

COUNCIL COMING ATTRACTIONS



Week of Oct. 19, 2020

COVID-19 Public Health Update, Coronavirus Relief Fund, Racial Equity and Social Justice, Subdivision Staging Policy, Public Accountability and County Transparency Act, Single-Use Straws, Food Containers, Merit Employee Severance Pay, Thrive Montgomery 2050

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 virtual meetings on Tuesday, Oct. 20 at 9:30 a.m.

COUNCIL

Appointment to the Board of Appeals

On Oct. 20 at 10 a.m. the Council will appoint the new member and designate a chair from among the members of the Board of Appeals. The Council determines the length of time a member may serve as chair. The Council establishes the chair's compensation, which is adjusted annually each December to reflect 50 percent of the change in the Washington Area Consumer Price Index. By law, no more than three members of the Board shall be from the same political party. This position can be filled by a Democrat, a Republican, a voter who is unaffiliated with a party or a voter who is a member of another party officially recognized by the Board of Elections. Current members of the Board include Chair John Pentecost (Democrat), Katherine Freeman (Democrat), Bruce Goldensohn (Republican), Mary Gonzales (Democrat), and Richard Melnick (Unaffiliated). The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201020/20201020_4.pdf

Process for Amending the Master Plan for Historic Preservation

The Council will review the process for amending the [Master Plan for Historic Preservation](#), which is the County's preservation planning document and which includes the list of all officially designated historic sites and districts. The amendment for the Mesrobian House was prepared at the request of the heirs of Mihran Mesrobian (owners of the property until 2020) and with the support of the present property owners. On July 23, 2020, the Planning Board held a public hearing, worksession and voted on the subject plan. As a result, the Board listed the property in the Locational Atlas & Index of Historic Sites and recommends amending the Master Plan for Historic Preservation to list the subject property as a Master Plan Historic Site. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201020/20201020_5-8.pdf

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

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. The Council will be joined by 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. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201020/20201020_6A.pdf

Coronavirus Relief Fund

As follow up to the Council's Oct. 13 meeting requested by Councilmember Nancy Navarro and supported by the full Council about the Coronavirus Relief Fund, the Council will now receive a weekly status report on appropriations and expenditures from the fund by executive branch staff. Since all funds must be used by Dec. 31, 2020, it is important to track the County's use of the funds and whether any reallocations or additional appropriations are necessary. Rich Madaleno, chief administrative officer, and Dr. Earl Stoddard, director, Office of Emergency Management and Homeland Security, will brief the Council. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201020/20201020_6B.pdf

Expedited Bill 16-19, Special Capital Improvements Project – Gude Landfill Remediation

The Council is scheduled to vote on Expedited Bill 16-19 following a public hearing. Bill 16-19 would authorize the planning, design and construction of the Gude Landfill Remediation project. The County Charter and County Code require that certain capital improvement projects be individually authorized by law, if the locally funded cost is projected to exceed the special projects legislation threshold. The threshold is \$17.5 million in fiscal year 2021 dollars. As part of the FY21-26 Capital Improvements Program, the Gude Landfill Remediation project was approved with an updated total project cost estimate of \$61.7 million and a revised construction schedule, with construction to begin in FY22 and to conclude in FY27. Council staff recommends approval of the bill as introduced. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201020/20201020_12-13A.pdf

Bill 32-20, Solid Waste (Trash) – Waste Reduction/Source Reduction and Single-Use Straws – Requirements

The Council is scheduled to vote on Bill 32-20, which would do the following: establish a program for waste reduction/source reduction in Montgomery County; provide criteria for waste reduction initiatives and programs; set forth the method by which the program is established; prohibit the distribution of single-use straws except in certain circumstances; and post information that plastic straws will no longer be provided to a customer, except when necessary to accommodate a medical or disability-related need of a customer. Council President Sidney Katz is the lead sponsor of the bill, at the request of the County Executive. The Transportation and Environment (T&E) Committee recommends approval with amendments. The recommended amendments can be found on page one of the Council staff report, which can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201020/20201020_13B.pdf

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

Bill 33-20, Solid Waste (Trash) – Food Service Products Packaging Materials – Requirements

The Council is scheduled to vote on Bill 33-20, which would prohibit single-use polystyrene food containers including plates and cups, meat and vegetable trays, egg cartons and other products made of polystyrene that are used for selling, providing or serving food or drink. Council President Sidney Katz is the lead sponsor of the bill, at the request of the County Executive. The T&E Committee recommends approval with technical amendments. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201020/20201020_13C.pdf

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

2020-2024 Subdivision Staging Policy

The Council will review the County's 2020-2024 Subdivision Staging Policy, which is one of the many ways that the County supports the excellent quality of life for its residents. The Subdivision Staging Policy is based on having sufficient infrastructure to support new development. It includes criteria and guidance for the administration of Montgomery County's Adequate Public Facility Ordinance (APFO), which matches the timing of private development with the availability of public infrastructure. Every four years, recommendations for policy updates reflecting current growth patterns start with the Montgomery Planning Department, before being reviewed and approved by the Montgomery County Planning Board and the Council. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201020/20201020_14.pdf

Bill 37-20, Subdivision – Preliminary Plan – Adequate Public Facilities – Amendments

The Council will review Bill 37-20, which would require an applicant requesting an extension of an adequate public facilities determination to provide a new determination of school adequacy for any remaining unbuilt units under the school test in effect at the time of the Planning Board's review. Council President Sidney Katz is the lead sponsor, at the request of the County Executive. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201020/20201020_14.pdf

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

Bill 38-20, Taxation – Development Impact Taxes for Transportation and Public School Improvements – Amendments

The Council will review Bill 38-20, which would amend transportation and school impact tax district designations and the impact tax rates that apply in these districts. Bill 38-20 also would modify the applicability of development impact tax exemptions for certain uses and in certain locations, and generally amend the law governing transportation and school development impact taxes. Council President Sidney Katz is the lead sponsor, at the request of the Planning Board. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201020/20201020_14.pdf

#ImpactTax is being used for this bill on social media

Expedited Bill 39-20, Taxation - Recordation Tax – Amendments

The Council will review Expedited Bill 39-20, which would increase the rate of the recordation tax levied under state law for certain transactions involving the transfer of property and would establish a partial exemption from the recordation tax for a first-time home buyer. Moreover, Bill 39-20 would amend the allocation of revenue received from the recordation tax to capital improvements for schools and to the

Montgomery Housing Initiative Fund. Council President Sidney Katz is the lead sponsor, at the request of the Planning Board. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201020/20201020_14.pdf

#RecordationTax is being used for this bill on social media

PUBLIC HEARINGS

All Council public hearings will be held on Tuesday, Oct. 20 at 1:30 p.m.

Supplemental Appropriation to the County Government's FY21 Operating Budget, Department of Environmental Protection - \$372,079 for Naval Support Activity -Bethesda - Military Installation Resiliency Review Grant

The Council will receive public testimony on a supplemental appropriation of \$372,079 to the Department of Environmental Protection's FY21 Operating Budget to fund a climate planning resiliency study for Naval Support Activity (NSA) – Bethesda, which is home to the Walter Reed National Military Medical Center and Uniformed Services University. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201020/20201020_7.pdf

Planning Board Draft Amendment for the Mesrobian House: Amendment to the Master Plan for Historic Preservation

The Council will receive public testimony on a Planning Board draft amendment for the Mesrobian House: Amendment to the Master Plan for Historic Preservation. See page one of this document for more information. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201020/20201020_5-8.pdf

Public Accountability and County Transparency Act (Bill 42-20, Ethics - Public Accountability and Transparency – Amendments)

The Council will receive public testimony on Bill 42-20, which would, among other things, require the County Executive to disclose a proposed employment contract with an appointee to a non-merit position and any employment contract with an employee currently serving in a non-merit position to the Council. Councilmember Andrew Friedson is the lead sponsor. Councilmember Craig Rice, Council President Sidney Katz and Councilmembers Evan Glass, Nancy Navarro and Council Vice President Hucker are cosponsors. The goal of this legislation is to increase public accountability and County transparency. The Public Accountability and County Transparency Act also would do the following:

- include the sale or promotion of certain intellectual property by a public employee as other employment;
- prohibit a public employee who has received compensation from an individual or organization in the previous 12 months from participating in a procurement with that individual or organization;
- require a public employee who participates in a procurement process with an individual or organization seeking to do business with the County that compensated the public employee for services performed more than 12 months before the participation began to disclose the prior relationship to the Procurement Director;
- require an elected official or non-merit employee to disclose, with some exceptions, the source of each fee greater than \$1,000 received for services in a financial disclosure statement; and
- prohibit the Chief Administrative Officer from engaging in other employment.

A Government Operations and Fiscal Policy (GO) Committee meeting on Bill 42-20 is tentatively scheduled for Nov. 23. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201020/20201020_9.pdf

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

Bill 43-20, Non-merit Employees - Merit System Employees - Severance Pay - Limited

The Council will receive public testimony on Bill 43-20, which would prohibit severance pay for a County employee unless authorized by law and prohibit severance pay for certain employees who violate the Ethics Law. Councilmember Andrew Friedson is the lead sponsor. Councilmember Craig Rice, Council President Sidney Katz and Councilmembers Evan Glass, Nancy Navarro and Council Vice President Hucker are cosponsors. The goal of this legislation is to improve transparency in employee compensation. A GO Committee meeting on Bill 43-20 is tentatively scheduled for Nov. 23. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201020/20201020_10.pdf

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

Bill 44-20, Racial Equity and Social Justice - Impact Statement - Advisory Committee - Amendments

The Council will receive public testimony on Bill 44-20, which would require the Office of Legislative Oversight (OLO) to submit a racial equity and social justice impact statement for each zoning text amendment. Councilmember Nancy Navarro is the lead sponsor. All other Councilmembers are cosponsors. Bill 44-20 also would add two additional public members to the Racial Equity and Social Justice Advisory Committee and authorize the County Executive to establish one or more task forces to study and make recommendations on specified racial equity and social justice issues.

In November 2019, the Council unanimously approved the Racial Equity and Social Justice Act after conducting numerous community conversations and reviewing the analysis of the Council's Office of Legislative Oversight. This seminal legislation was spearheaded by Councilmember Navarro.

The Racial Equity and Social Justice Act created an official program for Montgomery County government, under the oversight of the newly created Office of Racial Equity and Social Justice. It requires each County department and office to develop a racial equity and social justice action plan, and requires that legislation, public policy initiatives and government programs, supported by budget requests, include a racial equity and social justice impact statement. It also established a Racial Equity and Social Justice Advisory Committee that would include members of the public.

Finally, it required the Montgomery County Planning Board to consider racial equity and social justice issues when preparing master plans for submission 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. A GO Committee meeting on Bill 44-20 is tentatively scheduled for Nov. 18. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201020/20201020_11.pdf

#EquityMattersInMoCo and #LandUseEquity are being used for this bill on social media.

Expedited Bill 16-19, Special Capital Improvements Project - Gude Landfill Remediations

The Council will receive public testimony on Expedited Bill 16-19. See page one of this document for more information. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20201020/20201020_12-13A.pdf

COMMITTEE

Briefing on the Public Hearing Draft of the General Plan – Thrive Montgomery 2050

On Oct. 19 at 9:30 a.m., the Planning, Housing and Economic Development (PHED) Committee will receive a briefing on the public hearing draft of the General Plan, [Thrive Montgomery 2050](#), which is the

update to Montgomery County's General Plan. Thrive Montgomery 2050 is a long-range, policy framework for guiding future land use and growth for the next 30 years through countywide policies and future initiatives affecting community quality of life; the provision of infrastructure and community amenities; and private development. Some of the planning staff recommendations that will be discussed include the following: allowing small retail/service uses in single-family neighborhoods; allowing diverse housing types in single-family neighborhoods; adopting compact development pattern for all new growth and infill development; rethinking planning for public facilities; directing growth to transit corridors; rethinking transportation; using new and innovative financial tools to increase housing production; using new and innovative financial tools to achieve sustainability and address climate change; and achieving diversity and equity at the neighborhood level.

The individuals expected to attend the meeting include the following: Casey Anderson, chair, Planning Board; Gwen Wright, director, Planning Department; Tanya Stern, deputy director, Planning Department; Khalid Afzal, special projects manager, Planning Department; and Caroline McCarthy, chief of research and special projects, Planning Department. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2020/20201019/20201019_PHED1.pdf

Research University Presence in the County

The PHED Committee will receive a briefing from Montgomery Planning and the Montgomery County Economic Development Corporation (MCEDC) about the organizations' reports on the possibility of establishing a research university presence in Montgomery County. The Council requested that the Planning Board explore this topic, and the executive branch requested that MCEDC conduct similar work. Given that the work products requested were complimentary, planning staff and MCEDC coordinated and collaborated on the reports transmitted to County Executive Elrich and the Council.

The individuals expected to attend the meeting include the following: Casey Anderson, chair, Montgomery County Planning Board; Gwen Wright, director, Montgomery County Planning Department; Carrie McCarthy, Research and Special Projects, Planning Department; Ben Kraft, researcher, Planning Department; Ben Wu, CEO, MCEDC; Sarah Miller, vice president of strategy, MCEDC; Nadia Khan, special projects manager, MCEDC; and Tina Benjamin, special projects manager, Office of the County Executive. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2020/20201019/20201019_PHED2.pdf

Proposed Executive Regulation 10-20 for Bill 18-19, Landlord-Tenant Relations - Relocation Expenses

The PHED Committee will close out its meeting with a review of Executive Regulation 10-20, Executive Regulation 10-20, which implements Bill 18-19, Landlord-Tenant Relations – Relocation Expenses, which was sponsored by Councilmember Will Jawando and approved by the Council in January 2020. Bill 18-19 requires a landlord to pay a tenant relocation expenses, if the tenant's housing is condemned as unfit for human habitation under certain circumstances and requires the landlord to give the tenant the right of first refusal to reoccupy the rental housing under certain circumstances. The Council has 60 days to approve or disapprove the regulation. The Council can also extend time for action if it needs additional time to review the regulation. If the Council approves the regulation, the regulation takes effect upon adoption of the resolution approving it or on a later date specified in the regulation. Executive Regulation 10-20 was advertised in the June 2020 Montgomery County Register and no comments were received. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2020/20201019/20201019_PHED3.pdf

Supplemental Appropriation #2-S21-CMCG-1 to the County Government’s FY21 Capital Budget and Amendment to the FY21-26 Capital Improvements Program, Department of Environmental Protection - \$4,700,000 for Transfer Station Fire Detection and Suppression System

On Oct. 21 at 9:30 a.m. the Transportation and Environment (T&E) Committee will review a supplemental appropriation of \$4.7 million to the Fiscal Year 2021 Capital Budget and FY21-26 Capital Improvements Program (CIP) for the Department of Environmental Protection. This appropriation would fund fire detection and suppression system improvements at the County’s Solid Waste Transfer Station. The Council staff report will be available on Oct. 19.

2020-2024 Subdivision Staging Policy: Transportation Issues

On Oct. 22 at 9:30 a.m. the PHED Committee will continue its review of school and transportation issues related to the County’s 2020-2024 Subdivision Staging Policy. The County’s 2020-2024 Subdivision Staging Policy is based on having sufficient infrastructure to support new development. The Council staff report will be available on Oct. 20.

Wheaton Revitalization

On Oct. 22 at 1:30 p.m. the Government Operations and Fiscal Policy (GO) and PHED Committees will meet jointly to discuss the Wheaton Revitalization project. The work for this project is on time and within budget. The government office building’s development and construction was overseen by Montgomery County’s Department of Transportation. The Maryland-National Capital Park and Planning Commission is the first occupant and building owner of Wheaton’s newest office building. Montgomery County’s Small business Assistance Program, which was created to provide technical and financial assistance to qualified downtown Wheaton businesses during the three-year Wheaton Revitalization has distributed more than \$1.1 million to 25 businesses. Councilmember Nancy Navarro, who is the district Councilmember for Wheaton, secured funding for the Wheaton Redevelopment Program with full Council support, and she was the lead sponsor of the bill to create the Small Business Assistance Program. The Council staff report will be available on Oct. 20.