



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, May 5, 2020

The County Council for Montgomery County, Maryland convened via video conference at 9:35 A.M. on Tuesday, May 5, 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. Glass recognized Timothy Sullivan and Dominic Blakey, Interfaith Works, for their service to the homeless and most vulnerable in our community.

GENERAL BUSINESS

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

Ms. Singleton, Clerk of the Council, announced an addendum to the agenda, adding to the afternoon worksession on the FY21 Operating Budget the following nondepartmental accounts (NDAs): Leases, Working Families Income Supplement, State Property Tax Services, Grants to Municipalities, Future Grants, Takoma Park Police Rebate, and Municipal Tax Duplication; Productivity Improvements; and Legislative Branch Communications Outreach; deleting the interview of Mr. Jeffrey Merkowitz, the County Executive's appointee to the Housing Opportunities Commission (HOC); and deferring the update on the FY21-26 Capital Improvements Program (CIP) status report.

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

No petitions were received this week.

C. Approved the minutes of March 24, 2020, without objection.

(2) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

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

B. **Introduced** a special appropriation to Montgomery County Public Schools' (MCPS) FY20 Operating Budget - \$303,094 for the Comprehensive School Safety Initiative Program Grant. A public hearing and action are scheduled for May 12, 2020, at 1:30 P.M.

C. **Introduced** a special appropriation to MCPS' FY20 Operating Budget - \$962,000 for the Striving Readers' Comprehensive Literary Grant. A public hearing and action are scheduled for May 12, 2020, at 1:30 P.M.

D. **Adopted Resolution 19-440**, confirming the County Executive appointment to the Consolidated Retiree Health Benefits Trust Board of Trustees: Susan Lau.

E. **Adopted Resolution 19-441**, approving FY21 Transportation Fees, Charges, and Fares.

(3) **INTERVIEW - County Executive's appointment to Housing Opportunities Commission (HOC): Jeffrey Merkowitz**

The interview was postponed.

(5) [Compensation and Benefits - All Agencies](#)

Senior Legislative Attorney Drummer, Deputy Director Howard, Senior Legislative Analyst Trombka, Office of Legislative Oversight (OLO); and Mr. Madaleno, Director, Office of Management and Budget (OMB), participated in the discussion.

Ms. Navarro, Chair of the Government Operations and Fiscal Policy (GO) Committee, noted that, traditionally, the Committee would have undertaken an in-depth review of the fiscal policy changes included in the budget submitted by the County Executive, but was not possible this year due to COVID-19 restrictions.

She said today, the Council is hearing about and discussing these items for the first time.

Mr. Howard and Mr. Trombka provided an overview of issues associated with FY21 compensation and benefits included in the Executive's proposed FY21 operating budget. Mr. Drummer reviewed the requirements in the collective bargaining process, noting that the Council must approve items that require an appropriation of funds or a change in law or regulation. Today is the final deadline for the Council to either approve or reject the three collective bargaining agreements in order to give the unions and the Executive the required nine days to renegotiate the agreements. Final action on the agreements must take place by May 14. Mr. Katz expressed thanks to the unions for acknowledging that the original agreements were negotiated prior to the COVID-19 pandemic and for initiating the renegotiation process.

Because the timeline for the reopening of the State is unknown, Ms. Navarro stated that the Council's first priority is the continuity of operations, and requested legal staff to determine if extension of the current union contracts is feasible with the understanding that the Council would reconsider the contracts in the fall when more information on the impact of the pandemic on the County is available.

(6) [FY20 Operating Budget Savings Plan - Retiree Health Benefits Trust](#)

Approved the following recommendations as submitted by Council staff:

Support the agencies' FY21 tax supported requests for active employee costs;

Support the agencies' FY21 tax supported pay-as-you-go requests for retiree costs;

Support the Executive's recommended FY21 OPEB pre-funding;

Support the recommended FY21 projection for the County Government's Employee Health Benefits Self Insurance Fund (\$295.0 million);

Encourage MCPS to take further efforts to move toward aligning the group insurance premium cost share for active employees with the cost share established by County Government;

Approve the Executive's proposed FY20 OPEB Savings Plan of \$21.1 million;

Approve the total FY21 County contributions for the County Government's retirement programs: \$55.4 million for the Employees' Retirement System (ERS), \$22.9 million for the Retirement Savings Plan (RSP), and \$8.3 million for the Guaranteed Retirement Income Plan (GRIP);

Approve the recommended administrative and operating budgets of the ERS, the RSP, the Deferred Compensation Plan (DCP), and the Consolidated Retiree Health Benefits Trust (CRHBT);

Consistent with the continuity of services framework, decisions on pay adjustments for non-represented employees should align with the decisions made for other employee groups;

Consistent with the continuity of services framework, the Council should request that MCPS, Montgomery College, Maryland-National Capital Park and Planning Commission (M-NCPPC), and Washington Suburban Sanitary Commission (WSSC) make decisions on pay adjustments that align with the Council's decisions for County Government employees;

Approve the Executive's recommended funding for: Consolidated Retiree Health Benefits Trust NDAs, Group Insurance for Retirees NDA, Montgomery County Employee Retirement Plans NDA, State Positions Supplement NDA, and State Retirement Contribution NDA;

Recommended FY21 funding for the Compensation and Employee Benefits Adjustment NDA that is consistent with the Council's final decision on employee pay adjustment.

Ms. Navarro made the motion, which carried unanimously.

Mr. Drummer confirmed that action could be taken on the four collective bargaining agreements en bloc.

(4A) **WORKSESSION/ACTION** - [Resolution to indicate the Council's intent to approve or reject provisions of the Collective Bargaining Agreement with the Fraternal Order of Police \(FOP\), Lodge 35](#)

(4B) **WORKSESSION/ACTION** - [Resolution to indicate the Council's intent to approve or reject provisions of the Collective Bargaining Agreement with the Municipal and County Government Employees' Organization \(MCGEO\), Local 1994](#)

- (4C) **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 International Association of Fire Fighters \(IAFF\), Local 1664](#)
- (4D) **WORKSESSION/ACTION** - [Resolution to indicate the Council's intent to approve or reject provisions of the Collective Bargaining Agreement with the Montgomery County Volunteer Fire and Rescue Association \(MCVFRA\)](#)

Approved Ms. Navarro's motion to reject the collective bargaining agreements with FOP Lodge 35, MCGEO Local 1994, IAFF Local 1664, and MCVFRA, with the hope that common ground can be reached to treat the agreements as continuity of service, with the caveat the Council will return to consider them again in the fall.

WORKSESSION - FY21 Operating Budget

- (7) [Montgomery County Police Department](#)

Police Chief Jones participated in the discussion. Legislative Analyst Farag reviewed Council staff's recommendation, as contained in the staff report.

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

- (8) [Office of Animal Services](#)

Ms. Farag reviewed staff's recommended reductions, as contained in the staff report.

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

- (9) [County Executive](#)

Ms. Navarro and Deputy Director Howard highlighted items included in the proposed budget. Mr. Kleine, Chief Administrative Officer (CAO) and Ms. Kassiri, Deputy CAO; participated in the discussion.

Mr. Friedson expressed concern about some of the proposed reorganization in the Office of the County Executive, and that further discussion was needed when the legislation is considered; and about the \$750,000 designated for the Innovation

Program and requested additional information. Mr. Howard noted that no funds were included for the Innovation Fund in the FY21 budget, and that staff would provide additional information about the process for spending of funds designated for the innovation program.

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

(10) [Office of Human Resources \(OHR\)](#)

Mr. Attila, Director, OHR, participated in the discussion.

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

(11) [Office of Labor Relations](#)

Mr. Howard reviewed the staff recommendation, as contained in the staff report.

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

The meeting recessed at 12:38 P.M. and reconvened at 1:35 P.M.

(12) **PUBLIC HEARING - Expedited Bill 19-20, Administration - County Executive - Office of Labor Relations - Established**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on May 13, 2020. Action is tentatively scheduled for May 19, 2020.

(13) **PUBLIC HEARING - Bill 20-20, Administration - Office of the County Executive - Business Advancement Team - Established**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on May 13, 2020. Action will be scheduled for a future date.

(14) **PUBLIC HEARING - [Bill 21-20, Office of Animal Services - Established](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on May 13, 2020. Action will be scheduled for a future date.

(15) **PUBLIC HEARING - [Expedited Bill 22-20, Position Creation and Position Alteration - Director of Strategic Partnerships and Director of Criminal Justice Coordinating Commission](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on May 13, 2020. Action will be scheduled for a future date.

(16) **UPDATE - [FY21-26 Capital Improvements Program \(CIP\) Status Report](#)**

This item was deferred.

WORKSESSION - FY21 Operating Budget (*continued*)

(17) **[NDA: Conference Center](#)**

Mr. Smith, Legislative Analyst, reviewed staff's proposed continuity of services budget, as contained in the staff report.

Noted that, at some point in the future, the Planning, Housing and Economic Development (PHED) Committee will need to review the impact of COVID-19 on the Conference Center.

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

(18) **[NDA: Conference and Visitors Bureau \(CVB\)](#)**

Mr. Riemer, Chair of the PHED Committee, commented on the impact of COVID-19 on the tourism industry.

Ms. Groff, President and Chief Executive Officer (CEO) of Visit Montgomery, participated in the discussion and stated that 10 hotels in the County have closed and her staff has been furloughed one day a week.

Mr. Smith, Legislative Analyst reviewed staff's proposed continuity of services budget, as contained in the staff report.

Mr. Riemer requested that staff determine if the CVB is eligible for COVID-19 funding assistance, and noted that, as with the Conference Center, the PHED Committee will need to review the impact of COVID-19 on the CVB at a later date.

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

(18.5) [NDA: Incubator Programs - Economic Development Partnerships](#)

Participating in the discussion were Ms. Benjamin, Special Projects Director, and Mr. Fletcher, Assistant CAO, Office of the County Executive; and Mr. Smith.

Mr. Riemer provided a summary of staff's proposed continuity of services budget, as contained in the staff report.

Mr. Riemer made a motion to add, as recommended by the Executive, \$50,000 for BioHealth Innovation (BHI). After receiving an update from Executive staff on the status of two BHI's contracts, one with the Department of Finance and the other with the Montgomery County Economic Development Corporation (EDC), Mr. Riemer withdrew his motion.

Received an update on the kitchen incubator program and several sites that had been explored. Noted that because of the COVID-19 crisis, the upcoming fiscal year might not be the best time to pursue other possible sites.

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

(19) [Office of Agriculture](#)

Participating in the discussion were Mr. Criss, Director, Office of Agriculture; and Mr. Smith.

Mr. Riemer provided comments on the subject budget, and Mr. Smith presented an overview of staff's proposed continuity of services budget, as contained in the staff report.

Briefly discussed food insecurity and sourcing fresh foods from County farms. Noted that a potential supplemental appropriation may be pursued.

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

(20) [Economic Development Fund](#)

Participating in the discussion were Ms. Boyer, Department of Finance; and Mr. Smith.

Mr. Smith presented an overview of staff's proposed continuity of services budget, as contained in the staff report.

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

(21) [NDA: Montgomery County Economic Development Corporation \(EDC\)](#)

Participating in the discussion were Mr. Wu, President and CEO, EDC; and Mr. Smith.

Mr. Smith presented an overview of staff's proposed continuity of services budget, as contained in the staff report. Noted that staff's recommendation was the same as the Executive's recommendation.

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

(22) [NDA: Montgomery County Historical Society](#)

Participating in the discussion were Mr. Logan, Executive Director, Montgomery County Historical Society; and Mr. Smith.

Mr. Smith presented an overview of staff's proposed continuity of services budget, as contained in the staff report.

Mr. Logan reported on a shift to virtual events and online offerings, and remarked that an increase in online offerings, means a decrease in revenue, especially for the History Conference. Mr. Riemer noted that because of the Historical Society's shoestring budget, it will likely be necessary to revisit their budget in the future.

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

(23) [NDA: Workforce Development \(WorkSource Montgomery\)](#)

Participating in the discussion were Mr. Howie, WorkSource Montgomery; and Mr. Smith.

Mr. Smith presented an overview of staff's proposed continuity of services budget, as contained in the staff report.

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

(24) [Office of Consumer Protection \(OCP\)](#)

Participating in the discussion were Mr. Friedman, Director, OCP; and Ms. Farag.

Ms. Farag presented an overview of staff's proposed continuity of services budget, as contained in the staff report. Noted that in order to maintain continuity of services, staff as well as the Executive, recommended the addition of one IT Specialist II.

Discussed OCP's increased case management load as well as an increase in COVID-related fraud issues.

Unanimously supported Mr. Friedson's motion to add the following clarifying language to justify the need for the addition of an IT Specialist II for continuity of services: "the Covid-19 crisis is necessitating a greater amount of diligence related to fraud."

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

(25) [NDA: Public Election Fund](#)

Participating in the discussion were Mr. Scull, Chair, Committee to Recommend Funding for the Public Election Fund; Mr. Crow, Fiscal Projects Manager, Division of Fiscal Management, Department of Finance; and Ms. Mihill, Legislative Attorney.

Ms. Navarro, Chair of the GO Committee, reviewed staff's proposed continuity of services budget, as contained in the staff report.

In response to Mr. Glass's request for an update on the Public Election Fund,

Ms. Navarro stated that Ms. Mihill would send him a summary of the GO Committee's work to date. Noted that post-budget the Committee will take up a number of recommendations regarding the Public Election Fund.

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

(26) [Board of Elections](#)

Participating in the discussion were Mr. Shalleck, President, Mr. Naimon, Secretary, and Ms. Jurgensen, Election Director, Board of Elections; and Ms. Mihill.

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

Received an update on the Primary Election and discussed possibly being required by the State to also use mail-in-ballots for the General Election in November.

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

(27) [NDA: Leases, Working Families Income Supplement, State Property Tax Services, Grants to Municipalities, Future Grants, Takoma Park Police Rebate, Municipal Tax Duplication](#)

Participating in the discussion were Mr. Madaleno and Mr. Smith.

Mr. Smith review the proposed continuity of services budget for each NDA, as contained in the staff report.

Discussed municipal tax duplication and efforts made over the years to come to a fair solution. Mr. Katz, as the lead Councilmember for Municipalities, stated that he believed the formulas in the staff report were fair, but acknowledged that additional work on the formulas will need to be done in the future.

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

(28) [NDA: Productivity Improvements](#)

Participating in the discussion were Mr. Madaleno and Mr. Howard.

Mr. Howard reviewed the 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.

(29) [NDA: Legislative Branch Communications Outreach](#)

After discussion, agreed to defer until May 13, 2020.

The meeting adjourned at 5:21 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