

# COUNCIL COMING ATTRACTIONS



## Week of Jan. 10, 2022

*Proclamations recognizing the 73rd Anniversary of the Universal Declaration of Human Rights by Councilmember Katz and recognizing Human Trafficking Prevention Month presented by Council President Albornoz and County Executive Elrich.*

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 on Tuesday, Jan. 11 at 9 a.m. The virtual meeting will begin with two proclamations. Councilmember Katz will present a proclamation to recognize the 73rd Anniversary of the Universal Declaration of Human Rights. Council President Alborno and County Executive Elrich will present a joint proclamation recognizing Human Trafficking Prevention Month.

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. Next, at the request of County Executive Elrich, Council President Alborno will introduce a resolution to prevent the spread of COVID-19 in the County. The resolution would approve a Board of Health regulation to require restaurants, bars, fitness centers and other establishments and facilities to require patrons to provide proof of vaccination against COVID-19 before entering indoor areas.

As part of the consent calendar, the Council will introduce spending affordability guidelines for the FY23 Operating Budget, introduce a resolution expressing their ongoing support to establish a 14<sup>th</sup> early voting center in Montgomery County at the Bauer Drive Community Recreation Center and introduce a \$954,266 supplemental appropriation that would fund certain expenditures related to the Montgomery County Incubator Program.

In the afternoon, the Council will hold multiple public hearings. These will include a public hearing on a \$193,483 supplemental appropriation to the Department of Transportation to be used for the replacement of roadside trees as required by Bill 41-12; on Bill 46-21, which would amend the County's Commercial Property Assessed Clean Energy Program (C-PACE) financing program; on Bill 49-21, which would establish a Police Accountability Board (PAB) and Administrative Charging Committee (ACC) for the County; and on a \$5 million special appropriation for payments to the Municipalities Non-Departmental Account. In addition, the Council will hold a public hearing and vote on a special appropriation that includes funding for major capital projects for the Clarksburg Cluster Elementary School (ES) #9, Burnt Mills ES, South Lake ES, Stonegate ES and Woodlin ES.

Next, the Council is expected to vote on Local Map Amendment (LMA) Application No. H-141, which would rezone 7.83 acres of property from the Commercial Residential (CR) zone to the Commercial Residential Floating (CRF) zone. Then the Council will vote on Sectional Map Amendment (SMA) H-142, which was filed on Aug. 11, 2021 by the Montgomery County Planning Board to implement the specific zoning recommendations of the Shady Grove Minor Master Plan Amendment.

Then, lead sponsor Councilmember Rice will introduce a Bill 1-22, which would require children's meals offered by food service facilities to include certain healthy food and beverage options. The Council President, at the request of the County Executive, will introduce Bill 2-22, Municipal Tax Duplication, which addresses the codification of municipal tax duplication formulas. Before the meeting adjourns, the Council is expected to vote on Bill 32-21, which would prohibit no-rehire clauses from County employee settlement agreements.

*The Council meeting will be held Tuesday, Jan. 11 at 9 a.m.*

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

**Update:** Sitting as the Board of Health, the Council will receive an update on the County's ongoing response to the COVID-19 pandemic and its recovery and vaccination efforts. Those expected to provide information include Dr. Raymond Crowel, director, Department of Health and Human Services (DHHS); James Bridgers, acting chief health officer, DHHS; Dr. Earl Stoddard, assistant chief administrative officer, Montgomery County Government; and Sean O'Donnell, program administrator, Public Health Emergency Preparedness and Response, DHHS. Join the conversation with [#COVID-19](#).

### **Resolution to adopt a Board of Health Regulation to prevent the spread of COVID-19 in the County - Vaccination Requirements to Enter Bars, Restaurants, Recreation Centers, and Other Covered Establishments**

**Introduction:** At the request of County Executive Elrich, Council President Alborno will introduce a resolution to prevent the spread of COVID-19 in the County. The resolution would approve a Board of Health regulation to require restaurants, bars, fitness centers and other establishments and facilities to require patrons to provide proof of vaccination against COVID-19 before entering indoor areas.

In addition, the resolution would exempt certain establishments and facilities from the requirement, including those providing essential government services and social services. It would exempt certain individuals from the requirement, including individuals who enter the facility for a quick and limited purpose and individuals who are entitled to medical or religious accommodations.

Under the proposed regulation, the vaccination requirement would be phased-in according to the following schedule: effective Jan. 22, 2022, proof of one dose of the vaccine would be required for patrons 12 years and older; effective Feb. 15, proof of all doses (excluding boosters) would be required for patrons 12 years and older; and effective Mar. 1 proof of all doses (excluding boosters) would be required for patrons five years-and-one month and older.

A public hearing and Council worksession is scheduled for Jan. 18.

Those expected to attend and provide information include Dr. James Bridgers, acting chief health officer, Department of Health and Human Services (DHHS); Dr. Earl Stoddard, assistant chief administrative officer, Montgomery County Government; and Dr. Raymond Crowel, director, DHHS.

### **Spending Affordability Guidelines for the FY23 Operating Budget**

**Introduction:** The Council will introduce spending affordability guidelines for the FY23 Operating Budget. The spending affordability guidelines that will be adopted are a ceiling on the funding from ad valorem real property tax revenues, a ceiling on the aggregate operating budget

and separate budget allocations for all agencies and certain non-agency uses. The Council must adopt guidelines for the next operating budget by the second Tuesday in February.

A public hearing is scheduled for Jan. 25. The Government Operations and Fiscal Policy Committee will review the proposed options and any public comments on Feb. 3.

### **Resolution Supporting the Establishment of an Additional Early Voting Center in Montgomery County**

**Introduction:** The Council will introduce a resolution expressing their ongoing support to establish a fourteenth early voting center in Montgomery County at the Bauer Drive Community Recreation Center. The additional early voting site is needed to increase access for residents and is consistent with the changed demographic landscape that shows significant growth in this part of the County.

The site will improve access for residents living near Earle B. Wood Middle School on Bauer Drive and expanded opportunities for residents in surrounding communities like Wheaton and Leisure World to vote in the coming elections. The review of the Bauer Drive site shows that it is a prime location with access to public transit and is spacious enough to allow the implementation of any necessary COVID-19 related protocols.

On April 9, 2021, the State of Maryland enacted House Bill 745 requiring Montgomery County to establish 13 early voting centers, based on the number of registered voters in the County. The legislation also allows for the establishment of an additional early voting center if the local board and the governing body of the county agree to establish an additional early voting center and the State Board approves the establishment.

On Sept. 14, 2021, the Council and the Executive sent a letter to the Montgomery County Board of Elections expressing their support for the establishment of an early voting center at the Bauer Drive Community Recreation Center to act as the County's fourteenth early voting center. Councilmembers Navarro and Katz spearheaded this effort.

On Sept. 20, 2021, the Montgomery County Board of Elections voted to recommend the use of 13 early voting centers and the use of the Bauer Drive Community Recreation Center as an additional fourteenth early voting center, subject to County approval.

On Dec. 16, 2021, the Maryland State Board of Elections approved the County's proposed early voting centers but deferred approval of the establishment of an optional 14th early voting center until the County formally agrees with the Montgomery County Board of Election's recommendation. The State Board signaled their intention to revisit this issue at the next board meeting on Jan. 27, 2022. A public hearing and vote are tentatively scheduled for Jan. 18.

**Supplemental Appropriation #22-37 to the FY22 Operating Budget Montgomery County Government Office of the County Executive, Business Advancement Team Montgomery County Incubator Non-Departmental Account, \$954,266**

**Introduction:** The Council will introduce a \$954,266 supplemental appropriation to the FY22 Operating Budget Montgomery County Government Office of the County Executive. The supplemental appropriation would fund certain expenditures related to the Montgomery County Incubator Program. These funds will provide tenant security deposits, essential operating expenses for the Silver Spring Innovation Center, facility repairs for the National Cybersecurity Center of Excellence, repairs for all innovation centers and operating expenses for the entrepreneurship ecosystem.

A public hearing is tentatively scheduled for Jan. 25

**Supplemental Appropriation to the County Government's FY22 Operating Budget, Department of Transportation - \$193,483 for Streets and Roads - Roadside Trees - Protection**

**Public hearing:** The Council will hold a public hearing on a \$193,483 supplemental appropriation to the Department of Transportation to be used for the replacement of roadside trees as required by Bill 41-12 – Streets and Roads – Roadside Trees – Protection. The Tree Planting Fund collected \$268,483 in fiscal year 2021, which is \$193,483 more than had been estimated. The appropriation is needed to authorize the expenditure of the excess funds received and can be used only for this purpose.

The lead sponsor is the Council President, at the request of the County Executive.

**Bill 46-21, Environmental Sustainability - Commercial Property Assessed Clean Energy Program - Amendments**

**Public hearing:** The Council will hold a public hearing on Bill 46-21 - Environmental Sustainability - Commercial Property Assessed Clean Energy Program – Revisions, which would amend the County's Commercial Property Assessed Clean Energy Program (C-PACE) financing program to allow climate related improvements for eligible projects; establish 12-month retroactive financing for eligible C-PACE measures; create a five-year pilot for increased loan-to-value amounts for qualified properties; clarify new construction participation requirements; and remove the County designated lender from the County's C-PACE program.

The lead sponsor is the Council President, at the request of the County Executive.

**Expedited Bill 49-21, Police Accountability Board - Administrative Charging Committee – Established**

**Public hearing:** The Council will to hold a public hearing on Bill 49-21, Police – Police Accountability Board – Administrative Charging Committee – Established, which would

establish a Police Accountability Board (PAB) and Administrative Charging Committee (ACC) for the County.

The Maryland General Assembly enacted a series of laws establishing uniform standards for police department operations throughout the state. One of these laws, House Bill (HB) 670, created a new uniform procedure for police accountability and discipline. This new law requires the governing body of each county to establish a PAB and an ACC to handle complaints of police misconduct from a member of the public in the County. HB 670 also gives the County PAB and the County ACC jurisdiction over police misconduct complaints against municipal police departments located in the County.

The goal of the bill is to help improve police accountability. The lead sponsor is the Council President, at the request of the County Executive. A second public hearing on Expedited Bill 49-21 is scheduled for Jan. 18 at 7:30 p.m. A Public Safety Committee meeting on this bill is scheduled for Jan. 24.

### **Special Appropriation to the County Government's FY22 Operating Budget, Payments to Municipalities Non-Departmental Account (NDA), \$5,000,000**

**Public hearing:** The Council will hold a public hearing on a \$5 million special appropriation for payments to the Municipalities Non-Departmental Account. Chapter 30A of the Montgomery County Code creates a program that allows reimbursements to municipalities for those public services provided by municipalities that would otherwise be provided by the County. This reimbursement program addresses the issue of property tax duplication since both the County and municipalities levy a property tax, but only the municipality provides that service within its jurisdiction.

### **Special Appropriations to Montgomery County Public Schools' FY22 Capital Budget and Amendments to the FY21-26 Capital Improvements Program - Clarksburg Cluster ES #9 (New) (No. 651901), \$5,125,000 Major Capital Projects - Elementary (No. 652101), \$16,725,000 (for Burnt Mills ES, South Lake ES, Stonegate ES, and Woodlin ES)**

**Public hearing and vote:** The Council is expected to hold a public hearing and vote on a special appropriation to Montgomery County Public Schools' FY22 Capital Budget and Amendments to the FY21-26 Capital Improvements Program. The special appropriation includes \$5,125,000 for Clarksburg Cluster Elementary School (ES) #9 and more than \$16.7 million for major capital projects at Burnt Mills ES, South Lake ES, Stonegate ES and Woodlin ES.

The projects listed above are scheduled to begin construction during FY22. They were approved by the Council in May 2021 as part of the FY21-26 CIP amendment reconciliation process. In Sept. of 2021, the Board of Education requested and the Council later approved amendments to these projects to increase project costs to address construction cost increases based on market conditions.

Those expected to attend and provide information include Adrienne Karamihas, director, Division of Capital Planning, Montgomery County Public Schools (MCPS); Seth Adams,

director, Department of Facilities Management, MCPS; Mary Beck, CIP manager, Office of Management and Budget (OMB); and Veronica Jaua, fiscal and policy analyst, OMB.

**Hearing Examiner's report and recommendation on Local Map Amendment (LMA) Application No. H-141 for amendment to the zoning ordinance map. Soo Lee-Cho, Attorney for Applicant, White Oak Apartments LLC, requests rezoning from the CR-0.75, C-0.75, R-0.25, H-75 Zone to the CRF-1.25, C-0.25, R-1.25, H-85 Zone of the property located at 2220 Broadburch Drive, White Oak, Maryland, in the 5th Election District**

**Vote expected:** The Council is expected to vote on Local Map Amendment (LMA) Application No. H-141, which would rezone 7.83 acres of property from the Commercial Residential (CR) zone to the Commercial Residential Floating (CRF) zone. The property address is 2220 Broadburch Drive in White Oak. The Floating Zone Plan includes three binding elements limiting the type and density of the proposed use and committing to restrict 15 percent of the units constructed as moderately priced dwelling units (MPDUs).

Hearing Examiner Lynn Robeson Hannan is expected to attend and provide information.

**Sectional Map Amendment (SMA H-142) to implement the Approved and Adopted Shady Grove Minor Master Plan Amendment**

**Vote expected:** The Council is expected to vote on Sectional Map Amendment (SMA) H-142. The SMA was filed on Aug. 11, 2021 by the Montgomery County Planning Board to implement the specific zoning recommendations of the Shady Grove Minor Master Plan Amendment.

The SMA application covers a plan area of approximately 2,000 acres defined by several major roads, including Frederick Road (MD 355), the Intercounty Connector (MD 200), Shady Grove Road and Redland Road. The District Council approved the Shady Grove Minor Master Plan Amendment on April 6, 2021.

Those expected to attend and provide information include Casey Anderson, chair, Montgomery County Planning Board; Carrie Sanders, chief, Mid-County Planning, Planning Department; Jessica McVary, Master Plan Supervisor, Mid-County Planning; Nkosi Yearwood, planner coordinator, Mid-County Planning.

**Bill 1-22 - Eating and Drinking Establishments - Healthy Meals for Children**

**Introduction:** Lead sponsor Councilmember Rice will introduce Bill 1-22 - Eating and Drinking Establishments - Healthy Meals for Children, which would require children's meals offered by food service facilities to include certain healthy food and beverage options. Council President Alborno and Councilmember Jawando are cosponsors.

**Bill 2-22, Municipal Tax Duplication**

**Introduction:** The Council President, at the request of the County Executive, will introduce Bill 2-22, Municipal Tax Duplication, which addresses the codification of municipal tax duplication



formulas. Chapter 30A of the County Code creates a program that allows reimbursements to municipalities for those public services provided by municipalities that would otherwise be provided by the County.

This reimbursement program addresses the issue of property tax duplication since both the County and the municipality levy a property tax, but only the municipality provides that service within its jurisdiction. Under the bill, a municipality would be reimbursed by the County based upon the County Executive's approximation of the costs that the County would incur if it were to provide the municipality with transportation, police, crossing guards and park maintenance services.

Bill 2-22 would alter the calculation of reimbursements to municipalities for eligible costs, alter the requirements for municipalities to participate in the municipal revenue program, provide for a timeline of when certain reimbursement activities must be accomplished, amend reimbursements for the City of Takoma Park police services and provide for a phased-in implementation period.

A public hearing is tentatively scheduled for Feb. 1.

#### **Bill 32-21, Personnel - Employee Settlement Agreements with No-Rehire Clause - Prohibited**

**Vote expected:** The Council is expected to vote on 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. Councilmember Huckler is the lead sponsor of the legislation. The Government Operations and Fiscal Policy (GO) Committee recommends enactment with amendments.

When an employee files an employment dispute or claim against the County, and a settlement agreement is offered, it currently contains a no-rehire clause that prevents the employee from seeking future employment opportunities with the County. This automatic bar prohibits County employees who may have gained several years of knowledge, skills and abilities from returning to County employment, even after the dispute has been settled.

As introduced, the bill also provides an exemption to include a no-rehire clause, if the County and the employee mutually agree or if the employee 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.

#### **Additional Consent Calendar Items**

- **Special Appropriation to the County Government's FY22 Operating Budget, Office of Emergency Management and Homeland Security - \$586,500 for Metropolitan Washington Council of Government Funding**



**Introduction:** The lead sponsor is the Council President, at the request of the County Executive. A public hearing and vote are scheduled for Jan. 18. For more detail on this item please view to the staff report.

- **Amendment to FY22 Operating Budget Resolution 19-872, Section G, FY22 Designation of Entities for Non-Competitive Contract Award Status: Maryland MENTOR, Inc.**

**Introduction and vote:** The lead sponsor is the Council President, at the request of the County Executive. For more detail on this item please view to the staff report.

- **Amendment to FY22 Operating Budget Resolution 19-872, Section G, Fiscal Year 2022 Designation of Entities for Non-Competitive Contract Award Status: Montgomery County Coalition for the Homeless**

**Introduction and vote:** The lead sponsor is the Council. For more detail on this item please view to the staff report.

- **Amendment to FY22 Operating Budget Resolution 19-872, Section G, Fiscal Year 2022 Designation of Entities Contract Award Status: Blackwell Physicians LLC d/b/a AHC Imaging**

**Introduction and vote:** The lead sponsor is the Council. For more detail on this item please view to the staff report.

*Thursday, Jan. 13*

The joint Health and Human Services (HHS) and Public Safety (PS) Committee will meet on **Thursday, Jan 13 at 9:30 a.m.** to discuss hospital emergency department capacity and the need for psychiatric bed resources.

The Government Operations and Fiscal Policy (GO) Committee will meet **1 p.m.** to discuss Bill 35-21, Prevailing Wage Requirements – Construction Contracts Amendments

The joint GO and PS Committee will meet at **2 p.m.** to discuss a Special Appropriation to the County Government's FY22 Operating Budget, Office of the County Executive - \$250,000; and Amendment to the FY22 Operating Budget Resolution 19-872, Section G, FY22 Designation of Entities for Non-Competitive Contract Award Status: Effective Law Enforcement for All, Inc.

### **Hospital Emergency Department Capacity and Need for Psychiatric Bed**

**Review:** The joint HHS and PS Committee will meet to review hospital emergency department capacity and the need for psychiatric beds. The County's hospitals are experiencing delays in being able to appropriately discharge people who come to the emergency department with a

mental health crisis to an in-patient psychiatric bed or community-based treatment center, which has had an impact on hospital emergency department capacity. The Committee will also discuss the growing number of people experiencing mental health challenges during the COVID-19 pandemic, a trend that has been seen both locally and regionally.

### **Bill 35-21, Prevailing Wage Requirements - Construction Contracts - Amendments**

**Review:** The GO Committee will meet to review Bill 35-21, Prevailing Wage Requirements - Construction Contracts – Amendments, which would amend definitions related to construction and the prevailing wage threshold. The lead sponsors of the bill are Councilmembers Hucker and Jawando.

Prevailing wage laws require that wages for County funded construction projects be calculated to reflect local wages for similar jobs. The purpose of Bill 35-21 is to expand the applicability of the County’s prevailing wage law to include a County financed construction contract with a value of \$250,000. This change would align the County with recently passed state prevailing wage law regarding the contract threshold limit. In addition, the bill would apply prevailing wage requirements to certain public-private partnerships, require construction contracts to include a local hiring requirement and specify violations of the local hiring mandate.

**Special Appropriation to the County Government’s FY22 Operating Budget, Office of the County Executive - \$250,000; and Amendment to the FY22 Operating Budget Resolution 19-872, Section G, FY22 Designation of Entities for Non-Competitive Contract Award Status: Effective Law Enforcement for All, Inc.**

**Review:** The joint GO and PS Committee will review a \$250,000 special appropriation for Effective Law Enforcement for All, Inc. (ELE4A). The special appropriation will fund the ongoing work of ELE4A related to the audit of the Montgomery County Police Department (MCPD) and the Task Force to Reimagine Public Safety.