

# **COUNCIL COMING ATTRACTIONS**



## **Week of April 19, 2021**

*Proclamation recognizing Sexual Assault Awareness Month by Councilmember Glass and recognizing Arab American Heritage 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

Tuesday's Council session will begin with two proclamations. The first recognizes Sexual Assault Awareness Month and will be presented by Councilmember Glass. The second recognizes Arab American Heritage Month and will be presented by Council President Hucker.

The meeting will continue with the Council sitting as the Board of Health and Dr. Travis Gayles, Dr. Earl Stoddard and Dr. Raymond Crowel will provide their weekly COVID-19 pulse report update to Councilmembers. Next, the Council sitting as the Board of Health is scheduled to introduce, hold a public hearing and vote on the fourth amended Board of Health regulation to prevent the spread of COVID-19 in Montgomery County and provide guidance on graduation ceremonies.

The Council will then move to the consent calendar to introduce resolutions to indicate its intent to approve or reject provisions of collective bargaining agreements and introduce a budget amendment to allow the Department of Health and Human Services (DHHS) to enter into a contract with Lachman Consulting LLC and the Metropolitan Washington Council of Governments.

The Council is also expected to vote on the Optional Method for Condemnation of Land related to Oak Drive and Kingstead Road construction, vote to renew the Council contract for audit services, and vote to repeal Regulation #9-19, Pager Criteria Policy. In addition, the Council will consider an extension of time to review Executive Regulation 18-20, related to the Rental Assistance Program (RAP).

The Council session will continue with votes on four Executive regulations which would amend the Code of Montgomery County Regulation to update program and department titles, fee schedules and state and local departments. The Council will also vote to approve radio replacement related to equipment for the Departments of Transportation and Correction and Rehabilitation and vote to approve a supplementation appropriation for an emergency homeless shelter. Before the morning session concludes the Council will vote to confirm five County Executive appointments and introduce a resolution in support of the Metropolitan Washington Council of Government's resolution supporting statehood for the District of Columbia.

The afternoon session will begin with a vote on a proposed annexation to the City of Rockville, followed by the introduction of Bill 14-21 to expand eligibility for the Working Families Income Supplement tax credit and Bill 15-21 to increase safety for individuals soliciting occupants of vehicles on high-speed roadways. The Council session will conclude with the final reading of Bill 49-20, which would mitigate discrimination and impediments to permanent housing and Bill 8-21, which would change the name of Department of Technology Services (DTS) to the Department of Technology and Enterprise Business Solutions (TBS).

*The Council session will be held April 20 at 9 a.m.*

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

**Update:** Sitting as the Board of Health, the Council will receive an update on the County's ongoing response to the COVID-19 pandemic and its recovery and vaccination efforts.

Those expected to provide information include Dr. Travis Gayles, 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. Join the conversation with [#COVID-19](#)

### **Resolution to adopt a Fourth Amended Board of Health Regulation to prevent the spread of COVID-19 in the County**

**Introduction, public hearing and vote expected:** The Council, sitting as the Board of Health, is scheduled to introduce, hold a public hearing and vote on a Fourth Amended Board of Health Regulation to prevent the spread of COVID-19 in Montgomery County and provide guidance on school graduations.

Council President Hucker and Council Vice President Albornoz have proposed an amended Board of Health regulation to provide guidance for school graduations. The new provisions are as follows:

- The total number of persons present at an outdoor graduation ceremony must be limited to 50 percent of the outdoor venue's maximum occupancy;
- If an outdoor venue does not have a formal certificate of occupancy, 40 square feet per person must be used to calculate the occupancy limit;
- The total number of persons present at an indoor graduation ceremony is limited to 25 percent of the maximum occupancy or 250 people, whichever is smaller;
- A school that plans an indoor graduation ceremony must obtain a Letter of Approval for their plan showing how it would meet the general requirements of the Regulation;
- A record of everyone attending the graduation must be kept for 30 days to enable contact tracing;
- The school must identify a point of contact for an attendee to notify if they test positive for COVID-19 within two weeks after the event, and the point of contact must notify DHHS within 1 business day of notice of a positive test;
- No more than 10 persons can be on the stage at one time;
- The ceremony must last no more than two hours;
- Members of the audience from different households must remain at least six feet apart at all times;
- Signage explaining the infectious control requirements must be posted at the venue;
- No group or staged photography;

- No congregating or gathering in common areas both inside and outside of the venue before or after the ceremony;
- A masked speaker must be at least 12 feet from the audience and an unmasked speaker must be at least 18 feet from the audience;
- Diplomas must be distributed without handshakes or physical contact; and
- No food or beverage concessions at the ceremony.

**Resolutions to indicate the Council's intent to approve or reject provisions of the Collective Bargaining Agreements with the Fraternal Order of Police (FOP), the Municipal and County Government Employees' Organization (MCGEO), Local 1994 and the Montgomery County Career Fire Fighters Association of the International Association of Fire Fighters (IAFF), Local 1664**

**Introduction:** The Council will introduce Resolutions to indicate its intent to approve or reject provisions of the Collective Bargaining Agreement with the Municipal and County Government Employees' Organization (MCGEO), the Fraternal Order of Police (FOP) and the Montgomery County Career Fire Fighters Association of the International Association of Fire Fighters (IAFF).

Under County Employees Labor Relations Laws, the Council must indicate by resolution its intention to appropriate funds or otherwise implement the agreement, or its intention not to do so and state its reasons for any intent to reject any part of an agreement.

**Resolution to set County Reimbursements under the Montgomery County Municipal Revenue Program**

**Introduction:** The Council will introduce and consider a resolution to update the property tax duplication formulas. The proposed resolution would update the current formulas as negotiated by the County Executive and the municipalities.

Tax duplication occurs when the County and municipality both levy a property tax on a municipal taxpayer to fund a service, but only the municipality provides that service. The majority of the County's property tax revenue funds programs and services that municipalities do not provide, such as public schools.

**Resolution to Amend FY21 Operating Budget Resolution 19-472, Section G, FY21 Designation of Entities for Non-Competitive Contract Award Status: Lachman Consulting, LLC and Metropolitan Washington Council of Governments**

**Introduction and vote expected:** The Council will introduce and vote on FY21 Operating Budget amendments to allow the Department of Health and Human Services (DHHS) to enter into a contract with Lachman Consulting LLC and the Metropolitan Washington Council of Governments.

Funded through a federal grant from the Department of Housing and Urban Development to the County, the contracts provide a leadership development program for Continuum of Care (CoC)

service providers and a racial disparity study focused on the ability of people in the region to exit homelessness.

The CoC is a system of government and non-government service providers that serve the homeless and formerly homeless population. In Montgomery County, the CoC works to make homelessness rare, brief and non-recurring.

### **Authorization of Optional Method for Condemnation of Land, Advance Taking for Oak Drive/MD 27 Sidewalk Project**

**Vote expected:** The Department of Transportation (DOT) is preparing to begin the construction of a sidewalk along segments of Oak Drive and Kingstead Road in Damascus as authorized under the Phase 1 of the Oak Drive/MD 27 Sidewalk project. The planned construction impacts 24 properties along the west side of Oak Drive and on the south side of Kingstead Road.

The project includes the construction of a five-foot wide sidewalk with a five-foot wide green buffer between the road and sidewalk along a 4,200-foot segment of Oak Drive, and along a 350-foot segment of Kingstead Road.

To maintain the DOT's construction schedule, authorization from the Council is sought to obtain possession of four properties under the County Code's optional method of condemnation of land for streets and roads.

### **Resolution to renew Council contract for audit services**

**Vote expected:** The Council is expected to vote on a resolution to extend SB & Company's contract for an additional year. The current contract expires on July 13, 2021 and the contractor's services are needed to conduct the Fiscal Year 2021 audit.

SB & Company also audited the financial statements of the Montgomery County Employee Retirement Plans, the financial statements of the Montgomery County Consolidated Retiree Health Benefits Trust, and other audit work.

### **Executive Regulation 5-21, Repeal of Executive Regulation # 9-90, Pager Criteria Policy**

**Vote expected:** The Council is expected to vote on a regulation to repeal Executive Regulation #9-90, Pager Criteria Policy. The regulation slated to be repealed has been effective since 1990 to established procedures for Montgomery County Fire and Rescue Service personnel to request and track alert pagers.

The Fire and Emergency Services Commission has approved repeal of the regulation and the content and procedures within it are included in the current Radio Procurement and Management Procedure Policy.

### **Extension of time until July 31, 2021, for Council consideration of Executive Regulation 18-20, Rental Assistance - Regulation - Requirements for the Rental Assistance Program**

**Vote expected:** The Council is expected to vote on a Resolution to Extend Time to Consider Executive Regulation 18-20, Rental Assistance – Regulations – Requirements for the Rental Assistance Program.

Executive Regulation 18-20 would update eligibility for and participation in the County’s Rental Assistance Program (RAP) consistent with Bill 25-20, which was enacted into law in 2020.

RAP assists eligible low-income individuals and families with rental payments. Currently, the program has 953 enrolled households receiving benefits averaging between \$200 to \$400 per household per month.

The updates would change the age of eligibility for RAP from 62 to 55, clarify the definition of a person with a documented disability, remove the prohibition of eligibility for County residents without certain immigration documentation and provide that the specific benefit amount is established in regulation rather than law.

### **Executive Regulation 19-20, Functions, Powers and Duties -Regulations - Fee Schedule**

**Vote expected:** The Council is expected to vote on Executive Regulation 19-20, which would amend the Code of Montgomery County Regulations to update program and department titles and fee schedules.

Specifically, the regulation reflects the name change from the Maryland Department of Health and Mental Hygiene to the Maryland Department of Health and corrects numbering. It removes references to a statement of age card formerly issued and specific fees to be collected by the department.

### **Executive Regulation 20-20; Chief, Services to End and Prevent Homelessness**

**Vote expected:** The Council is expected to vote on Executive Regulation 20-20, which implements changes made in Bill 25-18E to modernize the definition of a position in the DHHS that addresses the needs of residents at risk of and experiencing homelessness.

Bill 25-18E changed the title of the chief of the service area in DHSS from chief, Special Needs Housing to chief, Services to End and Prevent Homelessness.

### **Executive Regulation 21-20; Eating and Drinking Establishments Regulations – Nutrition Labeling**

**Vote expected:** The Council is expected to vote on Executive Regulation 21-20. This regulation amends the Code of Montgomery County Regulations to make formatting changes to existing Resolution 16-1194, which requires restaurants to post nutritional information for any standardized menu item.

### **Executive Regulation 22-20; Eating and Drinking Establishment Regulations - Food Service Facilities**

**Vote expected:** The Council is expected to vote on Executive Regulation 22-20, which would amend the Code of Montgomery County Regulations to update the names of state and local departments.

This regulation would replace the previous name of the Maryland Department of Health and Mental Hygiene to the current name, the Maryland Department of Health and make several other minor corrections.

### **Resolution to approve County Radio Replacement and Related Equipment for \$1,434,000 adjustment in FY21 CIP**

**Vote expected:** The Council is expected to vote on an amendment to the FY21-26 CIP, which would replace radios and related equipment for the Departments of Transportation and Correction and Rehabilitation. The County Executive requested these funds to ensure compliance with the County's new 800 MHz radio system.

### **Supplemental Appropriation and CIP Amendment - DHHS - \$13,647,000 for Emergency Homeless Shelter**

**Vote expected:** The Council is expected to vote on a supplemental appropriation to provide \$13,647,000 to the Department of Health and Human Services for an emergency homeless shelter. The project is scheduled to be completed by the end of 2021.

Existing County facilities supporting homeless sheltering and associated services are insufficient for the current population and future demand. Due to COVID-19, maximum occupancy at each County homeless shelter has decreased to allow for social distancing.

The appropriation will fund the acquisition of a facility and construction costs to retrofit the facility to include space for congregation, meal service and medical and case management offices.

### **Resolution in support of Metropolitan Washington Council of Government Resolution Supporting Statehood for the District of Columbia**

**Introduction:** Lead sponsors Council President Hucker, Councilmember Navarro and Councilmember Glass will introduce a resolution supporting the Metropolitan Washington Council of Governments' Resolution urging statehood for the District of Columbia. Given the inter-connectivity with the population living and working in the District, Montgomery County will be positively impacted by the designation of statehood for the District. In Feb., the Council also passed a resolution in support of D.C. statehood which was introduced by lead sponsor Councilmember Glass. All other Councilmembers were cosponsors.

## [City of Rockville Annexation Request \(ANX 2020-00146\), 16160 and 16200 Frederick Road \(MD 355\)](#)

**Vote expected:** The Council is expected to vote on an annexation to the City of Rockville that includes 11.96 acres of land from Montgomery County. The Annexation Area consists of 10.23 acres of privately-owned parcels referred to as the Victor Property and 1.73 acres of State of Maryland Highway 355 right-of-way.

The current use of the Victor Property is the King Buick GMC automotive sales center. Zoned as general retail, it allows for a mix of commercial and residential uses. The petitioner requests the City's Mixed-Use Corridor District (MXCD) zoning, to match the zoning of an adjacent parcel that is already within city limits. The petition also proposes a new zone with similar land uses that would be comparable to uses proposed in the Shady Grove Minor Master Plan Amendment.

## [Expedited Bill 14 -21, Finance - Working Families Income Supplement – Amendments](#)

**Introduction:** Lead sponsors Councilmembers Alborno, Navarro and Katz will introduce Expedited Bill 14-21, which would alter requirements for residents to qualify for the Working Families Income Supplement (WIFS) tax credit. Under current law, to claim WIFS, a resident must be eligible and qualify for both the Federal and State Earned Income Tax Credit (EITC).

In March, the Maryland General Assembly enacted Senate Bill 218 – Child Tax Credit and Expansion of the Earned Income Credit (EIC). The emergency bill expanded eligibility requirements of the State and local EITC, allowing additional taxpayers to claim the tax credits without the federal requirement to have a valid social security number.

Bill 14-21 would allow a resident who qualifies for either the Federal or State Earned Income Credit (EIC) to be eligible for the County's WIFS tax credit. This amendment to the Code will expand the eligibility for residents who are ITIN holders and qualify for the State EIC.

Montgomery County is the only county in Maryland that offers a local income tax credit for its residents with a 100 percent match of the State earned income tax credit for the applicable tax year.

Council President Hucker and Councilmembers Friedson, Rice and Glass have cosponsored this bill.

## [Bill 15-21, Solicitation of Vehicle Occupants in High-Speed Roadways - Permit Requirement](#)

**Introduction:** Lead sponsor Councilmember Rice will introduce Bill 15-21, which would require a permit before a person may stand in a roadway, median divider or sidewalk to solicit an occupant of a vehicle on a high-speed roadway and would condition the permit upon adherence to certain safety rules.

The purpose of the bill would be to improve pedestrian safety and to reduce serious injuries and fatalities when pedestrians solicit and collect objects from vehicles.

### **Bill 49-20 - Human Rights and Civil Liberties - Discrimination in Rental Housing - Fair Criminal History and Credit Screenings (“Housing Justice Act”)**

**Final reading:** Bill 49-20 would mitigate discrimination and impediments to permanent housing, especially for homeless individuals who might have histories of low-level misdemeanors.

The bill would prohibit a landlord from conducting a criminal record check of a prospective tenant until after a conditional offer of housing has been made. In addition, the bill would prohibit making housing decisions based upon arrests or misdemeanors such as a first conviction for disorderly conduct.

Councilmembers Glass and Katz are the lead sponsors of Bill 49-20. The cosponsors are Councilmembers Jawando, Rice, Navarro and Riemer.

### **Expedited Bill 8-21, Administration - Department of Technology Services - Renamed**

**Final reading:** Expedited Bill 8-21 would change the name of Department of Technology Services (DTS) to the Department of Technology and Enterprise Business Solutions (TBS).

## **Committee Meetings on Monday, April 19**

The Planning, Housing and Economic Development (PHED) Committee will meet on **Monday, April 19 at 9:30 a.m.** to review the Ashton Village Center Sector Plan, Zoning Text Amendment (ZTA) 20-08 for continuing care retirement communities and receive a briefing on development trends in the White Flint Sector Plan area.

The members of the Planning, Housing & Economic Development (PHED) Committee include Chair Hans Riemer and Councilmembers Andrew Friedson (Lead for Parks) and Will Jawando.

### **Ashton Village Center Sector Plan**

**Review:** The Ashton Village Center Sector Plan is designed to transform Ashton into a viable and vibrant rural village center. The Committee will continue its review of recommendations for the plan area including land use, zoning, community design and transportation issues, focusing on design guidelines.

The plan area includes 127 acres around the intersection of MD 108, known as Olney Sandy Spring Road, and New Hampshire Ave. (MD 650). The plan envisions the Ashton Village Center as a compact, low-rise, walkable and bikeable rural village with a mix of land uses.

The plan provides zoning and design recommendations intended to allow the density and uses expected for a rural village, while ensuring that new development complements Ashton's existing commercial center and rural character.

Since two state highways (MD 108 and MD 650) form a crossroads at the core of the Ashton Village Center, this plan also provides transportation recommendations related to vehicle, pedestrian and bicycle mobility in the plan area.

Those expected to provide information include: Planning Board Chair Casey Anderson; Gwen Wright, director, Planning Department; Robert Kronenberg, deputy director, Planning Department; Patrick Butler, Upcounty division chief, Montgomery Planning Department; and Montgomery Planning Department staff.

### **Development trends in the White Flint Sector Plan area**

**Briefing:** The Committee will receive a briefing by staff from the Montgomery County Planning Department on the [recently completed study](#) of the White Flint Sector Plan area.

The briefing will provide an overview of the development trends, market performance, infrastructure and park facilities, placemaking case studies and financing tools, as well as provide a framework for future discussions.

Those expected to provide information include: Planning Board Chair Casey Anderson; Gwen Wright, director, Planning Department; Robert Kronenberg, deputy director, Planning Department; Carrie Sanders, chief, Mid-County Planning, Planning Department; and Montgomery Planning Department staff.

### **ZTA 20-08, Residential Care Facility – Continuing Care Retirement Community**

**Review:** ZTA 20-08 adds a definition for a continuing care retirement community to Montgomery County's Zoning Ordinance. Presently, independent living units and residential care facilities in a multi-unit building are approved as a conditional use. Current law does not include a definition for a continuing care retirement community, and ZTA 20-08 would allow for greater flexibility in senior-living unit developments.

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

Those expected to provide information include Planning Board Chair Casey Anderson, Jason Sartori, chief, Countywide Planning and Policy, Planning Department and Montgomery Planning Department staff.

## **Committee Meetings on Wednesday, April 21**

The joint Education (E&C) & Culture and Health & Human Services (HHS) Committee will meet on **Wednesday, April 21 at 9:30 a.m.** to review the FY22 Operating Budget and FY21-26 CIP Amendments for Early Childhood Services, High School Wellness Centers, the Children's Opportunity Fund, Early Care and Education and Child Care Subsidies.

The Planning, Housing & Economic Development (PHED) will meet at **1:30 p.m.** to review the FY22 Operating Budget and FY21-26 CIP Amendments for the Maryland-National Capital Park and Planning Commission (MNCPPC), including Park Police.

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

The members of the Health & Human Services (HHS) Committee include Chair and Council Vice President Gabe Albornoz and Councilmembers Evan Glass (Lead for Homelessness & Vulnerable Communities) and Craig Rice.

The members of the Planning, Housing & Economic Development (PHED) Committee include Chair Hans Riemer and Councilmembers Andrew Friedson (Lead for Parks) and Will Jawando.

## **Committee Meetings on Thursday, April 22**

The Health & Human Services (HHS) Committee will meet on **Wednesday, April 21 at 9:30 a.m.** to review the FY22 Operating Budget and FY21-26 CIP Amendments for the Office of Human Rights and the Department of Health and Human Services (DHHS).

The Planning, Housing & Economic Development (PHED) Committee will meet at **1:30 p.m.** to review the FY22 Operating Budget and FY21-26 CIP Amendments for the Conference and Visitors Bureau Non-Departmental Accounts (NDA), Montgomery County Economic Development Corporation (MCEDC) NDA, Office of Agriculture, KID Museum NDA and KID Museum CIP Project, Economic Development Fund, Incubator Programs NDA and White Oak Science Gateway Redevelopment Project.

The PHED Committee will also review the following Operating Budget Consent Items: Permitting Services, Office of Zoning and Administrative Hearings Board of Appeals, Historical Society, Urban Districts, and Conference Center NDA.

The members of the Health & Human Services (HHS) Committee include Chair and Council Vice President Gabe Albornoz and Councilmembers Evan Glass (Lead for Homelessness & Vulnerable Communities) and Craig Rice.

The members of the Planning, Housing & Economic Development (PHED) Committee include Chair Hans Riemer and Councilmembers Andrew Friedson (Lead for Parks) and Will Jawando.

## **Committee Meetings on Friday, April 23**

The Transportation & Environment (T&E) Committee will meet on **Friday, April 23 at 1:30 p.m.** to review to review the FY22 Operating Budget and FY21-26 CIP Amendments for Recycling and Resource Management - Full Upgrade of Existing Recycling Center Complex, Department of Environmental Protection - Recycling and Resource Management, Climate Change Planning NDA.

The T&E Committee will also review Operating Budget Consent Items for the Department of Environmental Protection - General Fund and the Department of Environmental Protection - Water Quality Protection Fund.

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