



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, April 21, 2020

The County Council for Montgomery County, Maryland convened via video conference at 9:35 A.M. on Tuesday, April 21, 2020.

PRESENT

Councilmember Sidney Katz, President
Councilmember Gabe Albornoz
Councilmember Evan Glass
Councilmember Nancy Navarro

Councilmember Tom Hucker, Vice President
Councilmember Andrew Friedson
Councilmember Will Jawando
Councilmember Craig Rice
Councilmember Hans Riemer

The President in the Chair.

Mr. Katz announced that in the coming weeks, Councilmembers would be given the opportunity to recognize someone in the community who is doing outstanding work to help us all. He expressed thanks to the many people who have stepped up to help during the COVID-19 crisis.

Mr. Katz recognized Judith Clark, Executive Director of Women Who Care Ministries, Inc., for her many years of service to the community.

GENERAL BUSINESS

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

Ms. Singleton, Clerk of the Council, announced an addendum to the agenda, deleting action on the County Executive appointment of Susan Lau to the Consolidated Retiree Health Benefits Trust Board of Trustees; adding introduction of a special appropriation to the County Government's FY20 Operating Budget - \$2,000,000 for COVID-19 Human Services Response and Community Assistance Nondepartmental Account (NDA); correcting the amount of a special appropriation for the purchase of face coverings and other personal protective equipment to \$250,000 for the public hearing and action; and adding a proposed closed session to

consult with counsel to obtain legal advice and to consult about pending or potential litigation, pursuant to Maryland Code, General Provisions Article §3-305 (b)(7) and (8). The topic is a pending contract dispute with a vendor.

(1) B. **Acknowledgement - Receipt of Petitions**

No petitions were received.

C. Approved the minutes of March 13, 2020, without objection.

(2) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

Ms. Navarro made the motion, which carried without objection.

- A. Adopted **Resolution 19-420**, approving a supplemental appropriation to the FY20 Capital Budget and amendment to the FY19-24 Capital Improvements Program (CIP), Department of Transportation (DOT) - \$2,100,000 for Bridge Renovation.
- B. Adopted **Resolution 19-421**, approving a supplemental appropriation to the FY20 Capital Budget and amendment to the FY19-24 CIP, Department of General Services (DGS) - \$1,140,000 for Men's Emergency Homeless Shelter.
- C. Confirmation of County Executive appointment to the Consolidated Retiree Health Benefits Trust Board of Trustees: Susan Lau.
This item was deleted from agenda and will be rescheduled for a future date.
- D. Adopted **Resolution 19-422**, confirming the County Executive's appointee as Director, Department of Permitting Services (DPS): Mitra Pedeem.
- E. Adopted **Resolution 19-423**, approving the appointment to the Board of Appeals: Richard Melnick.
- F. **Introduced** a special appropriation to the County Government's FY20 Operating Budget - \$2,000,000 for COVID-19 Human Services Response and Community Assistance Non-Departmental Account (NDA).

- (3) **ACTION** - [Resolution to appoint the Hearing Examiner, Office of Zoning and Administrative Hearings: Derek Baumgardner](#)

Adopted **Resolution 19-424**, appointing Derek Baumgardner as Hearing Examiner, Office of Zoning and Administrative Hearings.

Mr. Riemer made the motion, which carried unanimously.

- (4) **DISCUSSION** - [Joint Council/County Executive State Transportation Priorities Letter](#)

Participating in the discussion were Dr. Orlin, Senior Analyst; and Mr. Conklin, Director, Department of Transportation (DOT).

Mr. Hucker, Chair of the Transportation and Environment (T&E) Committee, explained that State law requires each County to rank its transportation priorities and is a formal opportunity to convey them to the Governor. He noted that this was a collaborative effort with the County Executive.

Dr. Orlin reviewed the recommendations of the T&E Committee and said that based on today's input from the Council, Mr. Conklin would redraft the letter for further review by Councilmembers and the County Executive before it is forwarded to the State. Currently, the top priority for both the Council and the County Executive is MD 97 improvements thru Montgomery Hills.

Approved without objection Mr. Hucker's motion to accept the recommendations of the T&E Committee for the "Other State Highways" category, as amended to switch MD 97/MD 28 improvements up to priority #7 and MD 28 improvements between MD 97 and the Intercounty Connector (ICC) to #8.

Approved without objection Mr. Hucker's motion to accept the T&E Committee's recommendations for the remaining categories included in the transportation priorities letter.

WORKSESSION - FY21-26 Capital Improvements Program (CIP):
Rescheduled from 3/17/20.

- (5) [Transportation](#)

Mr. Hucker commented that the T&E Committee met prior to the cancellation of committee meetings to review the CIP. He and Dr. Orlin reviewed the recommendations of the Committee, as contained in the staff report.

Approved the subject CIP, as recommended by the T&E Committee.
Mr. Hucker made the motion, which carried without objection.

(6) [Washington Suburban Sanitary Commission \(WSSCWater\)](#)

Mr. Hucker and Senior Legislative Analyst Levchenko reviewed the recommendations of the T&E Committee, as contained in the staff packet. Mr. Hucker noted that the CIP would be revisited during consideration of WSSCWater's operating budget.

Mr. Hucker commented that with respect to the managed lanes project on I-495/I-270, there is no support for a rate increase to cover the cost of utility relocations in the right-of-way, noting that the State said the cost would be covered by users of the toll road, not WSSCWater ratepayers. He noted a joint hearing with the Prince George's County Council was held and a letter is being drafted for submission to WSSCWater against a rate increase associated with the road widening project.

Approved the subject CIP, as submitted by WSSCWater and recommended by the County Executive. The T&E Committee made the motion, which carried without objection.

(7) [Solid Waste Management - Gude Landfill Remediation Project](#)

Mr. Hucker reviewed the T&E Committee recommendation, as contained in the staff report. Mr. Ortiz, Director, Department of Environmental Protection (DEP) participated in the discussion.

Approved the subject CIP, as submitted by the County Executive. The T&E Committee made the motion.

(8) [Conservation/Natural Resources - Storm Drains](#)

Mr. Hucker and Mr. Levchenko reviewed the T&E Committee recommendation, as well as Council staff recommendations, as contained in the staff report.

Mr. Friedson spoke to the need to increase the level of effort with regarding to the Storm Drain: general project, noting the increase in severe storms in the area.

Approved the subject CIP, as amended. Mr. Hucker made the motion, which carried without objection.

(9) [Conservation/Natural Resources - Stormwater Management](#)

Mr. Hucker reviewed the T&E Committee recommendation, as contained in the staff report.

Approved the subject CIP, as submitted by the County Executive. The T&E Committee made the motion.

(10) [Revenue Authority](#)

Mr. Riemer, Chair of the Planning, Housing, and Economic Develop (PHED) Committee, and Senior Legislative Analyst Zyontz reviewed the Committee's recommendations, as contained in the staff report.

Approved the subject CIP, as submitted by the County Executive. The PHED Committee made the motion.

(11) [Public Arts Trust](#)

Mr. Rice, Chair of the Education and Culture (E&C) Committee, and Legislative Analyst Chen reviewed the recommendation of the Committee, as contained in the staff report.

Ms. Jenkins, Chief Executive Officer, Arts and Humanities Council of Montgomery County, participated in the discussion.

Approved the subject CIP, as recommended by the E&C Committee. Mr. Rice made the motion, which carried without objection.

The meeting recessed at 12:16 P.M. and reconvened at 1:34 P.M.

(12) **PUBLIC HEARING** - [Resolution to approve FY21 Transportation Fees, Charges, and Fares](#)

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on April 29, 2020. Action is tentatively scheduled for May 5, 2020.

(13) **PUBLIC HEARING** - [Resolution to establish FY21 Solid Waste Service Charges](#)

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on April 27, 2020. Action will be scheduled at a future date.

(14) **PUBLIC HEARING** - [Resolution to establish FY21 Water Quality Protection Charge](#)

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on April 27, 2020. Action will be scheduled at a future date.

(15) **PUBLIC HEARING - Resolution to set amount of Property Tax Credit for Income Tax Offset**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on April 27, 2020. Action will be scheduled at a future date.

(16) **PUBLIC HEARING - Intent to consider increasing FY21 General Fund tax rate above the Constant Yield Tax Rate (CYTR)**

The public hearing was held. Action will be scheduled at a future date.

(17) **PUBLIC HEARING - Expedited Bill 18-20, Landlord-Tenant Relations - Rent Stabilization During Emergencies**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on April 27, 2020. Action will be scheduled at a future date.

(18) **PUBLIC HEARING - Expedited Bill 23-20, Contracts - Management and Disposal of Goods - Emergency Procedures**

The public hearing was held and the record closed. Action is scheduled for later this afternoon.

(19) **PUBLIC HEARING/ACTION - Special appropriation to the County Government's FY20 Operating Budget, Department of Finance - \$5,000,000 for Economic Development Fund, Public Health Emergency Grant Program**

The public hearing was held and the record closed.

Adopted **Resolution 19-425**, approving the subject special appropriation. Ms. Navarro made the motion, which carried unanimously.

(20) **PUBLIC HEARING/ACTION - Special appropriation to the County Government's FY20 Operating Budget, Montgomery County Economic Development Corporation (MCEDC) Nondepartmental Account (NDA), - \$100,000 for COVID-19 Response -Manufacturing Personal Protective Equipment**

The public hearing was held and the record closed.

Approved, without objection, Mr. Riemer's motion to revise the title of the subject special appropriation as follows:

Special Appropriation to the Fiscal Year 2020 Operating Budget, Montgomery County Government, Montgomery County Economic Development Corporation Non-Departmental Account, Support for COVID-19 Response – [Manufacturing Personal Protective Equipment] Local Production Fund, \$100,000

Adopted **Resolution 19-426**, as amended, approving the subject special appropriation.

Mr. Riemer made the motion, which carried unanimously

- (21) **PUBLIC HEARING/ACTION** - Special appropriation to the County Government's FY20 Operating Budget, Department of General Services (DGS) \$250,000 for Purchase of Face Coverings and other Personal Protective Equipment

The public hearing was held and the record closed.

Adopted **Resolution 19-427**, approving the subject special appropriation. Mr. Riemer made the motion, which carried unanimously.

- (22) **INTERVIEW** - County Executive's appointee as Chief of Aging and Disability Services, Department of Health and Human Services (DHHS): Odile Brunetto

Interviewed Dr. Odile Brunetto, the County Executive's appointee as Chief of Aging and Disability Services, DHHS. Confirmation is scheduled for later this afternoon.

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION - Day #14**

- (23) **Call of Bills for Final Reading**

A. **Expedited Bill 18-20**, Landlord-Tenant Relations - Rent Stabilization During Emergencies

Action has been postponed to April 23, 2020.

(18) **Expedited Bill 23-20, Contracts - Management and Disposal of Goods - Emergency Procedures**

Enacted draft #2 of **Expedited Bill 23-20**, as contained at the end of these minutes.

Ms. Navarro made the motion and the expedited bill was enacted by a roll call vote:

YEAS: Glass, Jawando, Riemer, Navarro, Albornoz, Rice, Friedson, Hucker, Katz.

(22) **ACTION - County Executive's appointee as Chief of Aging and Disability Services, DHHS: Odile Brunetto**

Adopted **Resolution 19-428**, confirming the County Executive's appointment of Dr. Odile Brunetto as Chief of Aging and Disability Services, DHHS.

Mr. Albornoz made the motion, which carried unanimously.

Motion to Close

Agreed to meet in closed session to consult with counsel to obtain legal advice, pursuant to Maryland Code, General Provisions Article §3-305(b)(7), and to discuss potential litigation, pursuant to Maryland Code, General Provisions Article §3-305(b)(8). The topic was a pending contract dispute with a vendor.

Mr. Albornoz made the motion which carried without objection.

The Council adjourned the open session at 3:25 P.M. and reconvened in closed session at 3:28 P.M. via video conference call.

The meeting adjourned at 4:33 P.M.

Report of Closed Session of April 21, 2020

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, April 21, 2020. The Council convened in closed session at 3:28 P.M. via video conference call consult with counsel to obtain legal advice, pursuant to Maryland Code, General Provisions Article §3-305(b)(7), and to discuss potential litigation, pursuant to Maryland Code,

General Provisions Article §3-305(b)(8). The topic was a pending contract dispute with a vendor.

The meeting was closed on a motion by Mr. Albornoz, which carried without objection. The following persons were present: Councilmembers Katz, Hucker, Albornoz, Friedson, Glass, Jawando, Navarro, Rice and Riemer; Chiefs of Staff Mandel-Trupp, Carranza, Gibson, Ikheloa, Kunes, Ledner, Nurmi, Silverman and Thorne; Ms. Michaelson, Council Executive Director; Mr. Howard, Deputy Director; Ms. McMillan, Senior Legislative Analyst; Mr. Drummer, Senior Legislative Attorney; Ms. Mihill and Ms. Wellons, Legislative Attorneys; Dr. Crowel, Director, DHHS; Mr. Shetty, Director, and Ms. Jones, Office of Procurement; Mr. Markovs and Ms. Greene, County Attorney's Office; and Ms. Singleton, Clerk of the Council.

Action: None

This is a correct copy of Council action.

Approved/Signed by Clerk of the Council

Selena Mendy Singleton, Esq.
Clerk of the Council

Expedited Bill No. 23-20
 Concerning: Contracts –
Management and Disposal of Goods –
Emergency Procedures
 Revised: 4/16/2020 Draft No. 3
 Introduced: April 14, 2020
 Enacted: _____
 Executive: _____
 Effective: _____
 Sunset Date: None
 Ch., Laws of Mont. Co. _____

**COUNTY COUNCIL
 FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Council President at the Request of the County Executive

AN EXPEDITED ACT to:

- (1) authorize the disposal of certain goods received in response to a declared emergency without competition;
- (2) require the disposal of goods in a declared emergency in accordance with emergency procedures and prioritization guidelines established by the public official declaring the emergency; and
- (3) generally amend the management and disposal of goods by the County.

By amending

Montgomery County Code
 Chapter 11B, Contracts and Procurement
 Section 11B-44

Boldface	<i>Heading or a 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. Section 11B-44 is amended as follows:**

2 **11B-44. Management and disposal of goods.**

- 3 (a) The Director must ensure the management of goods during their entire life cycle.
- 4 (b) Except as provided in subsection (f), the [The] Director must dispose of surplus goods. In
5 disposing the surplus goods, the Director may sell the goods by any competitive method which the
6 Director determines is likely to bring the highest return to the County. These methods may
7 include sealed bids, public auction, or trade in or exchange of goods. The Director may sell
8 surplus goods by private sale if the Director determines that open competition is not likely to bring
9 the highest return to the County.
- 10 (c) After public notice, the Chief Administrative Officer may give, loan, or sell below fair market
11 value, surplus goods to another public entity if the Chief Administrative Officer determines the
12 disposition would benefit the residents of Montgomery County. Public notice may be given
13 through the Montgomery County Register.
- 14 (d) If surplus goods have no resale or scrap value, the Director may dispose of the goods in any
15 responsible manner.
- 16 (e) Notwithstanding any other provision of County law, any gun that is surplus must be destroyed.
- 17 (f) During a period when the County is under a state of emergency order issued by the Federal, State,
18 or County governments, the Director of the Office of Emergency Management and Homeland
19 Security or the Director’s designee may dispose of goods donated to the County for use in the
20 emergency without using a competitive method if:
 - 21 (1) the Director determines that the goods would be useful to others during the emergency;
22 and
 - 23 (2) the goods are disposed of consistent with emergency procedures and prioritization
24 guidelines established either by the public official declaring the state of emergency or by
25 the Executive.

26 **Sec. 2. Expedited Effective Date.**

27 The Council declares that this legislation is necessary for the immediate protection of the public interest.
28 This Act takes effect on the date on which it becomes law and applies to any goods received by the County on or
29 after March 5, 2020.