

COUNCIL COMING ATTRACTIONS



Week of Sept. 21, 2020

Uniform Trader's License Fee, Police Accountability Act, School-Age Child Care During Distance Learning, COVID-19 County Public Health Planning Update, Forest Conservation, Subdivision Staging Policy

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, Sept. 22 at 9:30 a.m.

COUNCIL

Special Appropriation to the County Government's FY21 Operating Budget - Early Care and Education Non-Departmental Account (NDA) COVID-19 -\$7,087,000 for School-Age Child Care During Distance Learning

On Tuesday, Sept. 22 at 9:30 a.m. the Council will introduce a special appropriation of \$7,087,000 to the Early Care and Education NDA's Fiscal Year 2021 (FY21) Operating Budget for school-age child care during distance learning. The Council staff report will be available on Sept. 21.

Supplemental Appropriation to the County Government's FY21 Operating Budget, Montgomery County Fire and Rescue Service - \$273,482 for FY19 Assistance to Firefighters Grant

The Council will introduce a supplemental appropriation of \$273,482 to the Montgomery County Fire and Rescue Service's FY21 Operating Budget. This appropriation will fund the purchase and installation of station apparatus bay exhaust systems. A public hearing and vote on this supplemental appropriation is scheduled for Oct. 6 at 1:30 p.m. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20200922/20200922_2E.pdf

Supplemental Appropriation to the County Government’s FY21 Operating Budget, Department of Health and Human Services - \$864,029 to Increase Somatic and Mental Health Services at Montgomery County Public Schools

The Council will introduce a supplemental appropriation of \$864,029 to the County’s Department of Health and Human Services’ FY21 Operating Budget to increase somatic and mental health services at Montgomery County Public Schools. A public hearing and vote on this supplemental appropriation is scheduled for Oct. 6 at 1:30 p.m. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20200922/20200922_2F.pdf

Resolution to Extend Time for Council action to December 31, 2020, on Planning Board Regulation – Proposed 2018-2020 Changes to Forest Conservation Trees Regulation

The Council is scheduled to vote on a resolution to extend the time for Council action on Planning Board Regulation - Proposed 2018-2020 Changes to Forest Conservation Trees Regulation. This regulation incorporates current Montgomery Planning staff practices and addresses the changes that have already been incorporated into the Forest Conservation Law. Under County law, the Council must review this regulation. The current deadline to review the regulation is Sept. 22. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20200922/20200922_2G.pdf

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

On Tuesday, Sept. 22 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. 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/2020/20200922/20200922_3.pdf

PUBLIC HEARINGS

Bill 36-20, Forest Conservation – Amendments

The Council will hold a public hearing on Bill 36-20, which would do the following: apply the forest conservation law to two or more platted contiguous lots that collectively total at least 40,000 square feet under certain circumstances; modify provisions related to the preferred sequence for afforestation and reforestation, forest mitigation banks, and in lieu fees to conform with state law; and exempt agricultural activities from the forest stand. Council President Sidney Katz is the lead sponsor of this bill, at the request of the Planning Board. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20200922/20200922_4.pdf

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

Expedited Bill 40-20, Licensing and Regulations – Uniform Trader’s License Fee

The Council will hold a public hearing on Expedited Bill 40-20, which would establish a uniform license fee of \$15 for a trader’s license within the County. Councilmembers Evan Glass and Andrew Friedson are the lead sponsors. Councilmembers Nancy Navarro, Gabe Albornoz, Council President Sidney Katz and Councilmember Craig Rice are cosponsors. The goal of this legislation is to provide financial relief to retail businesses and restaurants who have been hard-hit by the global pandemic. Currently trader’s license fees range between \$15 to \$800 annually for any business that has retail inventory and the fee is established based on the value of the inventory. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20200922/20200922_5.pdf

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

Expedited Bill 34-20, Police – Disciplinary Procedures – Police Labor Relations – Duty to Bargain – Amendments

The Council will hold a public hearing on Expedited Bill 34-20, which would amend the disciplinary procedures for County police officers by requiring the use of a traditional hearing board under the Law Enforcement Officers Bill of Rights (LEOBR). The bill also would require two additional voting public members on a hearing board in a case originating from a complaint alleging an excessive use of force and authorize the chief of police to issue a final order on employee discipline based on the recommendations of a hearing board. Finally, Bill 34-20 would exclude collective bargaining over the composition of a police hearing board, the right of the chief to make a final decision on discipline and the right of the chief to issue a directive or administrative order implementing an employer right. The goal of this legislation is to increase police officer accountability. Councilmembers Hans Riemer and Craig Rice are the lead sponsors. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2020/20200922/20200922_6.pdf

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

Interview with County Executive’s Appointee as Chief Administrative Officer

At 2:30 p.m. the Council is scheduled to conduct an interview with Richard Madaleno, who is County Executive Elrich’s appointee to serve as the County’s chief administrative officer. Mr. Madaleno has been serving as acting CAO, since Mr. Andrew Kleine resigned in August.

The nomination can be found [here](#).

COMMITTEES

Rental Assistance and Tenant Supports

On Monday, Sept. 21 at 9:30 a.m. the Planning, Housing and Economic Development (PHED) Committee will receive an update on rental assistance and tenant supports. At this meeting, the PHED Committee will have an opportunity to receive updates on tenant support services being made available through the Department of Housing and Community Affairs (DHCA) to renters who may be behind in their rent, are threatened with eviction, or are in the eviction process. The Committee will also be provided with an update from DHCA and DHHS on the rental assistance programs that are in place in response to the COVID pandemic. The individuals expected to participate in the meeting include the following: Aseem Nigam, director, DHCA; Frank Demarais, deputy director, DHCA; Ilana Branda, deputy chief, Services to End and Prevent Homelessness, DHHS; Frank Vitale, acting supervising attorney, Maryland Legal Aid, Montgomery County Office; Mary Hunter, Housing Initiative Partnership, Inc.; Matt Losak, Renters Alliance, Inc.; Ana Martinez, CASA de Maryland; and Walda Yon, Latino Economic Development Corporation. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2020/20200921/20200921_PHED1.pdf

Resolution to Approve Categorical Transfers of \$7,927,000 for the Montgomery County Public Schools FY20 Operating Budget, and Categorical Transfers of \$1,617,000 for FY20 Grant Funds in the Provision for Future Supported Projects

On Sept. 21 at 1:30 p.m. the Education and Culture (E&C) Committee will review a resolution to approve categorical transfers of \$7,927,000 for MCPS’ FY20 Operating Budget, and \$1,617,000 for FY20 grant funds in provision for future supported projects. The Board of Education approved the operating budget categorical transfers on Aug. 25, and the categorical transfer of grant funds on June 29. Council staff recommends approval of both categorical transfers. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2020/20200921/20200921_EC1.pdf

MCPS CIP Amendments: South Lake ES Major Capital Project and HVAC (Mechanical System) Replacement (COVID-Related Expenditures)

The E&C Committee also will review two requested amendments to MCPS' Capital Improvements Program (CIP). The purpose of this Committee meeting is to have an introductory discussion of the BOE's request and the factors the Council will need to consider as part of the review process. The Committee will take up these items again in the coming weeks after further work between Council, MCPS and Executive staff. The Council has not yet received a recommendation from the County Executive on either request. The individuals expected to participate in the meeting include the following: Adrienne Karamihas, director of the Division of Capital Planning, MCPS; Seth Adams, director of the Department of Facilities Management, MCPS; Mary Beck, CIP manager, Office of Management and Budget (OMB); and Veronica Jaua, fiscal and policy analyst, OMB. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2020/20200921/20200921_EC2.pdf

Expedited Bill 40-20 - Uniform Trader's License Fee

On Sept. 22 at 3 p.m. the Government Operations and Fiscal Policy (GO) Committee will review Expedited Bill 40-20. See page three of this document for more information. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2020/20200922/20200922_GO1.pdf

Executive Regulation 26-19, Employee Compensation

The GO Committee also will review Executive Regulation 26-19. On July 30, the County Executive transmitted Executive Regulation 26-19 for Council review. The proposed regulation amends the Personnel Regulations to incorporate changes for salary setting policies for applicants and employees to comply with the pay equity provisions of Montgomery County Code 33-25; and requires the Office of Human Resources (OHR) director to seek approval by a designee of the CAO to set a salary above the mid-point for an applicant for a position in OHR. In the transmittal, the County Executive notes that while the proposed regulation formally amends the personnel regulations, County departments have been following the provisions and requirements of the Pay Equity Act. Council staff recommends approval of Executive Regulation 26-19 as submitted by the County Executive. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2020/20200922/20200922_GO2.pdf

Office of the Inspector General & Office of Internal Audit

On Sept. 22 at 3:45 p.m. the Audit Committee will receive an update from the Office of the Inspector General and the Office of Internal Audit. The Audit Committee consists of the GO Committee, with the Council President and Council Vice President as ex officio voting members. The individuals expected to participate in the meeting include the following: Megan Davey Limarzi, inspector general; Fariba Kassiri, deputy chief administrative officer; and William Broglie, manager, Office of Internal Audit. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2020/20200922/20200922_AUDIT1.pdf

2020-2024 Subdivision Staging Policy, Impact and Recordation Taxes – Briefing OMB/Department of Finance

On Sept. 23 at 9:30 a.m. the GO and PHED Committees will meet jointly to 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 will be available on Sept. 21.

Bill 29-20, Taxation – Payment in Lieu of Taxes – WMATA Property – Established

The GO and PHED Committees also will review Bill 29-20, which would require the director of the Department of Finance to offer a payment in lieu of taxes for a residential or commercial high-rise building constructed by a private developer on property leased from the Washington Metropolitan Area Transit Authority (WMATA) at a Metro station. The bill would require the payment in lieu of taxes that would exempt 100 percent of the real property tax that would otherwise be levied for a period of 15 years beginning in the year a use and occupancy permit is issued for the qualifying development. Councilmembers Hans Riemer and Andrew Friedson are the lead sponsors. Councilmembers Evan Glass, Nancy Navarro, Council President Sidney Katz, Councilmember Gabe Albornoz and Council Vice President Tom Hucker are cosponsors. The Council staff report will be available on Sept. 21.

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

Bill 35-20, Human Rights and Civil Liberties - Fair Criminal Record Screening Standards - Amendments

On Sept. 23 at 1:30 p.m., the Public Safety (PS) and Health and Human Services (HHS) Committees will meet jointly to review Bill 35-20, which would do the following: alter definitions regarding fair criminal record screening standards; prohibit certain inquiries regarding criminal records; prohibit consideration of certain arrests and convictions in employment decisions; and generally amend the law regarding criminal record screenings. Councilmember Will Jawando is the lead sponsor. The goal of this legislation is to help prevent workplace discrimination by preventing background checks prior to the extension of a conditional offer of employment and preventing inquiries into certain types of arrests and convictions. The Council staff report will be available on Sept. 21.

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

Bill 28-20, Human Rights and Civil Liberties - Discrimination in Public Accommodations - LGBTQ Bill of Rights

On Sept. 24 at 9:30 a.m. the HHS Committee will review Bill 28-20, which would define and prohibit discriminatory practices based on sexual orientation, gender expression, gender identity and HIV status in places of public accommodation, including nursing homes and other healthcare and personal care facilities. The bill also would require the posting of certain anti-discrimination notices. Councilmember Evan Glass is the lead sponsor. All other Councilmembers are cosponsors. The Council staff report will be available on Sept. 22.

#LGBTQRights is being used for this bill on social media

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

The HHS Committee also will review 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 will be available on Sept. 22.

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

2020-2024 Staging Policy, Transportation Impact Taxes and Transportation Issues

On Sept. 24 at 10:30 a.m. the PHED and GO Committees will meet jointly to review transportation impact taxes and cross cutting transportation issues related to the County's 2020-2024 Subdivision Staging Policy (SSP). At 1:30 p.m. the PHED Committee will meet to review other transportation issues associated with the SSP. The Council staff report will be available on Sept. 22.