

COUNCIL COMING ATTRACTIONS



Week of June 15, 2020

Declaring Racism a Public Health Crisis, Police Use of Force Policy, Interagency Commission on Homelessness, Workplace Harassment, Rental Assistance, Covid-19 Public Health and Safety Update, I-270 and I-495 Managed Lanes Study, CARES Act Elementary and Secondary Schools Economic Relief Fund

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 hold a virtual meeting on Tuesday, June 16 at 9:30 a.m.

COUNCIL

Special Appropriation to MCPS' FY20 Operating Budget - \$24,768,196 for CARES Act Elementary and Secondary School Emergency Relief Fund

On Tuesday, June 16 at 9:30 a.m. the Council will introduce a special appropriation to Montgomery County Public Schools' (MCPS) FY20 Operating Budget of \$24,768,196 for the CARES Act Elementary and Secondary School Emergency Relief (ESSER) Fund. The Board of Education requested this appropriation on June 11. MCPS has received notice from the state that it will receive this federal CARES Act emergency relief funding in Fiscal Year 2020 (FY20). Under the U.S. Department of Education awarded grants for the purpose of providing Local Educational Agencies (LEAs) with emergency relief funds to address the impact that Covid-19 has had, and continues to have, on elementary and secondary schools across the nation. LEAs must provide equitable services to students and teachers in non-public schools from the ESSER Fund as required by provisions in the CARES Act. MCPS will use ESSER funds to extend access to interventions,

special education services, assistive technology tools and increased technology options for students with disabilities during distance learning. In addition, these funds will be used to purchase supplemental instructional materials and assessments to support the instruction of English for Speakers of Other Languages students, and to support efforts to increase the number of English learners attaining proficiency in academic English, reading, language arts and mathematics. Finally, MCPS will use these funds to ensure equity of access, including internet and devices, for all staff and students who need it to effectively engage in remote learning experiences. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20200616/20200616_3I.pdf

Resolution to Declare Racism as a National Public Health Crisis

The Council is scheduled to vote on a resolution to declare racism a public health crisis. Research demonstrates that racism itself is a social determinant of health. Scientists now see race as a social, cultural and/or political construct wherein de facto racial segregation and race-based discrimination have real consequences on health and health disparities. The full Council is sponsoring this resolution, which was spearheaded by Councilmember Will Jawando.

The Council has a demonstrated track record of promoting racial equity, social justice, and inclusions in all aspects of County government to narrow disparities in opportunities by race and ethnicity. This commitment is exemplified in the development and execution of the Racial Equity and Social Justice Act, the Office of Racial Equity and Social Justice, the Law Enforcement Trust and Transparency (LETT) Act, Policing Advisory Commission, and the Community Policing Law and the Remembrance and Reconciliation Commission. These laws and initiatives identify racism as a root cause of disparities and inequities by race and ethnicity that cause poverty and diminished economic activity. The Council staff report will be available on June 15.

Department of Housing and Community Affairs (DHCA) - Tenant Support FY20 and FY21 - Non-Competitive Contracts - Schedule

The Council is scheduled to vote on the four FY20 non-competitive contracts recommended by the Department of Housing and Community Affairs (DHCA) and the Chief Administrative Officer (CAO), which include the following: Housing Initiative Partnership, Inc. (\$30,000), Latino Economic Development Corporation (\$45,400), and Renters Alliance, Inc. (\$95,090) for Tenant Education Services and educating tenants on their rights under current laws and regulations and available avenues of assistance; and Legal Aid Bureau, Inc (\$47,510) to provide on-site Legal Assistance at the Maryland District Court. The Planning, Housing and Economic Development (PHED) Committee recommends approval of these FY20 non-competitive contracts, but the Committee is not recommending approval of contracts for FY21 at this time and has asked DHCA to give further consideration to services needed in FY21 such as legal assistance and financial/credit counseling given the economic impacts COVID-19 and the expected increase in tenants in arrears on their rent and eviction filings. The PHED Committee is scheduling a future meeting to return to this issue. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20200616/20200616_4.pdf

Novel Coronavirus (Covid-19) and County Public Health Planning

On June 16 at 11 a.m. the Council will sit as the Board of Health to receive an update on the County's ongoing response to the Covid-19 pandemic and its recovery efforts. Those expected to attend the meeting include the following: Dr. Travis Gayles, county health officer and chief of the Department of Health and Human Services' (DHHS) Public Health Services; Dr. Earl Stoddard, director, Office of Emergency management and Homeland Security; and Dr. Raymond Crowel, director, DHHS, are among those expected to attend. The Council staff report will be available on June 15.

Bill 24-20, Administration - Police - Assistant Chiefs of Police

The Council will introduce Bill 24-20, which would create a non-merit civilian assistant chief of police position and rename the existing non-merit assistant chief of police positions. Council President Sidney Katz is the lead sponsor, at the request of the County Executive. A public hearing on Bill 24-20 is scheduled for July 7 at 1:30 p.m. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20200616/20200616_11A.pdf

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

Bill 25-20, Rental Assistance - Amendments

The Council will introduce Bill 25-20, which would do the following: change the age of eligibility for the County's Rental Assistance Program (RAP); clarify the definition of a person with a documented disability; remove the prohibition of eligibility of County residents without immigration documentation; and provide that the benefit amount for RAP is established in regulations. Council President Sidney Katz is the lead sponsor, at the request of the County Executive. The goal of this legislation is to ensure that access to RAP benefits is not conditioned upon a resident's immigration status. A public hearing on Bill 25-20 is scheduled for July 7 at 1:30 p.m. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20200616/20200616_11B.pdf

#MoCo Rental Assistance is being used for this bill on social media.

Bill 26-20, Environmental Sustainability - Energy and Air Quality Advisory Committee - Amendments

The Council will introduce Bill 26-20, which would add advising on climate change issues to the duties and responsibilities of the Energy and Air Quality Advisory Committee and change the name to the Climate, Energy, and Air Quality Advisory Committee. Council President Sidney Katz is the lead sponsor, at the request of the County Executive. The goal of this legislation is to address the issue that currently none of the existing boards, committees or commissions within the Office of the County Executive directly advise on climate change issues. A public hearing on Bill 26-20 is scheduled for July 7 at 1:30 p.m. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20200616/20200616_11C.pdf

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

Expedited Bill 27-20, Police - Regulations - Use of Force Policy

The Council will introduce Bill 27-20, which would require the police chief to adopt a use of force policy directive and require the use of force policy to include certain minimum standards, including standards regarding the use of deadly force, the use of carotid and neck restraints, and required intervention by officers when another officer is violating law or policy. Councilmembers Will Jawando, Craig Rice, Nancy Navarro and Gabe Albornoz are the lead sponsors. All other Councilmembers are cosponsors. This legislation is necessary to help to prevent the unnecessary use of force in police enforcement actions and ban certain practices that can contribute towards unnecessary deaths and serious bodily injury. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20200616/20200616_11D.pdf

#UseOfForce and #PoliceReform are being used for this bill on social media.

PUBLIC HEARINGS

Council public hearings will be held on Tuesday, June 16 at 1:30 p.m.

Bill 14-20, Human Rights and Civil Liberties - Discriminatory Employment Practices - Workplace Harassment

The Council will hold a public hearing on Bill 14-20, which would define and prohibit certain discriminatory practices in the workplace, is scheduled for introduction. Councilmember Will Jawando is the lead sponsor. Councilmembers Nancy Navarro, Evan Glass, Hans Riemer, and Craig Rice and Council President Sidney Katz and Council Vice President Tom Hucker are cosponsors. Bill 14-20 would define and prohibit discriminatory harassment and sexual harassment by employers in the County. The bill would alter the level of harassing conduct that constitutes an employment discrimination claim under County law. Harassment would not need to raise to the level of being “severe or pervasive” to be actionable; the harassment would be actionable as long as it was “more than a petty slight, trivial inconvenience, or minor annoyance.” The goal of this legislation is to help ensure that employees do not face workplace harassment, including sexual harassment. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20200616/20200616_8.pdf

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

Bill 7-20, Interagency Commission on Homelessness - Membership and Duties

The Council will hold a public hearing on Bill 7-20, which would alter the membership and duties of the Interagency Commission on Homelessness. Councilmembers Evan Glass, Gabe Albornoz and Craig Rice are the lead sponsors. All other Councilmembers are cosponsors. The Interagency Commission on Homelessness (ICH) is a 25-member commission created by the Council in 2014 to coordinate public and private programs to reduce homelessness in the County. The ICH has requested that several modifications and updates be made to its membership and duties. The purpose of these amendments is to improve the governance and effectiveness of the ICH, as well as to clarify the mission of the ICH to “end and prevent” homelessness, as opposed to simply reducing homelessness. Under Bill 7-20, the ICH would remain a 25-member commission, but its composition would change. At the request of the ICH, certain ex officio slots would be replaced with more public representatives, including homeless service providers, healthcare providers, family services providers and affordable housing providers. A Health and Human Services (HHS) Committee meeting is tentatively scheduled for June 25. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20200616/20200616_7.pdf

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

Special Appropriation to the County Government’s FY20 Operating Budget - \$80,000,000 for Federal Coronavirus Relief Fund Non-Departmental Account (NDA)

The Council will hold a public hearing and is scheduled to vote on a special appropriation of \$80 million to the County government’s FY20 Operating Budget. The special appropriation will refund prior General Fund expenditures for Covid-19 related expenses that are eligible for the Coronavirus Relief Fund (CRF) (approximately \$49 million) and indicates the potential uses of the remaining \$31 million that will be appropriated. The appropriation also requires reporting to the Council every two weeks on expenditures. Additional Council action will be required to appropriate the remaining \$103 million. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20200616/20200616_8.pdf

Special Appropriation to the County Government’s FY20 Operating Budget, Montgomery County Economic Development Corporation NDA, Support for COVID-19 Response - \$500,000 for 3R Initiative

The Council will hold a public hearing and is scheduled to vote on a special appropriation of \$500,000 to the Montgomery County Economic Development Corporation’s FY20 Operating Budget for the 3R initiative. The subject resolution supports the Montgomery County Economic Development Corporation’s (MCEDC) creation of the 3R Initiative (Reopen, Relaunch, Reimagine). This initiative will provide technical assistance from industry experts to County retail and restaurant businesses to aid reopening and recovery from closures due to the health crisis. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20200616/20200616_9.pdf

Special Appropriation to the County Government’s FY20 Operating Budget, Early Care and Education Non-Departmental Account (NDA), Covid-19 Early Care and Education Initiative (ECEI) Recovery Fund, \$10,000,000

The Council will hold a public hearing and is scheduled to vote on a special appropriation of \$10 million to provide reopening expenses for licensed childcare center programs, registered family childcare homes and letter of compliance programs. This funding includes eligibility for one month of expenses to support early care and education operations until tuition payments are collected as well as compensation for significant financial losses caused directly or indirectly by Covid-19 restrictions. Councilmembers Nancy Navarro, Andrew Friedson and Hans Riemer are the lead sponsors. Funding in the appropriation will allocate \$6.5 million to support licensed childcare centers and letter of compliance programs and \$3.5 million to support registered family childcare homes. The maximum grant amounts as amended by recommendations from the HHS and E&C Committee are as follows: \$75,000 per childcare site for one or two site, \$200,000 for three sites and \$250,000 for four or more sites. The childcare sites that are to be supported by the grant must be located in the County, and 60 percent of the children served at each site must be Montgomery County residents. The Council staff report will be available on June 15.

COMMITTEES

Fiscal Summary

On Monday, June 15, the Government Operations and Fiscal Policy (GO) Committee will review the FY21-26 Tax Supported Fiscal Plan Summary. Each June the Council approves the Fiscal Plan, which is then updated every year in December, three months before the release of the County Executive’s next recommended budget. The FY21-26 Tax Supported Fiscal Plan Summary reflects current fiscal projections and policy assumptions when the Council adopted the FY21 Operating Budget. Executive staff have not revised revenue estimates based on the current recession and health crisis; therefore, the County’s estimated revenues remain the same as the County Executive’s March 2020 recommended budget. Those expected to attend the meeting include the following: Mike Coveyou, director, Department of Finance (Finance); Rich Madaleno, director, Office of Management and Budget (OMB); Dave Platt, Finance; and Chris Mullin, OMB. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2020/20200615/20200615_GO1.pdf

Update on Racial Equity and Social Justice Law Implementation

The GO Committee will receive an update on the implementation of the Racial Equity and Social Justice Act which was spearheaded by Councilmember Nancy Navarro during her presidency and was unanimously enacted by the Council. Those expected to attend the meeting include the following: Tiffany Ward, director, Office of Racial Equity and Social Justice; Elaine Bonner-Tompkins, senior legislative analyst, Office of Legislative Oversight; and Selena Mendy Singleton, clerk of the Council. Bill 27-19, the Racial Equity and Social Justice Act, was enacted on November 19, 2019 and signed into law on December 2, 2019. The act took effect on March 2, 2020, and the provisions requiring the Office of Legislative Oversight (OLO) to submit a racial equity and social justice impact statement for each bill before the Council take effect.

Bill 27-19 created a new principal office in the Executive Branch called the Office of Racial Equity and Social Justice. The County Executive appointed, and the Council confirmed, Tiffany Ward as the director of this new Office. The County's FY21 operating budget includes funding for one additional position in the Office that has not yet been filled. The bill also created an advisory committee of community members called the Racial Equity and Social Justice Advisory Committee with 15 voting members serving three-year terms and appointed by the County Executive and confirmed by the Council. The County Executive has not appointed any of the members yet. OLO is charged with submitting a racial equity and social justice impact statement for each bill before the Council beginning on August 1, 2020. The FY21 operating budget includes funding for a new position in OLO that has not yet been filled. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2020/20200615/20200615_GO2.pdf

Managed Lanes Study's Transit Services Coordination Report

On Monday, June 15 at 2:30 p.m. the Transportation and Environment (T&E) Committee will receive a briefing from the State Highway Administration on the Managed Lanes Study's transit services coordination report. The Maryland Department of Transportation (MDOT) has completed a study to identify how transit could maximize the utility of proposed managed lanes on I-270 and I-495. The Managed Lanes Transit Work Group was convened in May 2019 to advise on the study. The study conducted a transit market analysis to determine how existing bus routes could be modified and enhanced, what new bus routes could be initiated, a review of managed lane access points, potential transit center and park-and-ride locations, and the potential for enhanced carpooling. The study and its appendix can be viewed [here](#). MDOT's presentation can be found on circle pages one through 28 of the Council staff report and will be led by the following: Lisa Choplin, director, I-495 & I-270 P3 Office, MDOT; Jeff Folden, deputy director, I-495 & I-270 P3 Office, MDOT; and Jim Ritchey, vice president, Whitman, Requardt & Associates, LLP (Transit Work Group Lead). The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2020/20200615/20200615_TE1.pdf

Water and Sewer Category Changes

The T&E Committee will review and make recommendations on three water and sewer category changes. On April 16, the Council received a package of three water and sewer category change requests from the County Executive. The requests and the County Executive's recommendations are summarized on page one of the Council staff report and in the Executive Summary of the Executive Staff Report on pages 12 and 13. The Planning Board's review of these category changes occurred on June 4, and the Council held a public hearing on June 9. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2020/20200615/20200615_TE2.pdf

Handling of Surge Calls from Residents during Covid-19 and Recovery

On Wednesday, June 17 at 9:30 a.m., the GO and Health and Human Services (HHS) Committees will meet jointly to follow up with the Office of Human Resources (OHR), Department of Health and Human Services (DHHS) and Public Information Office (PIO) regarding surge calls from residents during the Covid-19 crisis. The Council staff report will be available on June 15.

OIG Report on Fire Overtime

On Thursday, June 18 at 10:30 a.m., the Public Safety (PS) Committee will review the Office of the Inspector General's report on fire overtime. The Council staff report will be available on June 16.

MCFRS Executive Regulation 6-20, Adoption Schedule of Fees for Emergency Medical Services Transport Reimbursement Program

The PS Committee also will review Executive Regulation 6-20, Adoption Schedule of Fees for Emergency Medical Services Transport Reimbursement Program. The Council staff report will be available on June 16.

Workforce Development

On Thursday, June 18 at 1:30 p.m., the Planning, Housing and Economic Development (PHED) and Education and Culture (E&C) Committees will meet jointly to review workforce development. The Council staff report will be available on June 16.