

COUNCIL COMING ATTRACTIONS



Week of May 10, 2021

Proclamations recognizing ALS Awareness Month by Councilmember Rice, Councilmember Katz and County Executive Elrich, recognizing National Tourism Week by Council President Hucker and recognizing the Councilmember for a day winner by Councilmember Rice

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 recognizes ALS Awareness Month and will be presented by Councilmember Rice, Councilmember Katz and County Executive Elrich. The second recognizes National Tourism Week and will be presented by Council President Huckler. The third recognizes the Councilmember for a day winner to be presented by Councilmember Rice.

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. The Council will then move to the consent calendar to introduce Amendment No. 3 to the Intergovernmental Agreement between Montgomery County Government and Northeast Maryland Waste Disposal Authority and a resolution to approve the FY22 System Development Charge. The Council will also introduce and is expected to vote on a resolution to Amend Resolution 19-472, Section G, FY21 Designation of Entities for Non-Competitive Contract Award Status: National Lead for America, Inc. and an amendment to Resolution 19-611, Early Care and Education Non-Departmental Account - COVID 19 - School-Age Child Care During Distance Learning.

The Council is also expected to approve the appointment of Wilmer Cutler Picker Hale and Dorr LLP to assist the Office of the County attorney and confirm the County Executive's appointment of Marian Block to the Bethesda Urban Partnership, Inc. Board of Directors. Next, the Council is expected to confirm several County Executive appointments, including those to the Commission on Common ownership of Communities, the Criminal Justice Coordinating commission, the Firearm Safety Advisory Committee, the Mental Health Advisory Committee, the Western Montgomery County Citizens Advisory Board, the White Flint Downtown Advisory Committee and the Racial Equity and Social Justice Advisory Committee.

In the afternoon, the Council will hold a public hearing on Expedited Bill 14-21, which would expand eligibility for the Working Families Income Supplement (WIFS) tax credit. The Council will also interview Commissioner Tina Patterson, whose first term on the Montgomery County Planning Board ends on June 14. Members of the Planning Board serve four-year terms and are limited to two full terms.

Next, the Council is expected to vote on ZTA 20-08, which would add definitions for a Senior Care Community and a Continuing Care Retirement Community to the Zoning Ordinance. The Council will then review the FY22 Operating Budget and FY21-26 CIP Amendments for Libraries, the Public Arts Trust and Cost Sharing: MCG. Before adjourning, the Council will review the Community Grants NDA, which provides one-time grants directly to organizations in the community.

Council meetings run all week

Monday, May 10

The Council will meet virtually on **Monday, May 10 at 9:30 a.m.** to begin reviewing committee recommendations on the Fiscal Year 2022 (FY22) Operating Budget and FY21-26 Capital Improvements Program amendments.

Washington Suburban Sanitary Commission

Review: The Council will review the operating budget for WSSC Water. The recommended FY22 Operating Budget for WSSC Water is \$852.1 million, which is a \$2.4 million increase from the FY21 Approved Operating Budget. This includes a proposed 5.9 percent increase in the volumetric rate and no change in the system development charge, account maintenance fees or the infrastructure investment fee.

The Bi-County meeting with the Prince George's County Council to resolve any differences in recommendations regarding WSSC Water's FY22 Operating Budget, FY22-27 Capital Improvements Program and FY22 System Development Charge is scheduled for May 13 at 3 p.m.

Maryland-National Capital Park and Planning Commission

Review: The Council will review the operating budget for the Maryland-National Capital Park and Planning Commission (M-NCPPC.) The recommended FY22 Operating Budget for M-NCPPC is \$168.6 million, which is an increase of \$4 million or 2.5 percent above the FY21 Approved Operating Budget.

For the Administration Fund, the recommended budget is \$1,141,071 below the Commission's request. For the Park Fund, the recommended budget is \$3,157,947 below the Commission's request. Non-tax supported operating budget items total \$19.8 million, down \$202,552 from the FY21 Approved Budget. The Commission's total FY22 budget request is \$172.9 million, which includes enterprise operations, property management, debt service and special revenue funds.

Department of Housing and Community Affairs, including Housing Initiative Fund and FY21 Designated Reserve for Affordable Housing

Review: The Council will review the recommended FY 22 Operating Budget for the Department of Housing and Community Affairs, which contains three funds: the general fund, grant fund and the Housing Initiative Fund. The recommended budget includes \$8.8 million in funding for the general fund, which is an increase of \$230,708 or 2.7 percent from the FY21 Approved Budget.

For the grant fund, \$9.7 million is recommended which is a minimal increase from the FY21 Approved Budget. The recommended budget includes \$89 million in funding for the FY22 Housing Initiative Fund (HIF), which provides funds for affordable housing production,

preservation, support for rental assistance and homeownership programs and community-based services.

The Planning, Housing and Economic Development Committee recommended increasing the allocation in the HIF that supports Homeownership Programs from \$2 million to \$3 million; noting that this increase is accommodated by the additional \$2.9 million from the designated reserve.

The Council will also discuss the use of the FY21 Designated Reserve for Affordable Housing, which is funding that was held in reserve to implement the Housing Opportunities Commission (HOC) Housing Production Fund and other new options for financing affordable housing. Currently, there is \$6.3 million remaining in the designated reserve for affordable housing. The County Executive proposes using \$3.4 million in FY22 to pay the first full year cost of the HOC Housing Production Fund.

Capital Improvements Program: Affordable Housing Opportunity Fund

Review: The Council will review the Affordable Housing Opportunity Fund as a part of the original FY21-26 CIP. The fund would be primarily used for short-term financing of up to 36 months with a focus on the purchase and preservation of affordable housing. The source of funds is the Recordation Tax Premium for capital projects. There is no County debt associated with this proposal.

The funds would be reserved for projects in partnership with the Community Development Financial Institution (CDFI).

Facility Planning: Housing and Community Development

Review: The Council will review a recommended reduction of \$75,000 in FY22 for facility planning in Housing and Community Development (HCD). This project provides funding for planning of projects until they move to a stand-alone project description form (PDF). DHCA works within the funds available. The PDF notes that there is an unencumbered balance of \$850,000.

Countywide Façade Easement Program

Review: The Council will review a recommendation to shift \$220,000 for the Countywide Façade Easement Program from FY22 to later years to reflect project delays due to COVID-19. The total \$2.906 million in funding for the project remains the same. The project would revitalize commercial areas in the Glenmont and Layhill Shopping Centers, Montgomery Village, Hillandale and the Wheaton Central Business District.

Office of Agriculture

Review: The Council will review the FY22 Operating Budget for the Office of Agriculture (OAG). The recommended budget of \$993,865 is a minimal increase from the FY21 Approved

Budget. The OAG will partner with the Montgomery County Public Schools in FY22 to provide the “Ag in the Classroom” program as it did previous years before the pandemic. The OAG promotes agriculture as a component of the County's economic sector and works to preserve farmland as a resource for future agricultural production.

Tuesday, May 11

[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](#)

[Amendment No. 3 to the Intergovernmental Agreement between Montgomery County Government and Northeast Maryland Waste Disposal Authority](#)

Introduction: The Council will introduce a proposed amendment to the County’s Intergovernmental Agreement (IGA) with the Northeast Maryland Waste Disposal Authority (NMWDA) to provide technical, engineering, operations, procurement and marketing assistance in connection with the County’s solid waste facilities and programs.

The amendment would extend the term of the IGA from June 30, 2021 to June 30, 2026. If approved, it would provide for the completion of the Gude Landfill remediation project and replacement of the fire detection and suppression system at the Transfer Station and update the General Terms and Conditions of the County Contract and the Consumer Price Index series that is used for applying contract rate increases.

[Resolution to approve FY22 System Development Charge](#)

Introduction: The Council will introduce a resolution to approve the FY22 System Development Charge (SDC), which is paid by new development to cover the impact it has on WSSC Water infrastructure. Each year, both Montgomery and Prince George's Counties must approve an annual SDC and the maximum allowable charge.

WSSC Water proposed several actions as part of the FY22 Operating Budget review process regarding FY22 SDC charges including, keeping SDC rates for FY22 at current FY21 levels and raising the maximum allowable rate by 1.6 percent, as allowed under State law, to give WSSC and the counties flexibility to raise rates in the future to cover gaps in growth funding versus growth expenditures.

Resolution to Amend Resolution 19-472, Section G, FY21 Designation of Entities for Non-Competitive Contract Award Status: National Lead for America, Inc.

Introduction and vote expected: The Council will introduce and is expected to vote on an amendment to vote on a resolution that would allow the Office of the County Executive to increase the value of an existing contract with National Lead for America, Inc. (LFA).

LFA is a paid fellowship for outstanding leaders ages 21 to 30 to work on challenges facing local governments. The amendment would raise the contract value from \$60,000 to \$90,922 so that the County may engage with two LFA fellows.

Amendment to Resolution 19-611, Early Care and Education Non-Departmental Account – COVID 19 - School-Age Child Care During Distance Learning

The staff report will be available by Tuesday.

Expedited Bill 14-21, Finance - Working Families Income Supplement - Amendments

Public Hearing: The Council will hold a public hearing on Expedited Bill 14-21, which would expand eligibility 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 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 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 EIC for the applicable tax year.

The lead sponsors are Council Vice President Alborno and Councilmembers Navarro and Katz. Council President Hucker and Councilmembers Friedson, Rice and Glass are cosponsors.

Interview—Montgomery County Planning Board

The Council will interview Commissioner Tina Patterson, whose first term on the Montgomery County Planning Board ends on June 14. Members of the Planning Board serve four-year terms and are limited to two full terms.

[Zoning Text Amendment \(ZTA\) 20-08, concerning: Residential Care Facility: Continuing Care Retirement Community](#)

Vote expected: The Council is expected to vote on ZTA 20-08, which would add definitions for a Senior Care Community and a Continuing Care Retirement Community to the Zoning Ordinance to allow for flexibility in senior living unit types while also requiring assisted living services.

Presently, independent living units and residential care facilities in a multi-unit building are approved as a conditional use. ZTA 20-08 would establish the circumstances under which independent living units would be permitted within the Residential Care Facility use and would also clarify the definition of a Continuing Care Retirement Community.

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

[Budget Status](#)

Update: The Council will receive an update on the Committees' recommendations on the FY22 operating budget as the full Council begins its review of the operating budget.

[Libraries FY21-26 CIP Amendments](#)

Review: The Council will review the five projects within the FY21-26 Capital Improvement Program (CIP) Amendments for Montgomery County Libraries. These include the Library Refurbishment level of effort (LOE) project, which will provide a structured process to modernize all 21 library branches over 20 years with new technologies and service delivery improvements.

The Wheaton Library and Community Recreation Center project provides funds for a combined facility that would include the new Wheaton Library and a used bookstore operated by the non-profit organization Friends of the Library. Proceeds from the bookstore would benefit Montgomery County Public Libraries and the Wheaton Community Recreation Center.

The Clarksburg Library project provides for the design and construction of a library as outlined in the Clarksburg Master Plan. The Noyes Library for Young Children project will provide for a comprehensive rehabilitation of the historic Noyes Library.

Those expected to attend and provide information include Anita Vasello, director, Montgomery County Public Libraries (MCPL); James Donaldson, assistant director, MCPL; Steve Kapani, business office manager, MCPL; Angelisa Hawes, assistant director facilities and ADA, MCPL; and Deborah Lambert, senior fiscal and policy analyst, OMB.

Public Arts Trust FY21-26 CIP Amendments

Introduction: The Council will review the annual request for funds for the Public Arts Trust. The purpose of the trust, created in 1995, is to incorporate art into public facilities and sponsor privately funded temporary or permanent displays of art on public property.

The County Chief Administrative Officer (CAO) administers the trust in consultation with the Arts and Humanities Council of Montgomery County (AHCMC), Montgomery County Public Schools, Montgomery College and the Maryland-National Capital Park and Planning Commission.

Those expected to attend and provide information include Suzan Jenkins, chief executive officer, Arts and Humanities Council of Montgomery County and Anita Aryeetey, fiscal and policy analyst, OMB.

Cost Sharing: MCG FY21-26 CIP Amendments

There were no specific recommendations for Cost Sharing capital grants included in the FY22 Recommended Budget. State of Maryland 2021 Bond Bill Initiatives funded 17 capital projects in Montgomery County totaling \$4.847M. Twelve of these projects did not include a need for County matching funds and the remaining five projects that included a County match request were all fulfilled as of the 2021 State Legislative Session.

FY22 previously approved CIP amendment totaling \$603,412 include \$103,412 for Montgomery Community Television to replace studio lighting with LED fixtures, \$250,000 for Olney Theatre to upgrade public and production areas and \$250,000 to Round House Theatre to complete renovation. FY23 CIP amendments include the previously approved Olney Theatre amendment and an an increase of \$750,000 to restore capital grant funding to arts and humanities organizations from FY23-26. In addition, a \$285,000 State of Maryland 2021 Bond Bill Initiative provided funds for the Silver Spring Artspace.

Those expected to attend and provide information include Rafael Murphy, fiscal and policy analyst, OMB and Anita Aryeetey, fiscal and policy analyst, OMB

Community Grants NDA

The Council will review the Community Grants NDA, which provides one-time grants directly to organizations in the community. These community organizations are critical to an effective network of services and are often able to provide these services in a more cost-effective, culturally appropriate and flexible way than County Government. They are also able to leverage community resources that may be unavailable to the County Government.

Many of the FY22 Community Grants are recommended to be renewed at the same level as FY21 at a total of \$9,644,887. These organizations leverage Federal, State and private funding or improve the quality of life for County residents.

In addition, \$711,500 in funding for 23 community grants funded in the FY21 budget have moved into the base budgets of departments. The funding for those grants can be now found within those departments' budgets.

Community Services Grants: One-time Community Service Grants totaling \$60,987 are also recommended for capital purchases that support health and human service activities, also level with FY21.

Those expected to attend and provide information include Rafael Murphy, fiscal & policy analyst, Office of Management and Budget (OMB)

Wednesday, May 12

The Council will meet virtually on **Wednesday, May 12 at 9:30 a.m.** to continue reviewing committee recommendations on the Fiscal Year 2022 (FY22) Operating Budget and FY21-26 Capital Improvements Program amendments.

Office of Human Rights

Review: The Council will review the \$1.77 million FY22 Recommended Operating Budget for the Office of Human Rights. The recommendation is an increase of nearly 28 percent from the FY21 Approved Budget of \$1.38 million, with personnel costs accounting for over 82 percent of the budget.

The mission of the Office of Human Rights is to enforce the County's worker protection laws and anti-discrimination laws in housing, commercial real estate, employment, public accommodations and intimidation. The office also promotes increased understanding and tolerance among diverse groups.

To advance the County's Racial Equity and Social Justice Law, which was spearheaded by Councilmember Navarro and supported by the full Council, key initiatives for FY22 include the creation of two investigator positions within the office and funding for education and outreach campaigns. These initiatives align with Council Bill 35-20 on fair criminal record screening standards, which was initiated by Councilmember Jawando and supported by the full Council, and Bill 49-20, the Housing Justice Act, which was initiated by Councilmembers Glass and Katz and supported by the full Council.

Those expected to attend include James Stowe, director, Office of Human Rights and Office of Management and Budget staff.

Health and Human Services

The Department of Health and Human Services (DHHS) has been at the center of COVID response, and the \$422 million FY22 Recommended Budget includes several increases that

continue changes that have taken place, such as the consolidated service hubs, and the change to year-round emergency shelter with the ability to provide physical distance.

During FY21 these and many other efforts had to be undertaken through emergency procurements and increased spending above the FY21 approved level. The Council will review these changes including, considering 1.5 percent inflationary adjustments for payments to eligible non-profit service providers, eligible developmental disabilities organizations and adult medical daycare organizations.

The staff report will be available by Tuesday.

Homeless Services and Rental Assistance

The Council will review programs funded in the FY22 Recommended Budget that support homeless and formerly homeless individuals in the County.

The recommendation includes \$3.081 million for the operating costs of the homeless shelter system, \$89 million for the Housing Initiative Fund to provide affordable housing production, preservation, support for rental assistance and homeownership programs, and community-based services, a \$1 million increase to the Rental Assistance Program (RAP) and an additional \$490,000 for Rapid Rehousing.

The staff report will be available by Tuesday.

Working Families Income Supplement NDA

Review: The Council will review the \$40.1 million recommended budget for the Working Families Income Supplement (WFIS) NDA. The recommendation nearly doubles the FY21 Approved Budget.

This NDA provides funds to supplement the State's Earned Income Tax Credit (EITC) and is intended to benefit low-income working families in the County. The County supplements the State's refund by 100 percent, in effect doubling the amount received from the State for County residents. On April 20, lead sponsors Councilmembers Alborno, Navarro and Katz introduced Expedited Bill 14-21 to expand eligibility for the Working Families Income Supplement.

Montgomery County's Director of Finance Mike Coveyou is expected to attend the meeting.

Municipal Property Tax Duplication

The Council will review the recommended \$9.1 million budget for payments to the municipalities NDA, which is a 10 percent increase from the FY21 Approved budget.

County Code establishes a program to provide reimbursements to municipalities to offset property tax duplication, which occurs when the County and municipality both levy a property tax on a municipal taxpayer to fund a specific service, but only the municipality provides that service to its residents. The two items related to property tax duplication payments in FY22

include the Executive's proposed resolution and recommended appropriation for the FY22 Operating Budget.

Debt Service

The Council will review the \$448.7 million Recommended FY22 Operating Budget for debt service. The recommended appropriation for the next fiscal year reflects the past spending decisions of the County. The County's debt service costs are based on its credit rating. The County has the highest credit rating possible for a local government, which is AAA, from Moody's Investors Service, Inc., Standard and Poor's and from Fitch Ratings, Inc.

Montgomery County's Director of Finance Mike Coveyou is expected to attend the meeting.

Committee Meetings on Wednesday, May 12

The Planning, Housing and Economic Development (PHED) Committee will meet on **Wednesday, May 12 at 2:00 p.m.** to review Bill 10-21 Economic Development - Economic Development Strategic Plan - Economic Development Corporation – Duties, which would strengthen and streamline the County's economic development strategy. The Committee will also review Executive Regulation 4-21, Landlord-Tenant Relations – Obligations of Landlord – Air Conditioning.

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

Bill 10-21, Economic Development - Economic Development Strategic Plan - Economic Development Corporation - Duties

Review: If approved, Bill 10-21 would task the Montgomery County Economic Development Corporation (MCEDC) with submitting an Economic Development Strategic Plan with recommendations to retain businesses, attract new businesses and improve employment opportunities available to County residents.

To develop the plan, MCEDC would take input from partner agencies and organizations including the Planning Board and the County's Workforce Development Organization, as well as incorporate economic development plans developed by the Council and County Executive.

The lead sponsor is Councilmember Friedson. Councilmembers Riemer, Navarro, Council Vice President Alborno and Councilmember Katz are cosponsors.

Executive Regulation 4-21, Landlord-Tenant Relations - Obligations of Landlord - Air Conditioning

The staff report will be available by Tuesday.

Thursday, May 13

The Council will meet on **Thursday, May 13 at 9:30 a.m.** to continue reviewing committee recommendations on the Fiscal Year 2022 (FY22) Operating Budget and FY21-26 Capital Improvements Program amendments for the Fire and Rescue Service, Collective Bargaining Agreement with the Montgomery County Volunteer Fire and Rescue Association (MCVFRA), Montgomery County Police Department (MCPD), Emergency Management and Homeland Security, Montgomery County Economic Development Corporation NDA, and Incubator Programs NDA.

The Council will continue its review of FY22 Operating Budgets at **1:30 p.m.** to discuss the Montgomery Coalition for Adult English Literacy NDA, Arts and Humanities Council of Montgomery County NDA and Community Use of Public Facilities.

Friday, May 14

The Council will meet on **Friday, May 12 at 9:30 a.m.** to continue reviewing committee recommendations on the Fiscal Year 2022 (FY22) Operating Budget and FY21-26 Capital Improvements Program amendments for Montgomery College, Montgomery County Public Schools, the Department of Recreation and Recreation – School Based Programs.

The Council will continue its review of FY22 Operating Budgets at **1:30 p.m.** to discuss the Community Engagement Cluster; Public Information Office; MC311; Office of Racial Equity and Social Justice; Early Childhood Services; and High School Wellness Centers, Children's Opportunity Fund, Early Care and Education and Child Care Subsidies.