

COUNCIL COMING ATTRACTIONS



Week of Feb. 8, 2021

COVID-19 Vaccine and Public Health Update, Black History Month Commemoration, Resolution Reaffirming County's Commitment to Combat Hate and Extremism, FY 2022 Operating Budget, Zoning Measure Increase Composting and Mulching the Agricultural Reserve

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, Feb. 9 at 9:00 a.m.

COUNCIL

Board of Health Regulation to Adopt an Executive Order 19-21, COVID-19 - Local Order - Amending and Restating Order dated Dec. 15, 2020

The Council will sit as the Board of Health and is scheduled to vote on Executive Order 19-21. The order would reopen indoor dining at 25 percent capacity, suspend alcohol sales at 10 p.m. for on-site consumption and limit customers to a one-hour indoor dining period. Additional changes include: updated references and links to the Maryland State of Emergency and Catastrophic Health Emergency renewals and the current State Executive Order; updated links to the American Academy of Pediatrics face covering exceptions; and removal of the deadline references for letter of approval requests for retail to exceed 150 persons. The proposed effective date is February 9 at 5 p.m. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210209/20210209_2A-2-1.pdf

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

The Council will sit as the Board of Health to receive an update on the County's ongoing response to the COVID-19 pandemic and its recovery and vaccination 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. Montgomery County is dependent on the State of Maryland for their supply of the COVID-19 vaccines. DHHS is generally notified each Saturday about the quantity of the vaccine doses it will receive for the following week. County leaders continue to advocate for additional vaccine supply as quickly as possible. The Council staff report can be viewed here: https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210209/20210209_2B.pdf

State and County Responsibilities for Nursing Homes During COVID and Coordination of COVID Vaccinations for Nursing Homes and DDA Group Homes

The Council will review the responsibilities of Montgomery County government and the State of Maryland with respect to distribution of vaccinations in nursing homes and Development Disability Administration (DDA) group homes in the County. After the Council sent a letter to Gov. Hogan on Jan. 28, asking him to work with the Maryland Department of Health and Human Services to remedy ongoing issues, Acting Secretary of Health Schrader responded that a representative from the Unified Command Coordinated Outreach Program would attend the Council's Feb. 9 meeting to take questions from Councilmembers.

This agenda item will be posted on February 8.

Spending Affordability Guidelines for the FY22 Operating Budget

The Council will review the Spending Affordability Guidelines for the County's Fiscal Year 2022 (FY22) Operating Budget. The Council introduced the proposed resolution setting the spending affordability guidelines for the FY22 Operating Budget on Jan. 12. The Council held a public hearing on the proposed guidelines on Jan. 26, during which no testimony was received. The deadline for the Council to adopt these guidelines is the second Tuesday of February each year; the deadline this year is Feb. 9. The Government Operations and Fiscal Policy (GO) Committee made the following recommendations:

- Set the ceiling on funding from ad valorem real property tax revenues at the Charter Limit or \$1,877.3 million, which would be consistent with prior years and the Dec. 2020 fiscal plan update.
- Set the ceiling on the aggregate operating budget at \$5,085.5 million. This is zero percent growth from the FY21 approved aggregate operating budget.
- Allocate the proposed aggregate operating budget according to the chart which can be found on page one of the Council staff report.

The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210209/20210209_2-5.pdf

Resolution Reaffirming Montgomery County's Commitment to Combat Hate and Extremism

The Council will introduce a resolution reaffirming Montgomery County's commitment to combating hate and extremism. Councilmember Evan Glass is the lead sponsor of this resolution. Council President Tom Hucker and Council Vice President Gabe Albornoz and Councilmembers Will Jawando and Sidney Katz, Nancy Navarro and Andrew Freidson are cosponsors. Montgomery County recognizes the value of cultivating an inclusive, safe and just society and culture. The events of January 6, 2021 shocked the nation as levels of hate and extremism have reached their highest levels in recent history. With this proclamation, Montgomery County is reaffirming its commitment to root out hatred, political exploitation and mistruths in all political and civil institutions. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210209/20210209_3A.pdf

Supplemental Appropriation to the County Government's FY21 Operating Budget, Department of Transportation (DOT) - \$30,167,124 for Maryland Department of Transportation (MDOT) Transportation Assistance Grants

The Council will introduce a supplemental appropriation of more than \$30.1 million for Maryland Department of Transportation (MDOT) assistance grants. This supplemental appropriation is needed to authorize the expenditure of Federal funds received through the CARES Act. The goal of this appropriation is to provide funds to pay for operating costs of Ride On related to the prevention, preparation for and response to COVID-19. The source of these funds is federal aid. A public hearing on this special appropriation will be held on Feb. 23 at 1:30 p.m. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210209/20210209_3B.pdf

Special Appropriation to the County Government’s FY21 Operating Budget, Office of the County Executive - \$1,500,000 for Support for COVID-19 Response - Small Business Rental Assistance

The Council will introduce a special appropriation of \$1.5 million for small business rental assistance. Councilmember Will Jawando is the lead sponsor of this special appropriation, which would support small businesses impacted by COVID-19, specifically by assisting with back rent or current rent payments. A public hearing on this special appropriation will be held on Feb. 23 at 1:30 p.m. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210209/20210209_3C.pdf

Resolution to repeal and replace Resolution No. 16-1570 with respect to the White Flint Sector Plan Implementation Strategy and Infrastructure Improvement List and related amendments to the FY21-26 Capital Improvements Program

The Council President will introduce the County Executive’s amendment to the current resolution governing the White Flint Special Taxing District and related Capital Improvement Program (CIP) projects. The proposed amendments would specify the repayment plan for previously approved funding from the general fund, allow for the Executive to propose a tax rate that is commensurate to the rate required to repay any bonds issued, and generally amends the process for funding CIP projects in White Flint. The approval of the White Flint Special Taxing District waived certain funding sources and replaced it with an ad valorem real property tax, which was capped at 10 percent of the total tax rate for the district. The County has advanced about \$45 million for CIP projects in White Flint, which must be repaid in a reasonable timeframe. The public hearing for the resolution and CIP amendments is tentatively scheduled for Feb. 25 at 7:00 PM. The Council staff report can be viewed here: https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210209/20210209_3D.pdf

Appointment to Merit System Protection Board

The Council will appoint a new member to the Merit System Protection Board to fill its partial term vacancy until Dec. 31, 2021. This vacancy is meant for a candidate that identifies as Republican. By law, no more than two of the three members of the Merit System Protection Board may be of the same political party. The two existing members identify as Democrat. The interviews for this position were conducted on Feb. 2. The Council staff report can be viewed here: https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210209/20210209_3-1.pdf

Board of Appeals Candidates

This agenda item will be posted on Feb. 8.

Charter Review Commission

The Council will conduct interviews for the Charter Review Commission. The Council is seeking applicants for a partial term on the Charter Review Commission. The term to be filled was held by Courtney Walker (Unaffiliated). The upcoming vacancy was advertised on November 3 and the deadline was extended once until December 23, 2020. Four applications were received, however, two of the applications were from Democrats even though the news release explicitly stated that Democrats were not eligible. The Council has chosen to interview Bernadette Garrett and Ruth Kirinda, who are the two applicants that were qualified. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210209/20210209_11.pdf

Zoning Text Amendment (ZTA) 20-04, Farming Defined - Accessory Mulching and Composting

The Council will review ZTA 20-04, which would allow an increase in the percentage of off-site material that can be used in accessory composting and mulching uses from 20 to 50 percent. Currently, mulching and composting are allowed as accessory uses to farming, if material trucked from off-site locations is limited to 20 percent. The County generates a tremendous amount of yard and food waste. Recycling that material is preferable to generating waste. The goal of this zoning change is to make it easier for the agricultural industry to use more yard and food waste. Councilmembers Evan Glass, Andrew Friedson, Nancy Navarro and Craig Rice are the lead sponsors of ZTA 20-04. Councilmembers Hans Riemer, Gabe Alborno, Will Jawando, Sidney Katz and Council President Tom Hucker are cosponsors. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210209/20210209_12A.pdf

PUBLIC HEARINGS

All Council public hearings will be held on Feb. 9 at 1:30 p.m. unless otherwise specified

Board of Health Regulation to Adopt an Executive Order 19-21, COVID-19 - Local Order - Amending and Restating Order dated Dec. 15, 2020

At 10:05 a.m., the Council is scheduled to hold a public hearing and vote on Executive Order 19-21, which would reinstate indoor restaurant dining to 25 percent capacity, suspend on-site alcohol sales at 10 p.m. and limit indoor dining to a one-hour dining period, among other changes. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210209/20210209_2A-2-1.pdf

Supplemental Appropriation to the County Government's FY21 Capital Budget and amendment to the FY21-26 CIP, Department of Environmental Protection - \$93,773 for Stormwater Management Retrofit: Countywide Management

The Council will receive public testimony on a supplemental appropriation of \$93,773 to perform stream repair work throughout the County. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210209/20210209_4-6.pdf

Supplemental Appropriation to the County Government's FY21 Capital Budget and Amendment to the FY21-26 CIP, Department of Environmental Protection - \$67,509 for Facility Planning: Stormwater Management

The Council will receive public testimony on a supplemental appropriation of \$67,509 to perform stream inspections throughout the County. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210209/20210209_4-6.pdf

Supplemental Appropriation to the County Government's FY21 Capital Budget and amendment to the FY21-26 CIP, Department of Environmental Protection - \$600,000 for Stormwater Management Facility Major Structural Repair

The Council will receive public testimony on a supplemental appropriation of \$600,000 for major structural repair at stormwater management facilities. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210209/20210209_4-6.pdf

Subdivision Regulation Amendment (SRA) 20-02, Subdivision Ordinance - Revisions, Clarifications, and Corrections

The Council will receive public testimony on SRA 20-02, which would clarify language, correct mistakes, and add necessary missing provisions. While most of the proposed changes are minor, several substantive changes are also proposed. Council President Tom Hucker is the lead sponsor, at the request of the Planning Board. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210209/20210209_7.pdf

Bill 4-21, Weapons - Protection of Minors and Public Places - Restrictions Against Ghost Guns and Undetectable Guns

The Council will receive public testimony on Bill 4-21, which would do the following: define terms related to firearm laws; restrict the manufacture, possession, use, sale and transfer of ghost guns, undetectable guns and certain other firearms with respect to minors; restrict the manufacture, possession, use, sale and transfer of ghost guns, undetectable guns, and certain other firearms within 100 yards of places of public assembly; and generally amend the law regarding firearms and other weapons. Council Vice President Gabe Alborno is the lead sponsor. All Councilmembers have cosponsored Council Vice President Alborno's bill. The goal of this legislation is to prohibit the use and sale of ghost guns, which pose a significant threat to public safety. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210209/20210209_8.pdf

#NoGhostGunsMoCo and #SafetyMattersInMoCo are being used for this bill on social media.

Bill 5-21, Agricultural Land Preservation - Solar Collection System - Dedication of Business Personal Property Tax Revenue

The Council will receive public testimony on Bill 5-21, which would dedicate business personal property tax revenue received for a solar collection system constructed in the Agricultural Reserve Zone for the Agricultural Land Preservation Fund. Councilmember Andrew Friedson is the lead sponsor. The fund is an existing special, non-lapsing revolving fund used to purchase property interests, such as an agricultural easement, to preserve agricultural land in the County. The goal of this legislation is to increase overall funding for the Agricultural Land Preservation Fund. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210209/20210209_9.pdf

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

FY22 Capital Budget and Amendments to FY21-26 Capital Improvements Program (CIP) for County Government, Montgomery County Public Schools (MCPS), Montgomery College, Maryland-National Capital Park and Planning Commission (M-NCPPC), Revenue Authority, and Housing Opportunities Commission (HOC), and WSSC's FY22-26 CIP

The Council will receive public testimony on FY22 capital budget and amendments to the FY21-26 CIP for County Government, Montgomery County Public Schools (MCPS), Montgomery College, Maryland-National Capital Park and Planning Commission (M-NCPPC), Revenue Authority, and Housing Opportunities Commission (HOC), and WSSC's FY22-26 CIP. The Council staff report will be available by Feb. 9.

COMMITTEES

Expedited Bill 50-20, Landlord-Tenant Relations - Fire Safety - Removal of Mercury Service Regulators

On Feb. 8 at 9:30 a.m. the Planning, Housing and Economic Development (PHED) Committee will review Expedited Bill 50-20, which would require landlords to schedule the immediate replacement of indoor mercury service regulators and to provide certain notices to tenants. Council President Tom Hucker is the lead sponsor. Councilmember Hans Riemer, Council Vice President Gabe Alborno and Councilmembers Nancy Navarro, Sidney Katz, Craig Rice and Will Jawando are cosponsors. The purpose of this expedited

bill is to facilitate the immediate replacement of indoor mercury service regulators with safer, more modern regulators. Indoor mercury service regulators have contributed to fatal building fires. The goal of replacing these devices is to improve fire safety across the county. Aseem Nigam, director of the Department of Housing and Community Affairs, is expected to participate in the meeting. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20210208/20210208_PHED1.pdf

#GetTheMercuryOut and #MercuryRemovalMD are being used for this bill on social media.

FY21 Savings Plan

The PHED Committee will review the County's FY21 Savings Plan. The County Executive recommends a total of four savings items in three departments for the Committee's review. The proposed reductions in the Office of Agriculture and Department of Recreation result from the COVID-19 impact on the departments' ability to make services and facilities available to constituents. The Department of Housing and Community Affairs item is a reduction due to lapsing a vacant position. The proposed reductions are not anticipated to have a service impact, thus Council staff recommends approval of each. Jeremy Criss, director, Office of Agriculture, and Jane Mukira, Office of Management and Budget (OMB) are expected to participate in the meeting. The Council staff report can be viewed here:

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20210208/20210208_PHED2.pdf

MCPS FY22-27 CIP Amendments: Overview and Affordability Issues

On Feb. 8 at 1:30 p.m. the Education and Culture (E&C) Committee will receive an overview of Montgomery County Public Schools' (MCPS) FY22-27 Capital Improvements Program (CIP) and review affordability issues. The Board's FY21-26 amendment request totals \$1.732 billion. This level of funding is \$3.7 million (or 0.2 percent) more than the original Approved FY21-26 CIP of \$1.728 billion, a small increase for the six-year time period. However, the Board's request assumes about \$20 million more overall in the first three years of the CIP and decreases in the last three years of the CIP.

The recommendation of the County Executive assumes \$1.61 billion in six-year expenditures, which is \$117.3 million less than the Original Approved FY21-26 CIP and \$121 million less than the Board request. However, about \$68.4 million of the Executive's reduction is from some large technical adjustments (reflecting actual project expenditures in FY20 and correspondingly reducing expenditures in FY21 and FY22). When removing these technical adjustments, the percentage reductions from the Approved and the Board request are 2.8 percent and 3 percent respectively.

A list of all MCPS projects can be found on circle page 70 of the Council staff report. Project description forms for these amendments (as well as the County Executive recommendation for each project) are included in the County Executive transmittal on circle pages 21-65 of the Council staff report.

The following individuals are expected to attend the meeting: 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/2021/20210208/20210208_EC1.pdf

Fiscal Year 2021 Savings Plan

On Feb. 10 at 10:15 a.m. the Public Safety Committee will meet to discuss the Fiscal Year 2021 Savings Plan by reviewing the Executive's second round of proposed savings, totaling \$7.83 million. Most of the recommended savings reflect operational changes due to COVID-19 public health related impacts. Both

Fire and Police have reduced recruit classes, which may impact staffing in FY22. The Executive has also proposed \$100,000 in faith-based security grants for the Office of Emergency Management and Homeland Security, which also reflects COVID-19 related community impacts given the lower number of in-person religious events. Once available, the Council staff report can be viewed here: <https://www.montgomerycountymd.gov/council/calendar.html?trumbaEmbed=view%3Devent%26eventid%3D150648865>

ZTA 19-07, Telecommunications Towers - Limited Use

On Feb. 10 at 2:30 p.m. the PHED Committee will meet to discuss the bill ZTA 19-07, Telecommunications Towers - Limited Use. The ZTA would allow poles with antennas as a limited use in residential zones where the pole would replace a pre-existing utility pole, streetlight pole, or site plan-approved parking lot light pole. The ZTA would also amend the conditional use standards in residential zones for poles that do not meet the limited use standards and allow the batching of conditional use applications. The intent of this ZTA is for the County to set its own standards for telecommunications towers, while allowing a robust 5G network that will contribute to County residents' quality of life. This session will renew discussions on this topic, and a vote will follow at a later date. Once available, the Council staff report can be viewed here: <https://www.montgomerycountymd.gov/council/calendar.html?trumbaEmbed=view%3Devent%26eventid%3D150649114>