

# **COUNCIL COMING ATTRACTIONS**



## **Week of Nov. 1, 2021**

*Proclamation Recognizing Carbon Monoxide Awareness Month by  
Councilmember Rice and County Executive Elrich*

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>

## Summary

The Council will meet virtually on **Tuesday, November 2 at 9 a.m.** The meeting will begin with a proclamation recognizing Carbon Monoxide Awareness Month and will be presented by Councilmember Rice and County Executive Elrich. Then the Council will meet as the Board of Health with Montgomery County's Acting Public Health Officer Dr. James Bridgers to review the community transmission rates of COVID-19 as it relates to the indoor mask mandate.

Next, the Council is expected to introduce a resolution to approve use of Advance Land Acquisition Revolving Fund (ALARF) for acquisition of real property from Imperial Investment Company for \$7.5 million to create a South Silver Spring Urban Recreational Park. The Council will then vote to confirm the County Executive's appointments to the Adult Public Guardianship Review Board, the Pedestrian, Bicycle and Traffic Safety Advisory Committee, the Revenue Authority and the Washington Suburban Transit Commission.

The Council is expected to vote on an amendment to the MCPS FY21-26 CIP DuFief Elementary School addition and facility upgrade project and a related \$33.9 million transfer within the FY22 Capital Budget to the MCPS local unliquidated surplus account. The Council will also vote on an amendment to the Montgomery County Schools (MCPS) FY21-26 CIP current revitalizations and expansions project and a related transfer within the FY22 capital budget to the MCPS local unliquidated surplus account.

In the afternoon, the Council will hold a public hearing on Bill 35-21, Prevailing Wage Requirements - Construction Contracts – Amendments, which would amend definitions related to construction and the prevailing wage threshold and hold a public hearing on ZTA 21-06, Exemptions – Density Transfer and Historic Resources, which would establish a new residential lot exemption for properties containing a historic resource that is protected from development by a density transfer.

Then the Council will receive an update from Montgomery County Public Schools (MCPS) on the five-point COVID-19 response plan presented on September 14, 2021, as well as an update on key COVID related case data. Next, the Council will introduce Bill 40-21, Individual Water Supply and Sewage Disposal Systems – Amendments, which would clarify definitions related to individual water supply and sewage disposal. The Council is then expected to vote on whether to continue deliberations on Expedited Bill 30-21 and whether to pursue one of multiple options to enact the bill with amendments recommended by the Planning, Housing and Economic Development (PHED) Committee and amendments proposed at the last Council worksession.

Before the meeting adjourns, the Council will vote on Bill 45-20, which aims to ensure greater transparency in policing and vote on a resolution to extend the expiration date to January 21, 2023 for Expedited Bill 34-20, Police - Disciplinary Procedures - Police Labor Relations - Duty to Bargain - Amendments, which would amend disciplinary procedures for County police officers.

*The Council meeting will be held Nov. 2 at 9 a.m.*

**Resolution to adopt an Amended Board of Health Regulation to prevent the spread of COVID-19, and indoor mask guidance in Montgomery County**

**Introduction, public hearing and vote:** The Montgomery County Council will meet as the Board of Health to introduce, hold a public hearing and vote on an amended Board of Health regulation to prevent the spread of COVID-19 in Montgomery County. The amended Board of Health regulation will be introduced at 9:40 a.m. and the public hearing and vote is scheduled for 1:30 p.m.

The amended Board of Health regulation, sponsored by the Montgomery County Council, would require seven consecutive days of substantial COVID-19 transmission in the community for an indoor face covering requirement to be reinstated in areas open to the public. The requirement to wear face coverings in indoor spaces that are open to the public also terminates when the County returns to a status of moderate COVID-19 transmission for seven consecutive days.

A seven-day period provides a more accurate picture of public health trends related to the virus and eliminates quick swings back and forth on indoor masking requirements. If approved by the Council, the amended Board of Health regulation would set aside the notice issued on Oct. 30 by the acting health officer that would have reinstated the indoor masking requirement on Nov. 3, 2021 at 12:01 a.m.

The County is deemed an area of substantial transmission if it reaches 50 to 99.99 total new cases per 100,000 persons in the past seven days or 8 to 9.99 percent test positivity during the past seven days. The Centers for Disease Control and Prevention classifies transmission values as low, moderate, substantial or high.

The amended Board of Health regulation:

- Requires that residents must wear face coverings in indoor areas open to the public when notice is given by the health officer or a designee that the County has been an area of substantial COVID-19 transmission for seven consecutive days.
- Provides that the health officer or designee must promptly take reasonable steps to notify the public if the County has become an area of substantial transmission for seven consecutive days.
- Requires the health officer to begin counting a period of seven consecutive days on the day that the transmission status of the County changes according to the U.S. Centers for Disease Control and Prevention.
- Establishes that for the period of substantial transmission that began on Oct. 30, 2021, the health officer must count Oct. 30, 2021 as the first day in calculating seven consecutive days of substantial transmission before a face covering requirement is triggered in indoor spaces open to the public.
- Requires that the mandate to wear face coverings in indoor spaces open to the public terminates without further action by the Board of Health when the County returns to a status of moderate transmission for a period of seven consecutive days.

- Provides that the notice to the public issued by the acting health officer on Oct. 30, 2021, which would have reinstated the indoor masking requirement as of Nov. 3, 2021 at 12:01 a.m. is null and void.

The amended Board of Health regulation would become effective immediately upon its adoption by the Board of Health.

### **Resolution to approve use of Advance Land Acquisition Revolving Fund (ALARF) for acquisition of real property from Imperial Investment Company to create a South Silver Spring Urban Recreational Park**

**Introduction:** The Council is expected to introduce a resolution to approve use of Advance Land Acquisition Revolving Fund (ALARF) for acquisition of real property from Imperial Investment Company for \$7.5 million to create a South Silver Spring Urban Recreational Park. The 0.957 acres property fronts on East-West Highway and Kennett Street on opposite sides, providing the public access and visibility necessary for an urban park. This acquisition will provide recreational amenities to a diverse, underserved and growing urban community.

On September 30, the Montgomery County Planning Board approved the Montgomery Parks

Department proposal to acquire the property at 1110 East-West Highway in downtown Silver Spring. The parcel was specifically designated as a proposed urban recreational park in the [Energized Public Spaces Functional Master Plan](#) adopted by the Council in 2018. The proposed park is supported by the Equity Focus Area (EFA) analysis recently completed by the Parks and Planning Department. A vote is tentatively scheduled for Nov. 9, 2021.

### **FY22 Supplemental Appropriations and Amendments to the MCPS FY 21-26 Capital Improvements Program Transfer of Funds - Capital Projects**

**Vote expected:** The Council is expected to vote on an amendment to the MCPS FY21-26 CIP DuFief Elementary School addition and facility upgrade project and a related \$33.9 million transfer within the FY22 Capital Budget to the MCPS local unliquidated surplus account.

The Council will also introduce a transfer within the FY22 Capital Budget from the MCPS local unliquidated surplus account and related amendments to the MCPS FY21-26 CIP Burnt Mills Elementary School, Clarksburg Cluster Elementary School, South Lake Elementary School, Stone Gate Elementary School, Woodlin Elementary School and Poolesville High School projects.

The transfer is needed because MCPS identified unexpended funds from the DuFief Elementary School addition and facility upgrade project where improvements were to be made to address aging infrastructure and more specifically, overutilization at Rachel Carson Elementary School. However, projections indicate student enrollment will not grow at the previously projected rate, resulting in the reduction of the overutilization at Rachel Carson Elementary School.

## **FY22 Capital Budget and Amendments to the MCPS FY21-26 Capital Improvements Program Transfer of Funds for the Charles W. Woodward High School Reopening Project**

**Vote expected:** The Council is expected to vote on an amendment to the Montgomery County Schools (MCPS) FY21-26 CIP current revitalizations and expansions project and a related transfer within the FY22 capital budget to the MCPS local unliquidated surplus account. The Council will also introduce a transfer of \$4 million within the FY22 capital budget from the MCPS local unliquidated surplus account and a related amendment to the MCPS FY21-26 CIP Charles W. Woodward High School reopening project.

The transfer is needed for the current revitalizations and expansions project which includes three completed subprojects with surplus balances due to cost savings. These projects are at Seneca Valley High School, Tilden Middle School and Wheaton High School. Conversely, the Woodward High School reopening project is facing cost increases because the construction industry has experienced an unprecedented increase in material costs, disruption in supply chain and labor shortages. The unforeseen additional funding needed to complete the Woodward reopening project is \$4 million, which includes value engineering and a redesign of areas of the building.

## **Bill 35-21, Prevailing Wage Requirements – Construction Contracts – Amendments**

**Public hearing:** The Council is expected to hold a public hearing on Bill 35-21, Prevailing Wage Requirements - Construction Contracts – Amendments, which would amend definitions related to construction and the prevailing wage threshold. The lead sponsors are Council President Hucker and Councilmember Jawando. Councilmembers Glass, Rice, Albornoz, Katz and Reimer are cosponsors.

Prevailing wage laws require that wages for County funded construction projects be calculated to reflect local wages for similar jobs. The purpose of Bill 35-21 is to expand the applicability of the County's prevailing wage law to include a County financed construction contract with a value of \$250,000. This change would align the County with recently passed state prevailing wage law regarding the contract threshold limit. In addition, the bill would apply prevailing wage requirements to certain public-private partnerships, require construction contracts to include a local hiring requirement and specify violations of the local hiring mandate.

## **Zoning Text Amendment 21-06, Exemptions - Density Transfer and Historic Resources**

**Public hearing:** The Council will hold a public hearing on ZTA 21-06, Exemptions – Density Transfer and Historic Resources, which would establish a new residential lot exemption for properties containing a historic resource that is protected from development by a density transfer.

The proposed exemption would permit a limited list of commercial uses on the site containing the historic resource. It would require a recommendation of approval from the Historic Preservation Commission (HPC) and site plan approval by the Planning Board. During the approval process, the HPC and the Planning Board would have three new findings to make,

intended to ensure that the proposed commercial uses protect, rather than detract from, the historic resource.

The lead sponsor is Council President Hucker, at the request of the Planning Board.

### [MCPS COVID-19 Health Planning and Efforts to Address Pandemic Related Learning Loss](#)

**Briefing:** The Council will receive an update from Montgomery County Public Schools (MCPS) on the five-point COVID-19 response plan presented on September 14, 2021, as well as an update on key COVID related case data. A new MCPS [COVID-19 dashboard](#) is also now available, showing the number of active cases and active quarantine across the system and at the school level. In addition, MCPS representatives will discuss learning loss experienced by students as a result of the COVID-19 pandemic and provide an overview of the recently released [Evidence of Learning](#) data.

Those expected to attend and provide information include James D'Andrea, chief of staff, Office of the Superintendent, Montgomery County Public Schools (MCPS); Niki Hazel, associate superintendent, Office of Curriculum and Instructional Programs, MCPS; Kecia Addison, director, Office of Shared Accountability, MCPS; Heather Dublinske, coordinator, Student Welfare and Compliance, MCPS; Stephanie Iszard, coordinator, Student Health and Wellness, MCPS; Dr. James Bridgers, acting chief health officer and chief of public health services, Department of Health and Human Services (DHHS).

### [Bill 40-21, Individual Water Supply and Sewage Disposal Systems – Amendments](#)

**Introduction:** The Council is expected to introduce Bill 40-21, Individual Water Supply and Sewage Disposal Systems – Amendments, which would clarify definitions related to individual water supply and sewage disposal, require the owners of individual sewage disposal systems to periodically pump out the sewage treatment unit of the systems, and authorize use of Water Quality Protection Charge funds to partially reimburse septic system owners that pump out sewage treatment units.

The lead sponsor is Council President Hucker, at the request of the County Executive.

### [Expedited Bill 30-21, Landlord-Tenant Relations – Restrictions During Emergencies – Extended Limitations Against Rent Increases and Late Fees](#)

**Vote expected:** The Council is expected to vote on whether to continue deliberations on Expedited Bill 30-21 and whether to pursue one of multiple options to enact the bill with amendments recommended by the Planning, Housing and Economic Development (PHED) Committee and amendments proposed at the last Council worksession.

If approved, Expedited Bill 30-21 would prohibit fees for late rent payments during certain emergencies; extend the time after an emergency when rent increases must not exceed certain

guidelines; and amend the law regarding rents and fees for rental housing and landlord-tenant relations. Councilmember Jawando is the lead sponsor of Bill 30-21.

At the start of the COVID-19 pandemic, Councilmember Jawando introduced, and the Council enacted, Bill 18-20, Landlord-Tenant Relations-Rent Stabilizations During Emergencies (Renter Relief Act), to protect renters in the County from destabilizing rent increases. This law is tied to Gov. Hogan's Mar. 5, 2020 declaration of a state of emergency because of the pandemic and prohibits landlords from raising the rent above certain guidelines during the emergency and for a 90-day period after the expiration of the emergency.

The COVID-19 emergency declared by Gov. Hogan expired on Aug. 15, 2021. Therefore, the rent stabilization under the COVID-19 Renter Relief Act is scheduled to expire on Nov. 15, 2021. Bill 30-21 would prohibit a landlord from charging a fee for nonpayment or late payment of rent during an emergency or within one year after the expiration of the emergency. It would also prohibit rent adjustments during the emergency and within one year after the expiration of the emergency.

Those expected to attend and provide information include, Aseem Nigam, director, Department of Housing and Community Affairs (DHCA) Frank Demarais, deputy director, DHCA; and Rosie McCray-Moody, acting chief, Housing Division, DHCA.

#### **[Bill 45-20, Police - Community Policing – Data](#)**

**Vote expected:** The Council is expected to vote on Bill 45-20, which aims to ensure greater transparency in policing and create publicly available data related to the race, ethnicity, gender and other voluntarily provided information about residents involved in policing actions.

Bill 45-20 would require MCPD to report demographic information about residents stopped (including a stop and frisk that does not result in an arrest) to the Council by Feb. 1 of each year. It would further require MCPD to maintain data sets on race and ethnicity, use of force incidents, criminal citations and juvenile citations, among others, and to post this data on its web portal.

Councilmember Jawando spearheaded this bill and is a lead sponsor along with Council President Hucker, Council Vice President Albornoz and Councilmember Katz. All other Councilmembers are cosponsors. The Public Safety (PS) Committee recommends enactment with amendments.

Those expected to attend and provide information include Marcus C. Jones, chief, Montgomery County Police Department (MCPD); Jordan Satinsky, lieutenant, MCPD; and Dr. Elaine Bonner-Tompkins, senior legislative analyst, Office of Legislative Oversight.

#### **[Resolution to extend expiration date until January 21, 2023 for Expedited Bill 34-20, Police - Disciplinary Procedures - Police Labor Relations - Duty to Bargain - Amendments](#)**

**Vote expected:** The Council is expected to vote on a resolution to extend the expiration date to January 21, 2023 for Expedited Bill 34-20, Police - Disciplinary Procedures - Police Labor



Relations - Duty to Bargain - Amendments, 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.

The bill would also 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. In addition, the bill would exclude collective bargaining over the composition of a police hearing board, the right of the chief of police 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 lead sponsors of the bill are Councilmembers Riemer and Rice. The bill is currently scheduled to expire on January 21, 2022.

### *Monday, Nov. 1*

The joint Public Safety (PS) and Health and Human Services (HHS) Committee will meet on **Monday, Nov. 1 at 9:30 a.m.** to review hospital emergency department capacity and the need for psychiatric beds.

The members of the PS Committee include Chair Sidney Katz, Council Vice President Gabe Albornoz and Council President Tom Hucker. The members of the HHS Committee include Chair and Council Vice President Gabe Albornoz and Councilmembers Evan Glass (Lead for Homelessness & Vulnerable Communities) and Craig Rice.

The Planning, Housing and Economic Development (PHED) Committee will meet at **9:30 a.m.** to review the Great Seneca Science Corridor Minor Master Plan Amendment and Zoning Text Amendment (ZTA) 21-05, Rural Village Center (RVC) Overlay Zone – Vehicle Repair.

The members of the PHED Committee include Chair Hans Riemer and Councilmembers Andrew Friedson (Lead for Parks) and Will Jawando.

Joint PHED and Education and Culture (E&C) Committee will meet at **1:30 p.m.** to review to review out of school time programming in the 2021-2022 School Year.

The members of the E&C Committee include Chair Craig Rice and Councilmembers Will Jawando (Lead for Libraries) and Nancy Navarro.

The PS Committee will meet at **1:30 p.m.** to review Bill 18-21, Police – Internal Affairs Procedures and Reporting Requirements.

More detail on each agenda item is provided below.



## Hospital Emergency Department Capacity and Need for Psychiatric Bed

**Review:** The joint PS and HHS Committee will meet to review hospital emergency department capacity and the need for psychiatric beds. The County's hospitals are experiencing delays in being able to appropriately discharge people who come to the emergency department with a mental health crisis to an in-patient psychiatric bed or community-based treatment center, which has had an impact on hospital emergency department capacity. The Committee will also discuss the growing number of people experiencing mental health challenges during the COVID-19 pandemic, a trend that has been seen both locally and regionally.

Those expected to attend and provide information from Suburban Hospital include Dr. Barton Leonard, M.D., chief, Emergency Medicine; Greta Cuccia, R.N., director of nursing; and Leslie Ford Weber, director, Government & Community Affairs, Montgomery County and Federal. Those expected to attend and provide information from Holy Cross Hospital include Dr. Novell Coats, president and chief executive officer and Scott Graham, director of emergency preparedness, EOC/life safety and workforce wellness. Those expected to attend and provide information from Adventist Healthcare include Terry Forde, president and chief executive officer; Marcel Wright, vice president, Adventist Healthcare Behavioral Health Service Line and Shady Grove Medical Center; and Dr. Marissa Leslie, medical director of psychiatry. Those expected to attend and provide information from Montgomery County government include Dr. Earl Stoddard, assistant chief administrative officer; Dr. Raymond Crowel, director, Department of Health and Human Services (DHHS); Dr. Rolando Santiago, chief, Behavioral Health and Crisis Services (DHHS); Scott Goldstein, chief, Montgomery County Fire and Rescue Services (MCFRS); Peter Friedman, assistant chief, MCFRS; and Avital Graves, manager, Mobile Integrated Health, MCFRS.

## Great Seneca Science Corridor Minor Master Plan Amendment

**Review:** The PHED committee will review the Great Seneca Science Corridor Minor Master Plan Amendment. The plan amendment was approved by the Planning Board on July 1, 2021 and will amend the approved and adopted 2010 Great Seneca Science Corridor Master Plan. This amendment is not a traditional master plan amendment, as it does not provide recommendations for land use, zoning, transportation, parks, trails, open space, community facilities or the environment.

The amendment evaluates the 2010 plan, considers progress towards the plan's vision, illustrates departures from and barriers to implementing the original vision and provides a recommendation for adjustments to the plan's staging requirements.

For more information, the Planning Board draft can be viewed [here](#).

Those expected to attend and provide information include Casey Anderson, chair, Planning Board; Gwen Wright, director, Planning Department; Robert Kronenberg, deputy director, Planning Department; Carrie Sanders, Chief, Midcounty Planning Division, Planning Department; Jessica McVary, master plan supervisor, Midcounty Planning Division; and Maren Hill, planner coordinator, Midcounty Planning Division.

### [Zoning Text Amendment \(ZTA\) 21-05, Rural Village Center \(RVC\) Overlay Zone – Vehicle Repair](#)

**Review:** The PHED committee will review ZTA 21-05, which would allow vehicle repair and service in the Rural Village Center (RVC) Overlay Zone. Under the current Zoning Ordinance, minor repair is a prohibited use in the RVC Overlay Zone. The lead sponsor of this ZTA is Councilmember Glass.

Those expected to attend and provide information include Casey Anderson, chair, Montgomery County Planning Board; Jason Sartori, chief, Countywide Planning and Policy, Planning Department; Benjamin Berbert, planner coordinator, Countywide Planning and Policy, Planning

Department; Victor Salazar, division chief, Zoning, Well & Septic and Code Compliance, Department of Permitting Services (DPS); and Mark Beall, zoning manager, Division of Zoning, Well & Septic and Code Compliance, DPS.

### [Out of School Time Programming in the 2021-2022 School Year](#)

**Review:** The joint PHED and E&C Committee will review out of school time (OST) programming and expansion of programming to address community needs. The discussion will include recent efforts to expand access to OST programming to County youth, assess the unmet need for services and identify barriers to service delivery and opportunities for coordination among public and private service providers.

Those expected to attend and provide information include Ramona Bell-Pearson, director, Community Use of Public Facilities (CUPF); Robin Riley, director, Department of Recreation; Adriane Clutter, division chief, Programs, Department of Recreation; Shane Tate, director of programs, Montgomery County Collaboration Council for Children, Youth and Families (Collaboration Council); Kimberly Rusnak, project director, Children's Opportunity Fund (COF); Byron Johns, co-founder, Black and Brown Coalition for Educational Equity and Excellence; Dana Edwards, chief, Office of Districtwide Services and Supports, Montgomery County Public Schools (MCPS); and C. Douglas Hollis, executive director, Office of Finance and Operations, MCPS.

### [Bill 18-21, Police – Internal Affairs Procedures and Reporting Requirements](#)

**Review:** The PS Committee will review Bill 18-21, Police - Internal Affairs - Procedures and Reporting Requirements. Introduced by lead sponsor Council President Hucker, the purpose of the bill is to improve police accountability through the random review of body-worn camera footage and through the prompt reporting of serious Internal Affairs Division (IAD) investigations. Councilmembers Jawando, Riemer, Glass, Navarro, Rice and Vice President Albornoz are cosponsors of the legislation.

The bill requires the Montgomery County Police Department to issue a body-worn camera for the use of an on-duty employee of the department whenever the officer is wearing a uniform or prominently displaying a badge or insignia.

The bill also requires internal random reviews of body-worn camera recordings to evaluate officer performance and compliance with police rules. In addition, the bill provides that certain types of potential administrative misconduct discovered on body-camera recordings be investigated by the IAD.

Those expected to attend and provide information include Marcus Jones, chief, Montgomery County Police Department (MCPD), Darren Francke, assistant chief MCPD; Willie Parker-Loan, assistant chief, MCPD; and Haley Roberts, assistant county attorney.

### *Thursday, Nov. 4*

The Transportation and Environment (T&E) Committee will meet on **Thursday, Nov. 4 at 9:30 a.m.** to receive an update on OLO Report 2021-5, Measuring Climate Resilience – A Review of Select Critical Infrastructure Sectors in Montgomery County.

The joint Education and Culture (E&C) and Health and Human Services (HHS) Committee will meet at **1:30 p.m.** to receive an update on the impact of COVID-19 on school health services.