

# COUNCIL COMING ATTRACTIONS



## Week of Mar. 8, 2021

*COVID-19 Vaccine and Public Health Update, Public Safety Responses to Mental Health Situations, Capital Improvements Program Resolutions, Agricultural Land Preservation Fund*

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 three proclamations. The first is a proclamation presented jointly by Councilmember Gabe Albornoz and County Executive Marc Elrich recognizing National Multiple Sclerosis Week. The second is a proclamation presented jointly by Council President Tom Hücker and County Executive Elrich recognizing Colorectal Cancer Awareness Month. The final proclamation is presented by the entire County Council, and recognizes Montgomery County's one-year battle against COVID-19.

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.

Following the update, the Council will move into the Consent Calendar portion of the meeting. They will begin by addressing a requested special appropriation to the County Government's fiscal year 2021 operating budget related to housing affairs. A public hearing for this item is scheduled for March 23 at 1:30 p.m. Then, the Council will confirm the County's Executive appointments of Marlene Beckman to the Criminal Justice Coordinating Commission, and Linda Lewis to the Montgomery Soil Conservation District Board of Supervisors. The morning session will conclude with a Council vote to appropriate fiscal year 2021 arts capital funds to five arts and humanities organizations.

During the recess, there will be a virtual brown bag lunch with the Regional Services Center directors. The Council receives monthly updates from the Community Engagement Cluster about the regional activities of the five regional services centers, the Office of Community Partnerships and the Commission for Women.

The afternoon meeting includes four public hearings. The first is related to the Executive's request to repeal and replace the resolution for White Flint Special Taxing District and the related Capital Improvement Program (CIP) projects. One of the amendments includes altering the process for funding CIP projects in White Flint.

The second public hearing will discuss the fiscal year 2020 Financial Assurance Plan (FAP), which demonstrates that the County has dedicated revenues, funds or sources of funds to continue to meet requirements associated with improving water quality in the County. The completion and submission of the FAP is required every two years. A final MS4 permit may be issued as early as this summer.

The third addresses the Executive's proposed changes to four different pay elements in fiscal year 2021. The increase is needed to support the County's agreements reached with its three employee bargaining units, as well as the pass-through to non-represented employees, to restore some of the compensation agreements not approved in the original FY21 Operating Budget. The Council is scheduled to vote on this item immediately following the public hearing.

The fourth public hearing is on Bill 5-21, which was introduced by lead sponsor Councilmember Andrew Friedson, which would dedicate business personal tax revenue received for a solar collection system built in the Agricultural Reserve Zone for the Agricultural Land Preservation Fund.

## COUNCIL

**The Council session will be held on March 9 at 9 a.m.**

### **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. County leaders continue to advocate for additional vaccine supply as quickly as possible as well as a mass vaccination location in Montgomery County. The Council staff report can be viewed here: [https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210309/20210309\\_2A.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210309/20210309_2A.pdf)

### **Special Appropriation to the County Government's FY21 Operating Budget, Department of Housing and Community Affairs - \$500,000 for Montgomery Housing Initiative (Housing Initiative Fund) Housing Opportunities Commission (HOC) Housing Production Fund \$500,000 (Source of Funds: General Fund Designated Reserve for Affordable Housing)**

The Council will introduce this special appropriation to authorize \$500,000 for HOC's Housing Production Fund. The revolving fund will provide a source of construction bridge financing for affordable housing developments in the HOC pipeline. HOC is the county's public housing agency with a mission to provide affordable housing and supportive services that enhance the lives of low and moderate-income families and individuals so that no one is living in substandard housing. HOC can accelerate its development of these pipeline projects with ready access to additional construction bridge financing. A public hearing is scheduled for March 23 at 1:30 pm. The Council staff report can be viewed here: [https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210309/20210309\\_3A.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210309/20210309_3A.pdf)

### **Office of Legislative Oversight (OLO) Report 2021-4: Public Safety Responses to Mental Health Situations**

This Office of Legislative Oversight (OLO) report examines the County's capacity to respond to mental health situations. After the Council votes to release the OLO Report 2021-4, it will be made available online at <http://www.montgomerycountymd.gov/OLO/Reports/CurrentOLOResorts.html>

### **Resolution to extend time until May 26, 2022 for Council action on Bill 36-19, Contracts and Procurement - Office of Grants Management – Established**

Councilmember Navarro, who is the lead sponsor of Bill 36-19, Contracts and Procurement - Office of Grants Management – Established, is introducing this resolution to extend time for Council action until May 26, 2022. The bill establishes an Office of Grants Management as a principal office of the Executive branch. Bill 36-19 alters the circumstances in which a contract may be awarded without competition; prescribes the authorities and responsibilities of the Office of Grants Management; and generally amends the law regarding grants and related functions. The bill was introduced on Nov. 26, 2019. A public hearing was held on January 14, 2020. The HHS/GO Committee worksession on the bill is tentatively scheduled for Jun. 24. The

Council staff report can be viewed here: [https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210309/20210309\\_3C.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210309/20210309_3C.pdf)

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

#### **Amendment to Resolution 19-593, Department of Recreation, Cost Sharing: MCG**

The Council's Education and Culture (EC) Committee will present an amendment to Resolution 19-593 on the FY21-26 Capital Improvements Program and Special Appropriation to the FY21 Capital Budget for Montgomery County Government's Department of Recreation Cost Sharing. The source of funds is General Fund reserves. On March 1, 2021, the Education and Culture Committee recommended creating a one-time upfront funding mechanism to disperse FY21 capital funds to five arts and humanities organizations. This amendment allows the Department of Finance to transfer \$746,638 from the FY21 Capital Improvements Program, Department of Recreation Cost Sharing: MCG P720601 to the Arts and Humanities Council of Montgomery County (AHCMC) Non-Departmental Account to distribute FY21 arts capital funds to five arts and humanities organizations. The Council staff report can be viewed here: [https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210309/20210309\\_3F.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210309/20210309_3F.pdf)

#ArtsCapitalGrants, #CIPAmendment are being used for this bill on social media

#### **PUBLIC HEARINGS**

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

#### **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 (CIP)**

The Council will receive public testimony on a resolution to repeal and replace Resolution No. 16-1570. The Executive recommends that the Council amend 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 took place on Feb. 25. A joint GO/T&E worksession is tentatively scheduled for Mar. 16. The Council staff report can be viewed here: [https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210309/20210309\\_5.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210309/20210309_5.pdf)

#### **FY20 National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit Financial Assurance Plan**

The County Council will receive public testimony on the Financial Assurance Plan (FAP) to meet the Requirements of the National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit, which was introduced February 22, 2021. On

February 11, 2021, the County Executive transmitted his recommended FY20 plan. Each NPDES Phase I MS4 jurisdiction must submit a FAP to the Maryland Department of the Environment (MDE) every two years. The County submitted its FY18 FAP in February 2019. The Montgomery County Department of Environmental Protection completed the FY20 FAP based on the Approved FY21 Operating Budget and the Approved and Amended FY21-26 Capital Improvements Program. The completion and submission of the FAP is required every two years. A T&E Committee worksession is scheduled for March 22 at 2:30 p.m. The Council staff report can be viewed here: [https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210309/20210309\\_6.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210309/20210309_6.pdf)

#NPDESPermit is being used for this bill on social media

**Resolution to approve Supplemental Appropriation to the FY21 Operating Budget Montgomery County Government Non-Departmental Account Compensation and Employee Benefit Adjustments, \$3,752,889 (Source of Funds: General Fund Undesignated Reserves)**

The Council will receive public testimony and consider action on a supplemental appropriation to fund agreements for FY21 pay adjustments with the County's three employee bargaining units and non-represented employees. On February 17, the County Executive submitted a supplemental appropriation request for \$3,752,889 to fund new FY21 compensation agreements the Executive has reached with the County's three employee bargaining units. The Executive also proposes to pass through the same pay adjustments to most non-represented employees. The agreements between the Executive and the unions call for a service increment and longevity steps for all eligible employees effective April 11, 2021 (estimated FY21 cost of \$3.3 million), and a General Wage Adjustment of 1.5 percent for all employees effective June 20, 2021 (estimated FY21 cost of \$452,889). The agreements would also end the COVID pay differential effective February 14, 2021. The Executive estimates that this will reduce projected FY21 expenditures by \$35 million compared to continuing the pay differential unchanged through the end of the fiscal year. The Council staff report can be viewed here: [https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210309/20210309\\_7.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210309/20210309_7.pdf)

**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 Friedson is the lead sponsor. Councilmembers Rice and Katz are cosponsors. The Agricultural Land Preservation 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. PHED worksession will be scheduled at a later date. The Council staff report can be viewed here: [https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210309/20210309\\_8.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210309/20210309_8.pdf)

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

## COMMITTEES

**The following committee meetings will take place on Mar. 8, 2021**

### **Bill 6-21, Finance - Revenue Estimating Group - Established**

The Government Operations & Fiscal Policy (GO) will review six items beginning with Bill 6-21, Finance – Revenue Estimating Group - Established, sponsored by Councilmember Friedson and cosponsored by Councilmembers Navarro and Katz. The bill was introduced on February 2, 2021. Bill 6-21 would establish a Revenue Estimating Group to review and forecast County revenues and provide for membership and duties of the group. The group would consist of staff members from the Department of Finance, the Office of Management and Budget, Council Central Staff, the Office of Legislative Oversight, and the Office of the Chief Administrative Officer. The group would be required to report their revenue projections to the Executive and the Council quarterly. The Council staff report is available here: [https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20210308/20210308\\_GO1.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20210308/20210308_GO1.pdf)

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

The GO Committee will discuss a supplemental appropriation in FY21-26 CIP regarding replacement of radios and related equipment for the Departments of Transportation and Correction and Rehabilitation. The Executive requested funds for a project that will replace radios and related equipment for the Departments of Transportation and Correction and Rehabilitation, to ensure compliance with the County's new 800 MHz radio system. The Council staff report is available here: [https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20210308/20210308\\_GO2.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20210308/20210308_GO2.pdf)

### **CIP FY22 FiberNet (P509651) for \$5,772,000**

The GO Committee will discuss the FiberNet CIP, which provides for the planning, design, and installation of a Countywide electro-optical fiber communications network with the capacity to support voice, public safety, traffic management, data, Internet access, wireless networking (including public WiFi), and video transmissions among Montgomery County Government (MCG), Montgomery County Public Schools (MCPS), Montgomery College (MC), Maryland-National Capital Park and Planning Commission (M-NCPPC), Housing Opportunities Commission (HOC), and Washington Suburban Sanitary Commission (WSSC) facilities.

The primary focus of the FY21 and 22 CIP will be to upgrade edge and core equipment to expand capacity within FiberNet and to edge locations, upgrade hub-site HVAC and back-up power supplies, to leverage inter-jurisdictional connections and Ashburn data center connections, and to enable cost-effective future technology public-private partnerships with major research and educational institutions, regional broadband service providers, and large employers. The Council staff report is available here: [https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20210308/20210308\\_GO3.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20210308/20210308_GO3.pdf)

### **CIP FY22 ultraMontgomery project (P341700) for \$680,000**

The GO Committee will meet to review the Capital Improvements program for ultraMontgomery. This project provides for capital funding to support economic development and technology leadership in the County. The \$680,000 request on supports planning, engineering, design and construction of high speed connections along Route 29, White Oak, and along the

planned Purple Line, as well as connections to the Ashburn, VA data centers and global Internet hubs for County businesses. The Council staff report is available here: [https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20210308/20210308\\_GO4.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20210308/20210308_GO4.pdf)

### **FY22 Cable Communications Plan describing the future steps and priorities of the PEG network**

The GO Committee will meet to review the Connect Montgomery Alliance (previously PEG) FY22 Strategic Plan and provide guidance as to desired outcomes, timing, and resourcing. The Strategic Plan submitted by the Connect Montgomery Alliance requires no decisions by the Committee at this time. The intent is to encourage dialogue between Committee members and the Cable Plan stakeholders before the Plan and its strategies are finalized, so that the Executive's submission of the final Cable Plan on March 15, 2021 will better reflect Committee and Council priorities and direction. The Connect Montgomery Governance Board submitted a Connect Montgomery FY22 Strategic Plan on January 15, 2021 and a summary a few days later. At the Council's request, revenues received from the cable activities of operators in the County have been submitted quarterly. The Council staff report is available here: [https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20210308/20210308\\_GO5.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20210308/20210308_GO5.pdf)

### **Supplemental Appropriation to the County Government's Capital Budget and Amendment to the FY21-26 CIP, DGS - \$92,000 for Council Office Building Renovations**

The GO Committee will hold a worksession to discuss the FY21 supplemental appropriation and amendment to the FY21-26 Capital Improvements Program to provide \$92,000 for renovations to the Council Office Building (COB) to accommodate an 11-member Council. The County Executive transmitted the appropriation and amendment request on January 15 and it was introduced by the Council on January 26. The Council staff report is available here: [https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20210308/20210308\\_GO6.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20210308/20210308_GO6.pdf)

### **WSSC CIP**

On March 8 at 2:30 p.m., the T&E Committee will meet to discuss the FY22-27 Capital Improvements Program (CIP) for the Washington Suburban Sanitary Commission (WSSC). Under Md. Public Utilities Code Ann. Section 23-304, WSSC must prepare and submit a six-year CIP proposal to the County Executives and County Councils of Montgomery and Prince George's Counties by October 1 of each year. Montgomery County reviews the WSSC CIP every year. Also, unlike other agencies, WSSC's CIP and operating budgets are not included within the County's Spending Affordability processes. Instead, WSSC is subject to a separate affordability process, with both Montgomery and Prince George's County Council review and approval in the fall of each year. The Council staff report is available here: [https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20210308/20210308\\_TE1.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20210308/20210308_TE1.pdf)

**The following committee meetings will take place on Mar. 10, 2021**

**ZTA 20-06, Surface parking - Residential Zones and ZTA 19-07, Telecommunications Towers - Limited Use**

Sponsored by Councilmembers Hucker and Riemer, this ZTA is an amendment to the Montgomery County Zoning Ordinance to amend the definition of "Surface Parking for Use Allowed in the Zone". It will allow site plan approval to supersede a special exception for parking in a residential, detached zone under certain circumstances, and generally amend the provisions for Surface Parking for Use Allowed in the Zone.

The Council staff report is available here: [https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20210310/20210310\\_PHED1.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20210310/20210310_PHED1.pdf)

**ZTA 19-07, Telecommunications Towers - Limited Use**

Sponsored by Councilmember Riemer and cosponsored by Councilmembers Albornoz and Rice, this ZTA is an amendment the Montgomery County Zoning Ordinance to 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 generally amend use requirements to address certain telecommunications towers.

The Council staff report can be viewed here: [https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20210310/20210310\\_PHED2.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20210310/20210310_PHED2.pdf)

**The following committee meetings will take place on Mar. 11, 2021**

**Bill 45-20, Police - Community Policing – Data**

The PS Committee will review Bill 45-20, which would require the Montgomery County Police Department (MCPD) to make certain reports and post certain datasets regarding community on Data Montgomery. Councilmembers Jawando and Katz, Council President Hucker and Council Vice President Albornoz are the lead sponsors. Councilmembers Riemer, Rice Friedson, Navarro and Glass are cosponsors. The goal of this bill is to provide better data regarding race and ethnicity regarding police interactions with the public and to increase transparency.

The Council staff report will be available on March 9.

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

Bill 4-21 aims to prohibit the use and sale of ghost guns, which poses a significant threat to public safety, to the greatest extent possible consistent with state law. Council Vice President is the lead sponsor. All other Councilmembers are cosponsors. The bill would: 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.

The Council staff report will be available on March 9.

**Briefing from SB & Company, the County Government's independent auditor**

At 1:30 p.m. the Audit Committee will receive a briefing from SB & Company, the County Government's independent auditor, and Executive Branch staff on the results of the audits of the County Government's FY20 financial statements, the financial statements of the County Government's retirement plans, and other audit-related work.

The Council staff report will be available on March 9.