

COUNCIL COMING ATTRACTIONS



Week of July 19, 2021

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, July 20 at 9:30 a.m.** and the meeting will begin with a briefing from the Board of Investment Trustees on environmental, social and governance issues. Next, the Council will introduce ZTA 21-04, which supports the implementation of new zoning recommended by the Germantown Plan for the Town Sector Zone. The Council will also review SRA 21-01, which would exempt agricultural land used for farm alcohol production or agritourism from the requirement to record a plat before a building permit is issued. In addition, the Council will review ZTA 21-01, which would exempt bus shelter advertising that is licensed under the County's sign ordinance.

Next, the Council is expected to vote on local map amendment H-140 which is an amendment to the zoning ordinance map to rezone 3.29 acres of property located at 8860 Piney Branch Road, Silver Spring. Then, continue review of ZTA 19-07, which would facilitate the deployment of next-generation wireless infrastructure.

The Council will then introduce three resolutions, including a resolution to approve the Office of Legislative Oversight's (OLO) FY22 Work Program; a resolution to approve the FY22 schedule of revenue estimates, which summarizes all FY22 resource estimates and appropriations for the operating budget; and a resolution to designate WorkSource Montgomery as the County's Workforce Development Organization. The Council is also expected to vote on resolutions in support of completing the Capital Trails Network and the Capital Trails Coalition Top 40 Priority Projects and in support of Medicare for All.

The Council will also introduce three special appropriations to the County Government's FY22 Operating Budget, including funds for neighborhood revitalization for the Emergency Housing Program; funds for the Human Services and Community Assistance Non-Departmental Account (NDA) for Por Nuestra Salud y Bienestar; and funds for the African American Health Program. The Council will also vote to approve the appointment of Mullen Coughlin LLC as special counsel to provide legal advice and to represent Montgomery County in connection with cybersecurity attacks. The Council will also vote on approval of Executive Regulation 2-21, Procedures for Administration of the Public Elections Fund.

In the afternoon, the council will hold multiple public hearings. These will include hearings on Bill 16-21, which would modify the County's current environmental benchmarking law; Bill 26-21, which would help increase affordable housing in Montgomery County; a special appropriation for a disparity study for the County's Minority, Female and Disabled-Owned Business Program; ZTA 21-02, which would allow multiple building types for independent living facilities and amend the green area and setback requirements for these facilities; and on ZTA 21-03 which would allow certain charitable or philanthropic institutions to prepare food on the premises for off-site consumption.

The Council will also introduce Expedited Bill 31-21 which would define and clarify terms related to property tax credits for energy conservation devices and energy-efficient buildings. In addition, the Council will introduce Bill 32-21, which would prohibit "no-rehire" clauses from County employee settlement agreements.

The Council session will be held July 20 at 9:30 a.m.

Board of Investment Trustees - Environmental, Social, Governance (ESG) Issues

Briefing: The Council is expected to receive a briefing from the Board of Investment Trustees on environmental, social and governance issues. The mission of the Board of Investment Trustees is to manage prudent investment programs for the members and beneficiaries of Montgomery County's Employee Retirement Plans. The staff report will be available by Monday.

Those expected to attend and provide information include Linda Herman, executive director, Montgomery County Employee Retirement Plans; Kevin Killeavy, co-chief investment officer, Montgomery County Employee Retirement Plans; and Ryan Sullivan, co-head real assets, Aberdeen Standard Investments.

ZTA 21-04, Overlay Zone Germantown-Churchill Village

Introduction: The Council will introduce ZTA 21-04, which supports the implementation of new zoning recommended by the Germantown Plan for the Town Sector Zone by offering protections to the existing development character of Churchill Village. The Council approved and adopted the Germantown Plan for the Town Sector Zone in July 2020.

ZTA 21-04 would address irregularities between existing development and new zoning standards as a result of the rezoning, grandfathers existing by-right uses from the old Town Sector (T-S) Zone and protects quasi-public open spaces from future development.

The lead sponsor is Council President, at the request of the Planning Board. A public hearing is scheduled for Sept. 14 at 1:30 p.m.

SRA 21-01, Exemptions - Alcohol Production and Agritourism

Review: The Council will review SRA 21-01, which would exempt agricultural land used for farm alcohol production or agritourism from the requirement to record a plat before a building permit is issued.

Under current regulations, when property owners add an agritourism accessory use they may need to obtain a commercial building permit for the building that will house that use. The building must be on a lot shown on a record plat or be on property that is exempt from the subdivision process before the Department of Permitting Services (DPS) can issue the commercial building permit.

According to the Office of Agriculture, the subdivision process is cost prohibitive for most agritourism businesses that are looking to diversify their operations. The exemption to platting allowed by SRA 21-01 would further support agritourism uses by removing these prohibitive costs.

Efforts to support agriculture and agritourism promote the County's economy and provide opportunities for venues designed to encourage residents of Montgomery County to experience the Agricultural Reserve and connect with the County's agricultural community.

The lead sponsor of SRA 21-01 is Council President Hucker, at the request of the County Executive. The Council vote is scheduled for July 27.

Those expected to attend and provide information include Casey Anderson, chair, Montgomery County Planning Board; Gwen Wright, director, Planning Department; Jason Sartori, chief, Countywide Planning and Policy, Planning Department; and Benjamin Berbert, planner coordinator, Countywide Planning and Policy, Planning Department; Dale Tibbitts, special assistant to County Executive Marc Elrich; Jeremy Criss, director, Office of Agricultural Services; Mike Scheffel, agricultural land preservation program administrator, Office of Agricultural Services; Victor Salazar, division chief, Zoning, Well and Septic and Code Compliance, Department of Permitting Services; Mark Beall, zoning manager, Division of Zoning, Well & Septic and Code Compliance, Department of Permitting Services.

ZTA 21-01, Sign Ordinance - Bus Shelter Advertising

Review: The Council will review ZTA 21-01, which would exempt bus shelter advertising that is licensed under the County's sign ordinance.

Until 2019, the County was a party to a franchise agreement with a private firm that provided bus shelter advertising as well as bus shelter maintenance in exchange for a share of the advertising revenue. The previous franchise agreement lapsed, and the County Executive now recommends entering a licensing agreement for advertising and separately contracting out bus shelter maintenance.

The lead sponsor is Council President Hucker, at the request of the County Executive. The Council vote is scheduled for July 27.n

Those expected to attend and provide information include Casey Anderson, chair, Montgomery County Planning Board; Jason Sartori, chief, Countywide Planning and Policy, Planning Department; and Benjamin Berbert, planner coordinator, Countywide Planning and Policy, Planning Department; Dale Tibbitts, special assistant to County Executive Elrich; Sam Oji, chief, Enhanced Mobility and Customer Relations, Division of Transit Services, Department of Transportation (DOT); Victor Salazar, division chief, Zoning, Well & Septic and Code Compliance, Department of Permitting Services (DPS); Mark Beall, zoning manager, Division of Zoning, Well & Septic and Code Compliance, DPS.

Local Map Amendment (LMA) H-140

Vote expected: The Council is expected to vote on local map amendment H-140 which is an amendment to the zoning ordinance map to rezone 3.29 acres of property located at 8860 Piney Branch Road, Silver Spring, Maryland. The requested amendment would rezone the property

from the R-H, Multiple Unit - High Rise Residential, to the CRTF, Commercial Residential Town Floating Zone.

Derek Baumgardner, hearing examiner, Office of Zoning & Administrative Hearings, is expected to attend and provide information.

ZTA 19-07, Telecommunications Towers - Limited Use

Review: The Council will continue its review of ZTA 19-07, which would facilitate the deployment of next-generation wireless infrastructure. The new wireless antennas on utility and light poles would offer faster speeds, enhanced reliability and greater capacity.

Councilmember Riemer is the lead sponsor of this ZTA, which would allow certain telecommunications towers as a limited or conditional use in certain residential zones; revise the standards for telecommunications towers allowed as a limited or conditional use; revise the conditional use findings required for the replacement of a pre-existing pole; and amend use requirements to address certain telecommunications towers.

Those expected to attend and provide information include Ehsan Motazedi, deputy director, Department of Permitting Services (DPS); Victor Salazar, division chief, Zoning, Well & Septic and Code Compliance, DPS; Mark Beall, zoning manager, Division of Zoning, Well & Septic and Code Compliance, DPS; Linda Kobylski, chief, Land Development, DPS; 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; Derek Baumgardner, hearing examiner, Office of Zoning and Administrative Hearings; Mitsuko Herrera, program director, Office of Broadband Programs; Debbie Spielberg, special assistant, Office of the County Executive; Meredith Wellington, land use planning policy analyst, Office of the County Executive; Marjorie L. Williams, broadband, cable & franchise division manager, Department of Technology & Enterprise Business Solutions (TEBS); Gail Roper, director, TEBS; Cheryl Bishop, senior executive administrative aide, TEBS; Joseph Webster, chief broadband officer, TEBS; Dr. Costis Toregas, IT Adviser, Montgomery County Council.

Council Vice President Albornoz and Councilmember Rice are cosponsors. A vote on the ZTA is tentatively scheduled for July 27.

Resolution to approve the Office of Legislative Oversight's (OLO) FY22 Work Program

Introduction: The Council will introduce a resolution to approve the Office of Legislative Oversight's (OLO) FY22 Work Program. The County Code requires the OLO director to prepare and submit an annual Work Program to the Council for approval. The FY22 work plan is expected to be influenced by the ongoing COVID-19 pandemic and the topic of racial and social equity. The full list of proposed projects can be viewed on circle page 2 of the staff report. A vote on the resolution is scheduled for July 27, 2021.

Resolution to approve the FY22 schedule of revenue estimates and

Introduction: The Council will introduce a resolution to approve the FY22 schedule of revenue estimates, which summarizes all FY22 resource estimates and appropriations for the operating budget, including current revenue for the Capital Improvements Program, as of May 27, 2021 – the date the Council approved the FY22 Operating Budget. These estimates are also used by Executive staff when preparing the approved operating budget publication and the Comprehensive Annual Financial Report. A vote on the resolution is tentatively scheduled for July 27, 2021.

Resolution to designate WorkSource Montgomery as the County’s Workforce Development Organization

Introduction: The Council will introduce a resolution to designate WorkSource Montgomery as the County’s Workforce Development Organization.

The County Code authorizes the County Government to designate a single nonprofit organization, a public education institution, or both as the County’s Workforce Development Organization. The proposed resolution designates WorkSource Montgomery, Inc. from July 1, 2021, through June 30, 2026. A vote on the resolution is tentatively scheduled for July 27.

Special Appropriation to the County Government’s FY22 Operating Budget, Department of Health and Human Services (DHHS) - \$2,665,260 for COVID-19 Response: Maryland Department of Housing and Community Development, Neighborhood Revitalization for the Emergency Housing Program

Introduction: The Council is expected to introduce a \$2,665,260 Special Appropriation to the County Government’s FY22 Operating Budget. The funds would be support COVID-19 response at the Department of Health and Human Services (DHHS), Maryland Department of Housing and Community Development, Neighborhood Revitalization for the Emergency Housing Program. A public hearing and vote is tentatively scheduled for July 27, 2021.

Special Appropriation to the County Government’s FY22 Operating Budget, COVID-19 Human Services and Community Assistance Non-Departmental Account (NDA) - \$2,946,776 for Por Nuestra Salud y Bienestar

Introduction: The Council is expected to introduce a \$2,946,776 Special Appropriation to the County Government’s FY22 Operating Budget, COVID-19 Human Services and Community Assistance Non-Departmental Account (NDA) for Por Nuestra Salud y Bienestar (For Our Health and Wellbeing).

The Latino/Hispanic community continues to be disproportionately impacted by COVID-19 both in terms disease and the ongoing economic impacts. This seminal program was spearheaded by Councilmember Navarro and Vice President Albornoz to provide a strategic, culturally

competent and community focused approach to public health to contain the spread of COVID-19 in areas of the County hardest hit by the virus.

Por Nuestra Salud y Bienestar is working to increase vaccinations and offer education about the vaccine to address misconceptions and answer questions. From June 16 to June 30, 2021, Salud y Bienestar administered 1,139 first doses of vaccine and 1,104 second doses. A total of 982 COVID-19 tests were administered at 35 events during this same period.

Previously, from May 19 to June 1, 2021, Por Nuestra Salud y Bienestar administered 1,341 first doses of vaccine and 1,709 second doses. A total of 1,025 COVID-19 tests were administered at 36 events during this same period. During the same reporting period, the information/helpline responded to 443 calls from County residents with 90 percent of callers being primarily Spanish-speakers.

A public hearing and vote are tentatively scheduled for July 27, 2021.

[Special Appropriation to the County Government's FY22 Operating Budget, COVID-19 Human Services and Community Assistance Non-Departmental Account \(NDA\) - \\$1,701,809 for African American Health Program COVID Response and Resolution to amend the County Government's FY22 Operating Budget Resolution 19-872, Section G, Designation of Entities for Non-Competitive Contract Award Status: The National Center for Children and Families, Inc.](#)

Introduction: The Council is expected to introduce a \$1,701,809 Special Appropriation to the County Government's FY22 Operating Budget for African American Health Program COVID Response and a resolution to amend the County Government's FY22 Operating Budget Resolution 19-872, Section G, Designation of Entities for Non-Competitive Contract Award Status for The National Center for Children and Families, Inc.

The African American Health Program has undertaken a culturally appropriate, comprehensive strategy to address the way in which COVID-19 has disproportionately impacted communities of color. Nationally and locally, the African American and Black population has experienced higher death rates than other demographic groups.

This funding will continue providing this targeted response to these disparities. Components of the program include communication and education, COVID testing and vaccination, coordination of a Black Physician Partnership, clinical follow-up, financial help with co-pays and medications, and support to address food insecurity. The County will pursue FEMA reimbursement for all costs to the extent that those costs are eligible for reimbursement. Councilmembers Rice and Jawando were instrumental in establishing these efforts.

A public hearing and vote are tentatively scheduled for July 27.

Approval of the appointment of Mullen Coughlin LLC as special counsel to provide legal advice and to represent the County in connection with cyber security attacks

Vote expected: The Council is expected to vote to approve of the appointment of Mullen Coughlin LLC as special counsel to provide legal advice and to represent Montgomery County in connection with cybersecurity attacks.

Mullen Coughlin LLC specializes in representing organizations facing data privacy and cybersecurity attacks. The firm would be on retainer to be able to act quickly in case of a ransomware attack against the County. If necessary, the firm would be able to guide the County through a response to a ransomware attack, including assisting the County with hiring experts as necessary.

Resolution to approve Completing the Capital Trails Network and Capital Trails Coalition Top 40 Priority Projects

Vote expected: The Council is expected to vote on a resolution to approve Completing the Capital Trails Network and Capital Trails Coalition Top 40 Priority Projects. The Capital Trails Coalition, which is made up of more than 60 bicyclist, environmentalist, business, and parks and recreation organizations from around the region, recently released this report detailing how completion of the nearly 900-mile Capital Trails Network would create 16,000 construction jobs, generate \$1 billion in economic activity a year, and provide carbon-free transportation and recreational infrastructure.

The Coalition has identified 40 priority projects to help complete the network and provide trail connections between jurisdictions. This resolution also endorses completing those priority projects by 2025 and working with the state and federal government to pursue and prioritize funding.

The two Top 40 Priority Projects located in Montgomery County – the Purple Line Trail and Metropolitan Branch Trail – are already underway or partially constructed. Funding for completion of construction of both projects is programmed to continue in Fiscal Year 2022 and the projects are scheduled to be completed by 2025.

The lead sponsor is Councilmember Friedson. Council President Hucker, Council Vice President Albornoz and Councilmembers Navarro, Katz, Riemer, Glass and Rice are cosponsors.

Resolution in support of Medicare for All

Vote expected: The Council is expected to vote on a resolution urging the U.S. Congress to enact legislation to provide universal, comprehensive health coverage with zero cost-sharing for patients during the COVID-19 pandemic, such as the Health Care Emergency Guarantee Act, and for a longer-term solution, to enact legislation, such as the Medicare for All Act of 2021.

The resolution also encourages the Maryland General Assembly to explore every option to expand health care coverage in Maryland including the Healthy Maryland Act and the Maryland Commission on Universal Health Care Act.

Even with the gains from the Affordable Care Act, more than 32 million people in the U.S. under the age of 65 do not have health insurance. In Montgomery County, it is estimated that almost 74,000 adults are uninsured.

Approval of Executive Regulation 2-21, Procedures for Administration of the Public Elections Fund

Vote expected: The Council is expected to vote on approval of Executive Regulation 2-21, Procedures for Administration of the Public Elections Fund. The proposed regulation implements the requirements established under Bill 31-20, which was approved by the Council in October 2020. These requirements include how and when receipts for qualifying contributions from contributors must be submitted to the Board of Elections, the documents that must be filed with the Board for certification, the allowable uses of money in a publicly funded campaign account, the scope of post-election audits, and other policies related to the administration of the Public Elections Fund that were enacted in Bill 31-20. This legislation was sponsored by Government Operations and Fiscal Policy Committee Chair Navarro and Councilmembers Friedson and Katz as a committee bill that was unanimously approved by the Council.

Resolution to approve the Washington Suburban Sanitary Commission's (WSSC Water) June 1, 2021 Debt Refunding Plan

Introduction: The Council is expected to introduce a resolution to approve the Washington Suburban Sanitary Commission's (WSSC Water) June 1, 2021 Debt Refunding Plan. The Code of Maryland requires that WSSC Water get advance approval from both Montgomery County and Prince George's County for future bond refunds.

Special Appropriation to the County Government's FY22 Operating Budget, Department of Health and Human Services - \$2,903,172; Department of Recreation - \$300,000; Community Engagement Cluster - \$330,000; and Montgomery County Public Schools - \$1,585,633 for Newcomers Enhancements and Assistance

Introduction: The Council is expected to introduce a Special Sppropriation to the County Government's FY22 Operating Budget that will include funds for the Department of Health and Human Services - \$2,903,172; Department of Recreation - \$300,000; Community Engagement Cluster - \$330,000; and Montgomery County Public Schools - \$1,585,633 for Newcomers Enhancements and Assistance.

This appropriation will fund a coordinated and effective response to support newcomers to Montgomery County that include newly arriving migrant and asylum-seeking children, adolescents and families. Funding to the County Government departments will support communication and navigation, social services, school-based health and human services (including expansion of existing Wellness Center services), mental health supports, case

management, legal needs for children and families, and youth recreation programming. Funding to Montgomery County Public Schools will support coordination, professional development and training, transitional counselors, and elementary coaches for Students with Limited or Interrupted Formal Education (SLIFE).

A public hearing and vote are tentatively scheduled for July 27.

[Special Appropriation to the County Government's FY22 Operating Budget, Department of Health and Human Services - \\$816,067 for Community Services Block Grant \(CARES\)](#)

Introduction: The Council is expected to introduce a \$816,067 Special Appropriation to the FY22 Operating Budget for the Department of Health and Human Services, Community Action Agency.

The Maryland Department of Housing and Community Development awarded this funding to the County to reduce negative impacts of COVID-19 for households most affected by the crisis. The funding is based on a community needs assessment approved by the Community Action Board and will address rising poverty and social, health, and economic challenges experienced by low-income residents of areas most affected by the COVID-19 pandemic.

Funding will be used to support a team of multilingual and minority contract navigators serving East County, Gaithersburg, Germantown, Long Branch and Wheaton who assist residents in accessing basic and emergency needs; rental assistance for households who meet CSBG income eligibility but may not qualify for other rental assistance programs; and an opportunity coach and mental health counselor to strengthen whole-family, multi-generation practice for Long Branch families.

A public hearing and vote are tentatively scheduled for July 27.

[Special Appropriation to the County Government's FY22 Operating Budget Department of Health and Human Services, Head Start Programs - \\$970,360](#)

Introduction: The Council is expected to introduce a \$970,360 Special Appropriation to the County Government's FY22 Operating Budget Department of Health and Human Services, Head Start Programs.

This grant funding will support expansion of Head Start and Early Head Start programming through summer programs or as extensions of the program year, and reach eligible children and families who did not enroll last year or who did not engage in a full program year due to uncertainties caused by the pandemic. Head Start programs are currently serving one-third fewer children than before the pandemic began.

A public hearing and vote are tentatively scheduled for July 27.

Bill 16-21, Environmental Sustainability - Building Energy Use Benchmarking and Performance Standards – Amendments

Public hearing: The Council is expected to hold a public hearing on Bill 16-21 Environmental Sustainability - Building Energy Use Benchmarking and Performance Standards – Amendments.

Bill 16-21 would modify the County’s current environmental benchmarking law to include additional County-owned, commercial and multifamily buildings to the meet long-term energy performance standards.

The legislation would create a 15-voting member Building Performance Improvement Board that will advise the Department of Environmental Protection on the implementation of building energy performance standards and establish a Building Performance Improvement Plan (BPIP) process for properties that cannot reasonably meet performance standards. The bill also requires reports to the County Executive and Council on building energy performance for covered buildings.

Bill 26-21, Taxation - Payments in Lieu of Taxes - Affordable Housing – Amendments

Public hearing: The Council is expected to hold a public hearing on Bill 26-21, Taxation-Payments in Lieu of Taxes-Affordable Housing-Amendments, to help increase affordable housing in Montgomery County. The legislation would establish a minimum payment in lieu of taxes for a housing development owned or operated by the Housing Opportunities Commission (HOC) and for any other housing development with at least 25 percent of the dwelling units built under a government regulation or binding agreement limiting the rent charged for at least 15 years.

Bill 26-21 also would repeal the annual maximum aggregate amount of all payments in lieu of taxes approved under this law. The lead sponsors of the bill are Councilmembers Friedson and Riemer.

Expedited Bill 29-21, Contracts and Procurement - Minority Owned Businesses - Sunset Date - Amendments

Public hearing and vote: The Council is expected to hold a public hearing and vote on Expedited Bill 29-21, which is companion legislation to a \$700,000 special appropriation to the County’s FY22 Operating Budget for a disparity study for the County’s Minority, Female and Disabled-Owned Business Program. The bill would extend the sunset date of the program until Dec. 31, 2023.

Expedited Bill 29-21 was introduced by the full Council to assist minority-owned businesses in contracting with Montgomery County Government

ZTA 21-02, Independent Living Facility for Seniors or Persons with Disabilities - Residential Zone Standards

Public hearing: The Council will hold a public hearing on ZTA 21-02, which would allow multiple building types for independent living facilities for seniors or persons with disabilities and amend the green area and setback requirements for independent living facilities for seniors or persons with disabilities.

The lead sponsors are Councilmembers Friedson and Katz. Council President Hucker and Councilmembers Navarro and Riemer are cosponsors.

ZTA 21-03, Charitable, Philanthropic Institution - Kitchens

Public hearing: The Council is expected to hold a public hearing on ZTA 21-03, Charitable, Philanthropic Institution – Kitchens, which would allow charitable and philanthropic institutions to have kitchens under certain circumstances.

The ZTA is needed because certain charitable and philanthropic institutions may provide shelter for people who are supporting a family member at a medical institution in an existing detached house or townhouse. This ZTA would allow those institutions to prepare food on the premises. The food may be distributed for off-site consumption if it's provided without payment.

The lead sponsor is Councilmember Friedson. All other Councilmembers are cosponsors.

Special Appropriation to the County Government's FY22 Operating Budget, Office of the County Attorney - \$700,000 for Minority, Female, and Disabled-Owned Business Program - Disparity Study

Public hearing and vote: The Council is expected to hold a public hearing and vote on a \$700,000 special appropriation to the County's FY22 Operating Budget for a disparity study for the County's Minority, Female and Disabled-Owned Business Program. The funds will be appropriated to the Office of the County Attorney to procure a consultant to complete the disparity study.

Expedited Bill 31-21, Taxation - Property Tax Credit

Introduction: The Council will introduce 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, 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. A public hearing is scheduled for Sept. 14.

Bill 32-21 - Employee Settlement Agreement with No-Rehire Clause – Prohibited

Introduction: The council will introduce Bill 32-21, Personnel – Employee Settlement Agreements with No-Rehire Clause – Prohibited. The purpose of the bill is to prohibit “no-rehire” clauses from County employee settlement agreements.

When an employee files an employment dispute or claim against the County, and a settlement agreement is proffered, it currently contains a no-rehire clause that prevents the employee from seeking future employment opportunities with the County. This automatic bar places an undue burden on County employees who may have gained several years of knowledge, skill and ability with no viable option to return to County employment, even after, the dispute has been settled.

The bill also provides an exemption to include a “no rehire” clause, if the County and the employee mutually agree or if the employee by the Chief Administrative Officer or agency head was terminated “for cause.” In addition, the bill provides the option for an aggrieved employee to file an appeal with the County’s Merit System Protection Board, if a decision was made to include the “no-rehire” clause in the settlement agreement.

The lead sponsor is Council President Hucker. A public hearing is scheduled for Sept. 14.

Monday, July 19

The Government Operations and Fiscal Policy (GO) Committee will meet on **Monday, July 19 at 9:30 a.m.** to review Bill 19-21, Finance Reports on Settlements Agreements, and discuss additions to the Office of Zoning and Administrative Hearing comprehensive fee schedule for solar collection systems in the Agricultural Reserve (AR) Zone.

The members of the GO Committee include Chair Nancy Navarro and Councilmembers Andrew Friedson and Sidney Katz.

The Transportation and Environment (T&E) Committee will meet at **2:30 p.m.** to discuss the County’s Ten-Year Solid Waste Management Plan.

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

Bill 19-21, Finance – Reports on Settlement Agreements

Review: The GO Committee will discuss 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.

Additions to the Office of Zoning and Administrative Hearings' Comprehensive Fee Schedule

Review: The Committee will also receive information about and discuss a proposed amended fee schedule that adds an application fee for Solar Collection Systems in the AR Zone. The fee scheduled relates to Zoning Text Amendment (ZTA) 20-01, Solar Collection System – AR Zone Standards, which was adopted by the Council on February 23, 2021, and became effective on March 15, 2021. The ordinance requires conditional use approval for solar facilities larger than 200 percent of on-site energy use but less than two megawatts (AC) instead of site plan approval.

With conditional use approval now required, the Office of Zoning and Administrative Hearings (OZAH) fee schedule must be amended to include an application fee for Solar Collection Systems. OZAH worked with the Planning Department to propose a fee that is consistent with the existing application fee for agricultural processing.

Those expected to attend and provide information include Lynn Robeson-Hannan, director/hearing examiner, Office of Zoning and Administrative Hearings (OZAH); Robert Kronenberg, deputy director, Planning Department; and Christina Sorrento, chief, Intake and Regulatory Coordination (IRC) Division, Planning Department.

Ten-Year Solid Waste Management Plan

Review: The T&E Committee will meet to review and make recommendations on the Ten-Year Solid Waste Management Plan transmitted by the County Executive. The plan includes information on the legal and regulatory environment for solid waste management and background on the County's solid waste programs and facilities.

Those expected to attend and provide information include Adam Ortiz, director, Department of Environmental Protection (DEP); Patty Bubar, deputy director, DEP; Willie Wainer, chief, Recycling and Resource Management Division, DEP; and Rich Harris, management and budget specialist, Office of Management and Budget (OMB).

Wednesday, July 21

The Planning, Housing and Economic Development (PHED) will meet on **Wednesday, July 21 at 9:30 a.m.** to continue review of the 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.

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

Thursday, July 22

The Public Safety (PS) Committee will meet on **Thursday, July 22 at 9:30 a.m.** to review Bill 17-21, Police - Community Informed Police Training and Bill 18-21, Police - Internal Affairs - Procedures and Reporting Requirements.

The members of the PS Committee include Chair Sidney Katz, Council Vice President Gabe Albornoz and Council President Tom Hucker.

The joint Health and Human Services (HHS) and Education and Culture (E&C) Committee will meet at **1:30 p.m.** to receive a briefing on newly arriving unaccompanied children and families seeking asylum. The joint Committee will also discuss the County's youth development programs and related facilities.

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

Bill 17-21, Police - Community Informed Police Training

The PS Committee will review Bill 17-21, Police - Community Informed Police Training. Introduced by lead sponsor Councilmember Jawando, the purpose of the bill is to create partnerships between the Montgomery County Police Department (MCPD) and local educational institutions to recruit and train police officers in a manner that promotes community informed policing.

Bill 17-21 would create new requirements related to the recruitment, training and continuing education of police officers. With respect to recruitment, the bill would require MCPD to collaborate and partner with local educational institutions to expand the recruitment of police

cadets who reflect the diversity of the County, sponsor communication sessions with prospective cadets and community members and develop internship programs for prospective cadets.

Bill 18-21, Police - Internal Affairs - Procedures and Reporting Requirements

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