



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, October 15, 2019

The County Council for Montgomery County, Maryland convened in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland, at 9:32 A.M. on Tuesday, October 15, 2019.

PRESENT

Councilmember Nancy Navarro, President
Councilmember Gabe Albornoz
Councilmember Evan Glass
Councilmember Will Jawando

Councilmember Sidney Katz, Vice President
Councilmember Andrew Friedson
Councilmember Tom Hucker
Councilmember Craig Rice

Councilmember Hans Riemer

The President in the Chair.

The invocation was given by Reverend Dr. Linda Olson Peebles, Unitarian Universalist Congregation of Rockville.

PRESENTATIONS

- A. Proclamation was presented by Mr. Katz and County Executive Elrich recognizing Domestic Violence Awareness Month.
- B. Proclamation was presented by Mr. Glass and County Executive Elrich recognizing Montgomery Housing Partnership's 30th Year Anniversary.
- C. Proclamation was presented by Ms. Navarro and County Executive Elrich recognizing National Disability Employment Awareness Month.
- D. Proclamation was presented by Ms. Navarro recognizing Breast Cancer Awareness Month.

GENERAL BUSINESS

A. **Announcements** - Agenda and Calendar Changes

Ms. Lauer, Office of the Clerk of the Council, announced that the joint Transportation and Environment (T&E)/Government Operations and Fiscal Policy (GO) Committee and T&E Committee meetings postponed from yesterday will be held today in the 3rd floor Council Hearing Room at 3:00 and 3:45 P.M. respectively; and that the November 12, 2019, public hearing on the Forest Glen/Montgomery Hills Sector Plan will be held in the Council Office Building at 7:30 P.M. in the 3rd floor Council Hearing Room.

(1) B. **Receipt of Petitions** - [Receipt of Petitions](#)

There were no petitions received this week

C. **Approved** the minutes of September 17, 2019, without objection.

(2) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

Mr. Katz made the motion, which carried without objection.

A. **Introduced** a resolution approving a certain finance plan of the Washington Suburban Sanitary Commission (WSSC) for the issuance of refunding bonds.

B. **Introduced** a supplemental appropriation to the County Government's FY20 Operating Budget, Department of Health and Human Services (DHHS) - \$239,492 for ACCESS Harm Reduction Grant.

C. **Received and Released** the Office of Legislative Oversight (OLO) Report #2019-15, Measuring MC311 System Performance.

D. Adopted **Resolution 19-264**, confirming the County Executive's appointment to the Domestic Violence Coordinating Council: Amy Palumbo.

E. Adopted **Resolution 19-265**, confirming the County Executive's appointments to the Commission on Juvenile Justice: Diana Barney, Joshua Pestaner, Melanie Rush, Angela Toliver.

F. Adopted **Resolution 19-266**, confirming the County Executive's appointments to the Board of Social Services: Samaura Stone, Jean Swift.

- G. Adopted **Resolution 19-267**, confirming the County Executive's appointments to the Commission on Children and Youth: Shane Tate, Ruth Harris, Stephanie Nesmith, Julie Reiley, Andrea Shore, Itamar Fiorino, Uma Fox, Eugene Jackson, Alexander Kern, Victoria Koretsky, Ijeoma Okoro, Ashley Thommana.
 - H. Adopted **Resolution 19-268**, confirming the County Executive's appointments to the Western Montgomery County Citizens Advisory Board: Timur Edib, Mark Rittenberg, Denise Adams Hill, Lynna Cobrall, Elizabeth Kellar, Katya Marin, Kristen Nelson, Vashti Van Wyke.
 - I. **Approved** the appointment of special counsel to Montgomery County in connection with the investigation and prosecution of claims against the manufacturers and distributors of E-cigarettes: Robbins Geller Rudman & Dowd, LLP.
 - J. Adopted **Resolution 19-269**, amendment to the FY20 Operating Budget, Resolution 19-128, Section G, FY20 Designation of Entities for Non-Competitive Contract Award Status: Interfaith Works and Shepherds Table.
- (3) **PRESENTATION** - Metropolitan Washington Council of Government's (COG) report "The Future of Housing in Washington, A Regional Initiative to Create Housing Opportunities, Improve Transportation, and Support Economic Growth" and recommended regional housing targets

Participating in the panel discussion were Ms. Wright, Director, Montgomery County Planning Department, Maryland-National Capital Park and Planning Commission (M-NCPPC); Ms. Brennan, Senior Policy Associate, and Ms. Hendey, Senior Research Associate, Urban Institute; Mr. Buchanan, Principal, Buchanan Partners; Mr. Nigam, Director, Department of Housing and Community Affairs (DHCA); and Mayor Stewart, City of Takoma Park.

Received a briefing by the panelists on the subject report and on data provided by the Urban Institute on Meeting the Washington Region's Future Housing Needs.

Discussed the policy framework to preserve existing housing affordability, produce more housing across the income spectrum, and protect households from discrimination and displacement, as well as issues such as land availability, partnerships, zoning and land use regulations, housing moratoriums, affordability and market forces, government resources and funding assistance, infrastructure and transportation projects, and community dynamics.

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION - Day #24**

(4) **Introduction of Bills:**

A. **Bill 33-19, Police - Community Policing**

Introduced draft #3 of **Bill 33-19**, sponsored by Council President Navarro and Councilmember Rice, and co-sponsored by Councilmembers Hucker, Albornoz, Jawando, Friedson, Glass, Katz and Riemer. A public hearing is scheduled for January 21, 2020, at 7:30 P.M.

B. **Bill 34-19, Taxation - Development Impact Taxes - Affordable Housing - Housing Impact Fairness Act**

Introduced draft #10 of **Bill 34-19**, sponsored by Councilmember Glass, and co-sponsored by Councilmember Jawando. A public hearing is scheduled for December 3, 2019, at 7:30 P.M.

The meeting recessed at 12:10 P.M. and reconvened at 1:30 P.M.

(5) **PUBLIC HEARING - Expedited Bill 25-19 Contracts and Procurement - Local Business Preference Program - Established**

The public hearing was conducted. Mr. Rice was temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on December 2, 2019. A GO Committee worksession is tentatively scheduled for December 5, 2019.

(6) **PUBLIC HEARING - Bill 30-19, Human Rights and Civil Liberties - Race Discrimination - Protective Hairstyles (CROWN Act)**

The public hearing was conducted. Mr. Rice was temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on October 23, 2019. A Health and Human Services (HHS) Committee worksession is tentatively scheduled for October 23, 2019.

(7) **PUBLIC HEARING - MARC Rail Communities Sector Plan Sectional Map Amendment (H-133)**

The public hearing was conducted. Mr. Rice and Mr. Jawando were temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on October 18, 2019. Action is tentatively scheduled for October 22, 2019.

(8) **PUBLIC HEARING/ACTION - Supplemental appropriation to the County Government's FY20 Capital Budget and amendment to the FY19-24 Capital Improvements Program (CIP), Department of Transportation (DOT) - \$3,050,000 for Snouffer School Road**

The public hearing was held and the record closed.

Adopted **Resolution 19-270**, approving the subject supplemental appropriation.

Mr. Katz made the motion, which carried without objection. Mr. Jawando and Mr. Rice were temporarily absent. Later in the meeting, Mr. Jawando indicated that had he been present, he would have voted in the affirmative.

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION - Day #24 (continued)**

(8) **Call of Bills for Final Reading**

A. **Bill 11-19, Administration - Internal Audit - Inspector General - Amendments**

Ms. Navarro, Chair of the GO Committee, reviewed the Committee's recommendation, as contained in the staff report.

Enacted draft #5 of **Bill 11-19**, as shown at the end of these minutes. The GO Committee made the motion and the bill was enacted by a roll call vote:

YEAS: Glass, Jawando, Hucker, Riemer, Alborno, Friedson, Katz, Navarro.

ABSENT: Rice (temporarily).

(10) **DISTRICT COUNCIL SESSION**

A. **Announcement - Zoning Text Amendment (ZTA) 19-07, Telecommunications Towers - Limited Use**

Ms. Navarro announced that the public hearing on ZTA 19-07, Telecommunications Towers - Limited Use, is scheduled for November 19, 2019, at 7:30 P.M.

MOTION TO CLOSE

Agreed to meet in closed session to discuss appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction, pursuant to Maryland Code, State Government Article, §3-305(b)(1)(i). The topic was Legislative Branch staffing.

Mr. Katz made the motion which carried without objection.

The Council adjourned the open session at 2:40 P.M. and reconvened in closed session at 3:25 P.M. in the Council Conference Room.

The meeting adjourned at 4:05 P.M.

SUBJECT: Report of Closed Session of October 15, 2019

In compliance with §3-306(c)(2), General Provisions Article, Maryland Code, the following is a report of the County Council's closed session of Tuesday, September 15, 2019. The Council convened in closed session at 3:25 P.M. in the 3rd floor Council Conference Room to discuss appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction, pursuant to Maryland Code, State Government Article, §3-305(b)(1)(i). The topic was Legislative Branch staffing.

The meeting was closed on a motion by Mr. Katz, which carried without objection. The following persons were present: Councilmembers Navarro, Katz, Albornoz, Friedson, Glass, Jawando, Hucker, and Riemer; Confidential Aides Mandel-Trupp, Gibson, Kunes, Silverman, Ikheloa, Thorne, Nurmi, and Ledner; Ms. Michaelson, Council Executive Director; Mr. Drummer, Senior Legislative Attorney; and Ms. Lauer, Office of the Clerk of the Council.

Action: Held interviews.

This is a correct copy of Council action.

Approved/Signed by the Clerk

Mary Anne Paradise
Acting Clerk of the Council

Bill No. 11-19
 Concerning: Administration – Internal
Audit – Inspector General -
Amendments
 Revised: 9/26/2019 Draft No. 5
 Introduced: May 7, 2019
 Enacted: October 15, 2019
 Executive: _____
 Effective: _____
 Sunset Date: None
 Ch. _____, Laws of Mont. Co. _____

**COUNTY COUNCIL
 FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsors: Council President Navarro, Council Vice-President Katz and Councilmember Friedson

AN ACT to:

- (1) increase the legislative oversight of the County’s internal accounting and contracting processes;
- (2) modify the duties of the Office of Internal Audit;
- (3) expand the duties and authority of the Inspector General; and
- (4) generally amend the law governing the Office of Internal Audit and the Inspector General.

By amending

Montgomery County Code
 Chapter 2, Administration
 Sections 2-25A and 2-151

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Sections 2-25A and 2-151 are amended as follows:**

2 **2-25A. Office of Internal Audit — Functions.**

3 The Office of Internal Audit is part of the Office of the County Executive. The Office of Internal Audit must
4 conduct its work in accordance with professional standards relevant to internal audit.

- 5 (a) Duties. The Office must:
 - 6 [(a)] (1) must periodically conduct a risk analysis, to identify areas of risk in accountability
7 systems;
 - 8 [(b)] (2) based on the risk analysis, conduct fiscal, contract, compliance, internal control,
9 performance, and information system audits, and attestation engagements;
 - 10 [(c)] (3) undertake investigative audits and audits required by law;
 - 11 [(d)] (4) provide advice to County departments and offices on internal control issues;
 - 12 [(e)] (5) communicate actions necessary to enhance accountability; and
 - 13 [(f)] (6) conduct other investigations and audits as directed by the Chief Administrative Officer.
- 14 (b) Annual work plan. The Office must create an annual workplan subject to the approval of the Chief
15 Administrative Officer. The workplan must include the risk analyses and audits required under
16 subsection (a). The Chief Administrative Officer must submit the annual work plan to the Council
17 for review and comment on or before each June 1.
- 18 (c) Annual report. The Office must submit a report to the Inspector General on or before each
19 September 15. The report must include the Executive's implementation of each written
20 recommendation:
 - 21 (1) made by the Inspector General in the previous fiscal year;
 - 22 (2) made by the Office in the previous fiscal year; and
 - 23 (3) identified by the Office of Legislative Oversight for action by the Executive in the
24 previous fiscal year.

25 **2-151. Inspector General.**

- 26 * * *
- 27 (h) Powers and Duties.
 - 28 (1) The Inspector General must attempt to identify actions which would enhance the
29 productivity, effectiveness, or efficiency of programs and operations of County
30 government and independent County agencies. In developing recommendations, the
31 Inspector General may:
 - 32 [(1)] (A) conduct investigations, budgetary analyses, and financial, management, or
33 performance audits and similar reviews; and
 - 34 [(2)] (B) seek assistance from any other government agency or private party [,] or
35 undertake any project jointly with any other governmental agency or private
36 body.
 - 37 (2) The Inspector General must:
 - 38 (A) [[in coordination with the Office of Internal Audit, conduct a risk analysis of the
39 County's internal controls and processes;
 - 40 (B) based on the risk analysis,]] conduct a systematic risk-based rotating group by
41 group review of the County's internal accounting and contracting processes and
42 controls used by each department and principal office in the Executive Branch;
43 and
 - 44 [(C) review and evaluate compliance with Federal, State, and County laws by each
45 department and principal office in the Executive Branch; and
 - 46 (D)] (B) conduct [[an audit]] audits of [[each completed]] high risk County
47 [[contract funded in the operating budget with a contract value greater than \$1
48 million]] contracts and agreements.
 - 49 (3) The Inspector General may review or audit any County contract or agreement if the
50 Inspector General determines that review or audit is in the public interest. The required
51 duties described in paragraph (2) must not be construed to limit the powers and duties of
52 the Inspector General established in paragraph (1).

53 In each project of the Office, the Inspector General should uphold the objective of complying with
54 applicable generally accepted government auditing standards.

- 55 (i) Work plan. The Inspector General must direct the activities of the Office of the Inspector General,
56 subject to a work plan for the Inspector General's 4-year term which the Inspector General must

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adopt within 6 months after being appointed. The Inspector General may amend the plan during a term. The Inspector General must consider recommendations and may seek suggestions for the work plan from the Executive, the County Council, the head of each independent County agency, employees of County government and independent County agencies, employee organizations, and individual citizens. The work plan must include the [[risk analysis,] systematic review[[,] and audits required in subsection (h). The Inspector General must release the work plan to the public but may treat any item or suggestion for an item as confidential when advance public or agency knowledge of that item or suggestion would frustrate or substantially impede the work of the Office.

* * *

(o) Council responsibility. The Council must ensure that the operating budget for the Office of the Inspector General is sufficient to provide the services required by this Section.