



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Thursday, April 30, 2020

The County Council for Montgomery County, Maryland convened via video conference at 9:35 A.M. on Tuesday, April 30, 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. Friedson recognized Dr. Leighann Sidone, Chief Nursing Officer at Suburban Hospital, for her leadership during the COVID-19 crisis.

Ms. Singleton, Clerk of the Council, announced an addendum to the agenda, deferring the worksessions and action on resolutions on the Council's intent to approve or reject provisions of the Collective Bargaining Agreement with the Fraternal Order of Police (FOP), Lodge 35; the Municipal and County Government Employees' Organization (MCGEO), Local 1994; the Montgomery County Career Fire Fighters Association of the International Association of Fire Fighters (IAFF), Local 1664; and the Montgomery County Volunteer Fire and Rescue Association (MCVFRA); and adding to the consent calendar for introduction and action a resolution to extend time for approval of these aforementioned resolutions.

(1) CONSENT CALENDAR

Approved the following consent calendar items listed below.

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

- A. [Adopted Resolution 19-433](#), authorizing the grant application for Annual Transportation Plan grant.

- B. Adopted **Resolution 19-434**, approving and certifying the Agency Safety Plan for Montgomery County Department of Transportation (DOT), Division of Transit Services.
- C. Introduced and Adopted **Resolution 19-435**, extending the time to indicate intent to approve or reject the County employee collective bargaining agreements.

- (2) **ACTION** - Executive Regulation 31-19, Approval of the 2018 International Construction Codes with amendments

Adopted **Resolution 19-436**, approving Executive Regulation 31-19.

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

- (3A) **WORKSESSION/ACTION** - Resolution to indicate the Council's intent to approve or reject provisions of the Collective Bargaining Agreement with the FOP, Lodge 35

This item was deferred.

- (3B) **WORKSESSION/ACTION** - Resolution to indicate the Council's intent to approve or reject provisions of the Collective Bargaining Agreement with MCGEO, Local 1994

This item was deferred.

- (3C) **WORKSESSION/ACTION** - Resolution to indicate the Council's intent to approve or reject provisions of the Collective Bargaining Agreement with the Montgomery County Career Fire Fighters Association of the IAFF, Local 1664

This item was deferred.

- (3D) **WORKSESSION/ACTION** - Resolution to indicate the Council's intent to approve or reject provisions of the Collective Bargaining Agreement with MCVFRA

This item was deferred.

WORKSESSION - FY21 Operating Budget

(4) [Washington Suburban Sanitary Commission \(WSSC Water\)](#)

Participating in the discussion were Ms. Colihan, Chief Financial Officer, and Ms. Reid, General Manager/Chief Executive Officer, WSSC Water.

Mr. Hucker, Chair of the Transportation and Environment (T&E) Committee, questioned why WSSC Water's proposed 7 percent rate increase was necessary, and requested information on how many families in Montgomery County receive assistance with their water bills. He requested and received assurance from Ms. Reid that they would support a differential rate system during the State's FY21 legislative session. Noted that a savings plan is anticipated later this summer.

Unanimously approved Mr. Hucker's motion to support a 6 percent rate increase for WSSC Water.

Approved the subject operating budget as recommended by Council staff, as amended.

Mr. Hucker made the motion, which carried unanimously.

(5) [Recreation](#)

Participating in the discussion were Ms. Yao, Legislative Analyst; and Ms. Riley, Director, Department of Recreation.

Ms. Yao reviewed the proposed continuity of services budget, as contained in the staff report.

Supported, without objection, Mr. Riemer's motion to include funding to expand senior transportation by \$180,000. Noted that the transportation is used to deliver meals to vulnerable seniors.

Approved the subject operating budget, as recommended by Council staff, as amended. Mr. Riemer made the motion, which carried unanimously.

(6) [General Fund - Transportation and Leaf Vacuuming Fund](#)

Mr. Hucker and Dr. Orlin, Senior Analyst, presented an overview and recommendations for the Fund. Mr. Goldsmith, Office of Management and Budget (OMB), participated in the discussion.

Approved the subject operating budget, as recommended by Council staff.
Mr. Hucker made the motion, which carried unanimously.

(17) **COUNCIL SITTING AS BOARD OF HEALTH**

(A) **Update - [Novel Coronavirus \(COVID-19\) and County Public Health Planning](#)**

Dr. Gayles, County Health Officer and Chief of Public Health Services, Department of Health and Human Services (DHHS), updated the Council on current statistics on the number of COVID-19 cases locally (4,300) and Statewide (21,742), noting that most deaths have occurred in those over age 65; hospitalization rates, statistics by race/ethnicity; efforts to increase testing in nursing homes, group homes, and in vulnerable communities; contact tracing; partnerships with nonprofit organizations to provide support services; efforts by the State to increase the number of hospital beds dedicated to COVID-19 patients; and efforts to expand testing capacity through partnerships with private laboratories. He indicated more information is needed from the State regarding the use and distribution of 500,000 test kits received from South Korea, noting the need for other testing components such as nasal swabs and transfer receptacles.

Mr. Riemer stated that a letter was sent to the Executive branch requesting a written response to questions pertaining to the expansion of testing in the County. Dr. Gayles said options are being considered to reach the goal of universal testing, noting that the County does not yet have that capacity, but that alternative test sites, a hotline for residents without a primary care provider, and a mobile response team have been established to help address the need for more testing. More information is needed from private laboratories regarding the inventory of test kits.

Mr. Crisostomo, Operations Division Chief, Office of Emergency Management and Homeland Security (OEMHS), provided an update on the efforts of the Food Security Task Force to connect culturally appropriate grocery stores with nonprofit groups; increasing transportation support for delivery of food and meals; distribution of personal protective equipment (PPEs) to nursing homes, homeless shelters, group homes, and distribution of cloth masks to homeless shelters, Montgomery County Public Schools' (MCPS) feeding centers, Ride On bus depots, and other nonprofit groups. He noted that large orders of face masks are pending. OEMHS is developing a post COVID-19 recovery framework to address economic revitalization, housing needs, the digital divide, the safe return of County employees to their workplaces, and summer activity programs for children. A strategy to utilize the \$184 million in Federal funds for coronavirus relief is also being developed.

(B) **Update/Discussion** – [Domestic Violence during COVID-19](#)

Ms. Feinstein, Chief, Family Violence Unit, State’s Attorney’s Office, provided an overview of the public awareness campaign started last week on family violence awareness and prevention, and noted that there has been an increase in serious domestic violence cases during the pandemic. Information is being distributed through County liquor stores, MCPS, community advisory boards, Manna, and other nonprofit groups. Domestic violence prevention cards are in the process of being translated into other languages in a collaborative effort to provide information about available services, warning signs, and reporting. She noted that there has been a decline in the reporting of domestic violence as most cases are reported by an external source, such as MCPS, which are currently closed, and that victims may be isolated and unable to access help. Links to information are available on the Family Justice Center website.

The meeting recessed at 1:23 P.M. and reconvened at 1:47 P.M.

(18) **PUBLIC HEARING/ACTION** - [Special appropriation to the County Government’s FY20 Operating Budget, COVID-19 Human Services and Community Assistance Nondepartmental Account \(NDA\) - \\$750,000 for Support for COVID-19 Response - Food Assistance/Feeding Our Families](#)

The public hearing was held and the record closed.

Dr. Crowel, Director, DHHS; and Ms. Bruskin, Executive Director, Montgomery County Food Council, participated in the discussion.

Ms. Navarro clarified that the intent of \$300,000 of the appropriation is to secure ethnic and culturally-appropriate food items from ethnic grocery stores in collaboration with nonprofit organizations, such as Manna.

Supported, without objection, Mr. Rice’s motion to amend the resolution to include a date certain of May 21, 2020, for disbursement of the special appropriation funds.

Adopted **Resolution 19-437**, approving the subject special appropriation, as amended. Ms. Navarro made the motion, which carried unanimously.

- (19) **PUBLIC HEARING/ACTION** - [Special appropriation to the County Government's FY20 Operating Budget, Department of Finance, Economic Development Fund, Support for COVID-19 Response - \\$250,000 for Telework Assistance Program](#)

The public hearing was held and the record closed.

Approved without objection Mr. Friedson's motion to add a reporting requirement for June 1, 2020, in addition to the final report due on August 31, 2020, and to change the end date of the program to June 1, 2020.

Adopted **Resolution 19-438**, approving the subject special appropriation, as amended. Mr. Friedson made the motion, which carried unanimously.

- (20) **PUBLIC HEARING/ACTION** - [Special appropriation to the County Government's FY20 Operating Budget, DHHS - \\$5,000,000 for COVID-19 Response - Community Assistance NDA](#)

The public hearing was held and the record closed.

Dr. Crowel participated in the discussion.

Ms. Navarro expressed concern that the income level to qualify for this assistance was too low and should be raised. Mr. Rice suggested a graduated income cut-off approach would be beneficial.

Mr. Albornoz suggested an easy to follow, culturally appropriate reference document be developed to help residents apply for assistance.

Adopted **Resolution 19-439**, approving the subject special appropriation. Ms. Navarro made the motion, which carried unanimously.

WORKSESSION - FY21 Operating Budget (*continued*)

Agreed to vote on items 7 through 10 en bloc. Mr. Hucker, Chair of the T&E Committee, reviewed the purposes of the subject NDAs.

- (7) [NDA HOA Road Maintenance Reimbursement](#)
- (8) [NDA: Rockville Parking District](#)
- (9) [NDA: Climate Response](#)
- (10) [NDA: Vision Zero](#)

Approved the subject operating budgets, as recommended by Council staff. Mr. Hucker made the motion, which carried unanimously.

(11) [Resolution on Transportation Fees, Charges, and Fares](#)

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

Mr. Hucker reviewed the subject resolution, as contained in the staff report.

Dr. Orlin noted several corrections to the transit fees shown on page circle 3 of the staff report.

Approved the subject resolution in a straw vote. Mr. Hucker made the motion, which carried without objection. Final action is scheduled for May 5, 2020.

(12) [Mass Transit Fund](#)

Dr. Orlin and Mr. Conklin participated in the discussion.

Approved the subject operating budget, as recommended by Council staff. Mr. Hucker made the motion, which carried unanimously.

(13) [Parking Lot District Funds \(including FY21-26 CIP\)](#)

Dr. Orlin, Mr. Conklin and Ms. Beck, OMB, participated in the discussion.

Mr. Hucker stated he did not support the staff recommended transfer of \$3,750,000 from the Silver Spring Parking Lot District (PLD) to the Bethesda PLD and noted his preference to support the County Executive's recommended budget.

In response to Mr. Friedson's question about when the elevator in Garage 49 would be repaired, Mr. Conklin said waterproofing and drainage repairs must be completed prior to replacing the elevator and will take about three years.

Approved the subject operating budget and CIP, as submitted by the County Executive but without the FY21 compensation adjustments, which will be considered separately at a future date.

Mr. Hucker made the motion, which carried unanimously.

(14) [Urban Districts](#)

Mr. Smith, Legislative Analyst, reviewed the continuity of services budget, as included in the staff report.

Approved the subject operating budget as recommended by Council staff.
Mr. Riemer made the motion, which carried unanimously.

WORKSESSION - FY21-26 Capital Improvements Program (CIP):

(15) [Transportation, selected projects](#)

Dr. Orlin reviewed Council staff's recommended changes to the County Executive's proposed CIP. Mr. Conklin participated in the discussion.

Supported, without objection, Mr. Riemer's motion to fund the Capital Crescent Trail tunnel project at \$54.9 million.

Supported, without objection, Mr. Rice's motion to fund the Bus Rapid Transit (BRT) MD 355 project at \$2 million in FY21, \$5 million in FY22 and FY23, and \$3 million in FY24.

Approved the subject CIP as recommended by Council staff, as amended.
Mr. Hucker made the motion, which carried unanimously.

(16) [Libraries](#)

Mr. Jawando, Lead Member for Libraries on the Education and Culture (E&C) Committee, and Ms. Rodriguez-Hernandez, Legislative Analyst, reviewed the Committee recommendations, as contained in the staff report.

Approved the subject CIP as recommended by the E&C Committee and Council staff. Mr. Jawando made the motion, which carried unanimously.

(21) [Montgomery County Public Schools \(MCPS\)](#)

This item was deferred.

(22) [Department of Housing and Community Affairs \(DHCA\): Community Development - Countywide Façade Easement Program, Burtonsville Community Revitalization, and Colesville/New Hampshire Avenue Community Revitalization](#)

Participating in the discussion was Ms. McMillan, Senior Legislative Analyst.

Ms. McMillan reviewed the County Executive's March 16, 2020, amendments and adjustment to the CIP for the Countywide Façade Easement Program (new

project); Burtonsville Community Revitalization (reduction in funding); and Colesville/New Hampshire Avenue Community Revitalization (reduction in funding).

Approved the subject CIP amendments and adjustment proposed by the County Executive and recommended by Council staff (staff recommendation for Countywide Façade Easement Program is subject to CIP reconciliation). Mr. Riemer made the motion, which carried unanimously.

WORKSESSION - FY21 Operating Budget (*continued*)

(23) [Libraries & Takoma Park Library \(NDA\)](#)

Participating in the discussion were Ms. Vassallo, Director, Department of Public Libraries (DPL); and Ms. Rodriguez-Hernandez, Legislative Analyst.

Ms. Rodriguez-Hernandez reviewed the proposed continuity of services budget, as contained in the staff report.

Accepted, without objection, Ms. Navarro's motion to add the following to the list of items that the Council will take up sometime after the budget is approved: addition of a 7.5 Full-Time Equivalent (FTE) position and addition of eight public service hours to Long Branch, White Oak, and Twinbrook Libraries; and the addition of an Early Literacy Outreach Librarian. Noted that due to COVID-19, the role of libraries will be even more critical in assisting educational needs.

Approved the Libraries operating budget as recommended by Council staff, as amended. Mr. Jawando made the motion, which carried unanimously.

After agenda item #24 was taken up, Mr. Katz noted that the Council needed to return to item #23 as the review of the Takoma Park Library NDA had been inadvertently overlooked.

Ms. Rodriguez-Hernandez reviewed the proposed continuity of services budget for the Takoma Park NDA, as contained in the staff report.

Approved the Takoma Park Library NDA, as recommended by the County Executive and Council staff. Mr. Jawando made the motion, which carried unanimously.

(24) [Department of Correction and Rehabilitation \(DOCR\)](#)

Participating in the discussion were Ms. Talley, Director, DOCR; and Ms. Farag, Legislative Analyst.

Ms. Farag reviewed the proposed continuity of services budget, as contained in the staff report.

Mr. Katz, Chair, of the Public Safety (PS) Committee, noted that because of State law some changes had to be made to the continuity of services budget.

Mr. Rice recommended that the early release of offenders due to COVID-19 be reviewed outside the budget to strategize in determining the best way to assist former offenders when job opportunities are not available.

Unanimously supported Mr. Jawando's motion to add \$234,000 to enhance cell vent, bunk, and door retrofitting to reduce self-harm to the reconciliation list.

Approved the subject operating budget, as amended. Mr. Jawando made the motion which carried unanimously.

(25) [NDA: Prisoner Services](#)

Ms. Farag reviewed the proposed continuity of services budget, as contained in the staff report.

Approved the subject budget as recommended by the County Executive and Council staff. Mr. Rice made the motion, which carried unanimously.

(26) [NDA: Montgomery Coalition for Adult English Literacy \(MCAEL\)](#)

Participating in the discussion were Ms. Stevens, Executive Director, MCAEL; and Ms. Chen, Legislative Analyst.

Ms. Chen reviewed the proposed continuity of services budget, as contained in the staff report.

Approved the subject budget as recommended by Council staff. Mr. Rice made the motion, which carried unanimously.

(27) [Arts and Humanities Council](#)

Participating in the discussion were Ms. Jenkins, Chief Executive Officer, AHCMC; and Ms. Chen.

Mr. Rice noted that the Council will need to come back to funding for AHCMC outside the operating budget as AHCMC includes many businesses in the County that have been affected by COVID-19.

Ms. Chen reviewed the proposed continuity of services budget, as contained in the staff report.

Approved the subject budget as recommended by the County Executive and Council staff. Mr. Rice made the motion, which carried unanimously.

(28) [Board of Appeals](#)

Mr. Zyontz, Senior Legislative Analyst, reviewed the proposed continuity of services budget, as contained in the staff report.

Approved the subject budget as recommended by Council staff. Mr. Riemer made the motion, which carried unanimously.

(29) [Office of Zoning and Administrative Hearings \(OZAH\)](#)

Mr. Zyontz reviewed the proposed continuity of services budget, as contained in the staff report.

Approved the subject budget as recommended by Council staff. Mr. Riemer made the motion, which carried unanimously.

(30) [Department of Permitting Service \(DPS\)](#)

Mr. Zyontz reviewed the proposed continuity of services budget, as contained in the staff report.

Mr. Friedson requested that the issue of a decrease in DPS's reserves be flagged for future review.

Approved the subject budget as recommended by Council staff. Mr. Riemer made the motion, which carried unanimously.

(31) [Merit System Protection Board \(MSPB\)](#)

Participating in the discussion was Ms. Davidson, Chair, MSPB.

Ms. Navarro reviewed the staff proposed continuity of services budget, as contained in the staff report.

Approved the subject operating budget as recommended by Council staff.
Ms. Navarro made the motion, which carried unanimously.

(32) [Ethics Commission](#)

Participating in the discussion were Mr. Cobb, Director, Ethics Commission; and
Mr. Howard, Deputy Council Administrator

Ms. Navarro reviewed the staff proposed continuity of services budget, as
contained in the staff report.

Approved the subject operating budget as recommended by Council staff.
Ms. Navarro made the motion, which carried unanimously.

(33) [Office of Intergovernmental Relations \(OIR\)](#)

Participating in the discussion were Ms. Wenger, Director, OIR.

Ms. Navarro reviewed the staff recommendation.

Approved the subject operating budget as recommended by Council staff.
Ms. Navarro made the motion, which carried unanimously.

The meeting adjourned at 6:13 P.M.

This is a correct copy of Council action.

Approved/Signed by Clerk of the Council

Selena Mendy Singleton, Esq.
Clerk of the Council