

# COUNCIL COMING ATTRACTIONS



## **Week of October 4, 2021**

*Proclamations Recognizing Domestic Violence Awareness Month by Councilmember Katz and County Executive Elrich; Recognizing Energy Action Month by Council President Hucker*

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, October 5 at 9 a.m.** The meeting will begin with two proclamations. The first will recognize Domestic Violence Awareness Month and will be presented jointly by Councilmember Katz and County Executive Elrich. The second will recognize Energy Action Month and will be presented by Council President Hucker.

Next, the Council is scheduled to vote on spending affordability guidelines for the aggregate capital budget. After the vote, the Council will receive a briefing on the County's COVID-19 rental assistance and eviction prevention programs and then conduct interviews with Sonia Mora and Yaakov (Jake) Weismann, who are the County Executive's appointees for assistant chief administrative officers.

The Council will then introduce an amendment to the Montgomery County Schools (MCPS) FY21-26 CIP current revitalizations and expansions project and a related \$4 million transfer within the FY22 capital budget to the MCPS local unliquidated surplus account. This will be followed by an introduction of 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 then introduce a supplemental appropriation to the FY22 Operating Budget of the Department of Health and Human Services (DHHS) in the amount of \$300,000 for a grant from the University of Maryland Office of Research Administration for short-term housing assistance for human trafficking survivors. Next, the Council is expected to vote on a resolution to issue additional revenue certificates and refinance certain revenue bond series related to acquisition and renovation of affordable housing.

Next, the Council will introduce a \$720,300 supplemental appropriation which would fund a contractor to develop Ride On crowd sourcing system software and a smartphone mobile application. Then, the Council is expected to introduce a resolution to amend FY22 transportation fees, charges and fares based on a fare equity study conducted by the Department of Transportation for Ride On and introduce Zoning Text Amendment (ZTA) 21-07, which would exempt applications with 100 percent moderately priced dwelling units (MPDUs) from mapped floor area ratio (FAR) limits.

In the afternoon, the Council will hold public hearings on a resolution that would approve a lease between the Maryland-National Capital Park and Planning Commission (M-NCPPC) and Renovacion Media Group Corp; and on a \$17.1 million Supplemental Appropriation to Montgomery College's FY22 Operating Budget for the federal, state and private contract fund.

Before the meeting adjourns, the Council will vote Bill 19-21, which would increase public transparency regarding settlement agreements entered into by the County; Bill 30-21 which would prohibit fees for late rent payments during certain emergencies and extend the time after an emergency when rent increases must not exceed certain guidelines; and on Expedited Bill 31-21, which would define and clarify terms related to property tax credits for energy conservation devices and energy-efficient buildings.

*The Council meeting will be held Oct. 5 at 9 a.m.*

### **Spending Affordability Guidelines for the FY23 Capital Budget and the FY23-28 Capital Improvements Program**

**Vote expected:** The Council is expected to vote on spending affordability guidelines for the aggregate capital budget. These guidelines limit certain types of debt that may be programmed for expenditures in the Capital Improvements Program (CIP). These guidelines also set the Council's voting thresholds for the capital budget each year. By evaluating and setting appropriate debt levels every two years, the Council preserves the County's fiscal health and manages the amount of general funds required for debt service. The Council must adopt these guidelines by the first Tuesday in October in each odd-numbered calendar year.

Those expected to attend and provide information include Mary Beck, capital budget manager, Office of Management and Budget (OMB) and Mike Riley, director, Montgomery Parks.

### **COVID Rental Assistance and Eviction Prevention**

**Briefing:** The Council is expected to receive a briefing on the County's COVID-19 rental assistance and eviction prevention programs. The discussion is expected to include a progress report on the COVID-19 Rent Relief Program expenditures, updates on outreach and assistance efforts to encourage and help residents apply for rent assistance and updates regarding eviction trends and court process given the ending of protections by the Centers for Disease Control and Prevention (CDC) and Governor of Maryland.

The COVID Rent Relief Program (CRRP) is funded by the U.S. Department of Treasury. It provides short term rental assistance. Eligible households can receive up to \$12,000 for back rent and up to three months of future rent. For households below 30 percent of area median income some additional assistance may be available. The Treasury Department expects jurisdictions to have obligated 65 percent of funds received by Sept. 30, 2021. The County works in partnership with non-profits to reach and assist residents.

Those expected to attend and provide information include Dr. Raymond Crowel, director, Department of Health and Human Services (DHHS); Aseem Nigam, director, Department of Housing and Community Affairs (DHCA); The Honorable Darren Popkin, sheriff, Montgomery County Sheriff's Office; Amanda Harris, chief, Services to End and Prevent Homelessness, DHHS; Ilana Branda, deputy chief, Services to End and Prevent Homelessness, DHHS; Frank Demarais, deputy director, DHCA; Rosie McCray Moody, manager, Landlord-Tenant Affairs, DHCA; Maxwell Uy, chief deputy, Montgomery County Sheriff's Office; and Jonathan Riedel, supervising attorney, CASA.

### **County Executive appointments for Assistant Chief Administrative Officers, Sonia Mora and Yaakov (Jake) Weismann**

**Interview:** The Council will interview Sonia Mora and Yaakov (Jake) Weismann, who are the County Executive's appointees for assistant chief administrative officers.

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

**Introduction:** The Council is expected to introduce 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 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 the 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.

The Education and Culture Committee is tentatively scheduled to hold a committee session on these requests on Oct. 21, 2021. The Council is tentatively scheduled to hold a public hearing on Oct. 26 and vote on these transfer requests and CIP amendments on Nov. 2, 2021.

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

**Introduction:** The Council is expected to introduce 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.

**Supplemental Appropriation #22-11 to the FY22 Operating Budget Montgomery County Government Department of Health and Human Services University of Maryland, Office of Research Administration, Short-Term Housing Assistance for Human Trafficking Survivors: A Path to Permanent Housing \$300,000**

**Introduction:** The Council is expected to introduce a supplemental appropriation to the FY22 Operating Budget of the Department of Health and Human Services (DHHS) in the amount of \$300,000 for a grant from the University of Maryland Office of Research Administration for short-term housing assistance for human trafficking survivors.

This funding will be used to support residents of Montgomery County by providing resources directly to victims of human trafficking and will bolster DHHS efforts in administering assistance to victims of human trafficking. It will also support the collection of data that will be critical to developing strategies for ending human trafficking in Montgomery County. The program will be administered by DHHS, Services to End and Prevent Homelessness.

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

**Resolution to authorize the issuance of taxable limited obligation certificates to finance the Affordable Housing Acquisition and Preservation Project**

**Vote expected:** The Council is expected to vote on a resolution to issue additional revenue certificates and refinance certain revenue bond series related to acquisition and renovation of affordable housing in the County. The resolution also allows the County to refinance previous issued bonds for savings on existing debt. This project will provide funding for the acquisition or renovation of properties for the purpose of preserving or increasing the County's affordable housing inventory.

**Supplemental Appropriation to the County Government's FY22 Operating Budget, Department of Transportation - \$720,300 for COVID-19 Research Demonstration Grant**

**Introduction:** The Council is expected to introduce a \$720,300 supplemental appropriation which would fund a contractor to develop Ride On crowd sourcing system software and a smartphone mobile application. The crowd sourcing software would be deployed to a subset of transit routes and would receive passenger loading information from automatic passenger counters.

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

**Resolution to amend FY22 Transportation Fees, Charges, and Fares based on Fare Equity Study**

**Introduction:** The Council is expected to introduce a resolution to amend FY22 transportation fees, charges and fares based on a fare equity study conducted by the Department of Transportation for Ride On. Based on information from the study, the County Executive is recommending reducing the basic Ride On fare from \$2 to \$1. Express routes that charged \$4.25

before the fare holiday would also have their fares reduced to \$1. The monthly pass cost would be reduced from \$45 to \$22.50. The new fare structure would not go into effect until Jan. 2, 2022, when the fare holiday that was unanimously passed by the Council is set to expire.

A public hearing is scheduled for Oct. 19, 2021 at 1:30 p.m. The Transportation and Environment Committee is scheduled to review the resolution on Oct. 28, 2021.

### **Zoning Text Amendment (ZTA) 21-07, Density and Height Allocation - Development with Moderately Priced Dwelling Units**

**Introduction:** Lead sponsors Council President Hucker and Councilmember Riemer are expected to introduce Zoning Text Amendment (ZTA) 21-07, Density and Height Allocation - Development with Moderately Priced Dwelling Units. ZTA 21-07 would exempt applications with 100 percent moderately priced dwelling units (MPDUs) from mapped floor area ratio (FAR) limits. Councilmember Rice is a cosponsor of this zoning change.

### **Resolution to Approve Lease of Property at Sligo Creek Golf Course to Renovacion Media Group Corp.**

**Public hearing:** The Council is expected to hold a public hearing on a resolution that would approve a lease between the Maryland-National Capital Park and Planning Commission (M-NCPPC) and Renovacion Media Group Corp. (“RMG”) for property located at 9701 Sligo Creek Parkway, Silver Spring, Maryland to continue to be used to house a 240-foot-tall radio tower.

The tower and its two adjoining transmitter buildings are owned by M-NCPPC and are used to broadcast WACA 1540 AM, a Spanish language radio station serving the greater Washington D.C. area. The initial lease term is for five years, with three additional five-year renewal terms, beginning July 1, 2021.

The current leaseholder, AC Acquisitions LLC has leased the site since January 2001. Because AC Acquisitions recently sold its assets to RMG, a new lease is necessary to renew the site’s current operation as a radio tower. Since January 2019, RMG has been operating the radio station under a license agreement with AC Acquisitions.

The lead sponsor is Council President at the request of the Maryland-National Capital Park and Planning Commission.

### **Supplemental Appropriation to Montgomery College’s FY22 Operating Budget - \$17,082,886 for the Federal, State, and Private Contract Fund**

**Public hearing:** The Council is expected to hold a public hearing on a \$17.1 million Supplemental Appropriation to Montgomery College’s FY22 Operating Budget for the federal, state and private contract fund.

The funds will be used to defray expenses associated with the pandemic which include lost revenue, reimbursements for incurred expenses, technology costs, faculty and staff trainings and

payroll. The funds can also be used for student support activities and allocated as additional financial grants to students.

### **Bill 19-21, Finance - Reports on Settlements Agreements**

**Vote expected:** The Council is expected to vote on Bill 19-21, which was introduced by lead sponsor Councilmember Jawando, to increase public transparency regarding settlement agreements entered into by the County to resolve complaints against County employees. Council President Hucker and Councilmembers Glass, Riemer, Rice and Navarro are cosponsors of the legislation.

Bill 19-21 would require the County Attorney to periodically report to the County Executive and Council regarding settlement agreements entered into by the County and require the County Attorney to publish each report on the County website. The GO Committee recommends the enactment of Bill 19-21 with amendments.

### **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 Bill 30-21 which 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. The lead sponsor of Bill 30-21 is Councilmember Jawando.

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. If Expedited Bill 30-21 is enacted, then rent stabilization and late fee relief would be extended until Aug. 15, 2022.

### **Expedited Bill 31-21, Property Tax Credits - Energy Conservation Devices and Energy Efficient Buildings - Amendments**

**Vote expected:** The Council is expected to vote on Expedited Bill 31-21, Property Tax Credits – Energy Conservation Devices and Energy Efficient Buildings – Amendments. The legislation

would define and clarify terms related to property tax credits for energy conservation devices and energy-efficient buildings; repeal a sunset clause affecting property tax credits for energy-efficient buildings; provide for certain application timelines related to property tax credits; and generally amend the law regarding property tax credits.

In September 2020, the Council passed Bill 10-20, which phased out the existing Energy and Environmental Design property tax credit, established a new Energy-Efficient Buildings property tax credit for commercial and residential buildings to encourage energy efficiency improvements in existing buildings and incentivize newly constructed buildings to exceed the current building code requirements.

The proposed amendments in Expedited Bill 31-21 would clarify the sunset provisions of the Energy and Environmental Design property tax credit program and make minor implementation improvements to the new Energy Efficient Buildings property tax credits for existing and newly constructed buildings.

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

### *Monday, Oct. 4*

The Education and Culture (E&C) Committee will meet on **Monday, Oct. 4 at 9:30 a.m.** to receive a briefing and discuss key programs and initiatives at Montgomery County Public Libraries (MCPL) and make a recommendation to the full Council on a resolution to approve categorical transfers of \$67.7 million for Montgomery County Public Schools' (MCPS) FY21 operating budget and \$1.7 million for FY21 grant funds.

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

The Planning, Housing and Economic Development (PHED) Committee will meet at **1:30 p.m.** to continue its review of the Planning Board's Thrive Montgomery 2050 Draft Plan and receive updates on the Board of Appeal's key programs and initiatives and review spending and performance data.

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

More detail on each agenda item is provided below.

#### **Public Libraries**

**Briefing and review:** The E&C Committee will receive a briefing and discuss key programs and initiatives at the Montgomery County Public Libraries (MCPL). The Committee will be briefed on services and programs impacted by the pandemic and the department's plan to recover operations.



In addition, the Committee will discuss the launch of an open-source integrated library system and global platform, the MCPL racial equity and social justice department action plan, branch reopening progress, recruiting and hiring of librarian staff, curriculum development to address loss of learning among youth during the pandemic, workforce development programming and grant funding for an electric-powered bookmobile.

Those expected to attend and provide information include Anita Vassallo, director, Montgomery County Public Libraries (MCPL); James Donaldson, assistant director, MCPL; Steve Kapani, business office manager, MCPL; and Deborah Lambert, senior fiscal and policy analyst, Office of Management and Budget.

### **FY21 MCPS Operating Budget and Grant Funds Categorical Transfer Requests**

**Review:** The E&C Committee will discuss and make a recommendation to the full Council on a resolution to approve categorical transfers of \$67.7 million for the Montgomery County Public Schools (MCPS) FY21 operating budget and \$1.7 million for FY21 grant funds, as requested by the Board of Education. The FY21 year-end financial report and categorical transfer request was presented to the Board of Education on Aug. 24, 2021 and approved by the Board on June 29, 2021.

The transfer is needed because of increased expenditures in the new continuity of learning approach, extensive summer instruction, additional student instruction and enrichment in non-traditional school hours, and professional development and technology initiatives for remote learning. In addition, MCPS received approximately \$422.0 million in relief funding related to the pandemic.

Representatives from MCPS expected to attend and provide information include Ivón Alfonso-Windsor, supervisor, Budget Unit, Office of Finance and Thomas Klausung, executive director, Office of Finance.

### **Thrive 2050 Design, Arts, and Culture and Transportation and Communication Networks**

**Review:** The PHED Committee will continue its review of the Planning Board's Thrive Montgomery 2050 Draft Plan which is a framework to guide planning for land use, housing, the economy, equity, transportation, parks and open space, the environment, historic resources, urban design and arts and culture over the next three decades.

The recommendations will provide guidance for future master plans, county and state capital improvement processes and other public and private initiatives that influence land use and planning in Montgomery County.

At previous meetings, the Committee reviewed the introductory section of the plan, received a briefing from the Planning Department on the plan's vision, reviewed the first two chapters about

compact growth and complete communities and reviewed the fiscal impact statement prepared by the Office of Management and Budget.

This meeting will focus on the affordable and attainable housing chapter. The chapter on parks and recreation will be covered on Oct. 13. The PHED Committee is scheduled to hold a final meeting to review the plan's conclusion and introduction on Oct. 18.

For additional background information on Thrive Montgomery 2050 visit [Montgomery Planning](#).

### Board of Appeals

**Review:** The PHED Committee will receive updates on the Board of Appeal's key programs and initiatives and review spending and performance data. In addition, the committee will discuss recent activities of the Board, including the impact of the COVID-19 pandemic on department operations.

The Board of Appeals assists the public in understanding, and to hear and decide, in a quasi-judicial setting, inquiries and applications that arise related to variances and administrative appeals of certain decisions of County agencies. The Board of Appeals also conducts oral argument on conditional use decisions or modification of special exceptions.

Representatives from the Board who are expected to attend and provide information include Barbara Jay, executive director, and John H. Pentecost, board chair.

### *Thursday, Oct. 7*

The Transportation and Environment (T&E) Committee will meet **Thursday, Oct. 7 at 1:30 p.m.** to discuss the general fund, water quality protection fund and recycling and resource management at the Department of Environmental Protection (DEP).

The members of the T&E Committee include Chair and Council President Tom Hucker and Councilmembers Evan Glass and Hans Riemer.