department; Caroline McCarthy, chief, Research and Special Projects, Planning Department; and Khalid Afzal, special projects coordinator, Director's Office, Planning Department. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2020/20200203/20200203_PHED1.pdf

Poolesville Road Disposition

On Feb. 6 at 9:30 a.m. the GO and Transportation and Environment (T&E) Committees will meet jointly to consider the County Executive's recommendation to transfer ownership of segments of Hughes Road, Westerly Avenue and West Willard Road to the Town of Poolesville. The road segments are located in the town and the town would become responsible for road maintenance. Representatives from the Department of Transportation and the Town of Poolesville are expected to attend. The Council staff report will be available on Feb. 3.

Spending Affordability Guidelines for Fiscal Year 2021 (FY21) Operating Budget

On Feb. 6 at 10 a.m. the GO Committee will review the Spending Affordability Guidelines for the FY21 Operating Budget. These guidelines set the parameters for the overall operating budget by setting the ceiling on property tax revenues and the aggregate operating budget and the allocation of the aggregate operating budget. Any aggregate operating budget that exceeds the guidelines requires the affirmative vote of seven Councilmembers. This supermajority requirement is the most significant aspect of the spending affordability guidelines for the operating budget. The Council must adopt guidelines for the next operating budget by the second Tuesday in February. The spending affordability guidelines that must be adopted are: 1) a ceiling on the funding from ad valorem real property tax revenues; 2) a ceiling on the aggregate operating budget; and 3) separate budget allocations for all agencies and certain non-agency uses. Chris

Mullin, OMB; and David Platt, Department of Finance, are among those expected to attend the meeting. The Council staff report will be available on Feb. 3.

MC311 Strategic Options

The GO Committee also will review strategic options for the MC311 call center. This review will include the consideration of action items from a recently released OLO report on MC311 performance metrics and a review of statistics indicating progress after recent changes. The Service Level Agreements (SLAs) that exist between MC311 and departments providing services to residents also will be discussed. The Council staff report will be available on Feb. 3.

Bill 39-19, Contracts and Procurement - Local Small Business Reserve Program (LSBRP) - Amendments

The GO Committee also will review Bill 39-19, the LSBRP and Direct Purchase Enhancement Act. Councilmember Will Jawando is the lead sponsor. Councilmembers Craig Rice, Nancy Navarro, Hans Riemer, Gabe Albornoz and Evan Glass, Council Vice President Tom Hucker and Council President Sidney Katz are cosponsors. Bill 39-19 would amend the Local Small Business Reserve Program to do the following:

- permit the participation of non-profit organizations in the program;
- increase the minimum percentage of contracts that must be awarded to small businesses;
- establish a goal to award certain direct purchases to local small businesses; and
- alter reporting requirements.

The goal of this legislation is to support the backbone of Montgomery County's economy, locally owned small businesses, by expanding opportunities and access to over one billion dollars in government contracts and purchases. The Council staff report will be available on Feb. 3.

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

Economic Development Platform

The GO Committee will review its action plan for the Council's [Economic Development Platform](#), which was proposed by Councilmember Nancy Navarro and implemented by the full Council. The Economic Development Platform, which was adopted in November 2019, identifies a thriving and diversified economy, greater innovation, racial equity and social justice, and environmental sustainability as desired outcomes. The goal of this platform is to grow the County's tax base by creating new, well-paying job opportunities, removing regulatory barriers for new businesses seeking to locate or expand operations in the County, and investing in business development, housing, transportation and workforce development. The Council staff report will be available on Feb. 3.

Bill 41-19, Tree Canopy Fees

On Feb. 6 at 10 a.m. the T&E Committee will review Bill 41-19, which would amend tree canopy fees exemptions to include land disturbances by any public use airport, and generally amend the provisions for tree canopy fee exemptions. Councilmember Craig Rice is the lead sponsor. The goal of this legislation is to assist airport operations by eliminating future tree canopy fees for public airports and refund any fees paid since Jan. 1, 2017. The Council staff report will be available on Feb. 3.

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

Supplemental Appropriation and Capital Improvements Program (CIP) Amendment - \$2,340,000 for Davis Mill Road Emergency Stabilization

The T&E Committee will review a supplemental appropriation and CIP amendment of \$2,340,000 for Davis Mill Road Emergency Stabilization. The request is needed to construct a retaining wall, provide

stream stabilization, and resurface pavement. Wildcat Branch along the north of Davis Mill Road is continuously eroding the roadway embankment and undermining the pavement during each major rain event. The undermining is progressing under the pavement causing pavement failure along the edge of the road. The Department is concerned that a significant part of the roadway pavement could slide into the stream during the next major storm event. The Council staff report will be available on Feb. 3.

Bus Transformation Project

The T&E Committee will receive a briefing on the Washington-area Bus Transformation Project, which has the following objectives:

1. Provide better service and a better customer experience for all bus riders.
2. Identify the best role for bus service given the rapidly changing technologies and travel preferences.
3. Increase efficiency to provide better results for customers despite limited resources.

The Council staff report will be available on Feb. 3.

Office of Legislative Oversight (OLO) Report 2019-17, Trash and Recycling Collection: An Evaluation of Current Policies

The T&E Committee will review [OLO Report 2019-17](#). The County contracts with private haulers to collect recyclables from approximately 212,000 homes in all unincorporated areas of the County. In addition, the County contracts with private haulers to collect trash from approximately 92,000 single-family residences in certain unincorporated areas of the County. OLO reviewed current policies and practices for trash and recycling collection from single-family homes. Specifically, the report addresses two questions:

1. Is there any reason to eliminate the current subdistrict structure for trash collection and adopt a uniform trash collection method throughout the County?
2. Is there any reason to modify the current County practice of contracting with private vendors for trash and recycling collection services by instead using County employed personnel and County-owned equipment for these collections?

The OLO's findings-based recommendation is as follows: If the County were establishing a trash collection program for the first time, OLO would recommend County-contracted collection for all single-family homes. However, the County is not implementing trash collection for the first time. At present, many residents contract for twice-per-week trash collections. OLO believes these existing conditions should be factors when considering possible modifications to the County's trash collection policy. The Council staff report will be available on Feb. 3.