



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Thursday, May 7, 2020

The County Council for Montgomery County, Maryland convened via video conference at 9:34 A.M. on Thursday, May 7, 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. Jawando recognized Ms. Pia Morrison, President of the Service Employees International Union (SEIU) Local 500, for guiding the organization through this difficult time, and helping hand out over one million meals and over 60,000 Chromebooks to students to help ensure they have the resources to grow and learn.

Ms. Singleton, Clerk of the Council, announced an addendum to the agenda, adding to the consent calendar action on a resolution amending FY20 Operating Budget Resolution 19-128, Section G, FY20 Designation of Entities for Non-Competitive Award Status: Healthcare Initiative Foundation and Montgomery County Food Council, Inc.

(.5) **CONSENT CALENDAR**

Approved the following consent calendar item listed below. Mr. Riemer made the motion, which carried without objection.

- A. Adopted **Resolution 19-446**, resolution amending FY20 Operating Budget Resolution 19-128, Section G, FY20 Designation of Entities for Non-Competitive Award Status: Healthcare Initiative Foundation and Montgomery County Food Council, Inc.

WORKSESSION – FY21 Operating Budget

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

Participating in the discussion were Ms. Evans, President, Board of Education; and Mr. Smith, Superintendent of Schools. Mr. Howard, Council Deputy Director, reviewed the staff recommendation, as contained in the staff report.

Mr. Rice, Chair of the Education and Culture (E&C) Committee, commented on the need to expand equity and access to education for all students, challenges associated with the COVID-19 pandemic, the closure of schools for the remainder of the school year, and the uncertainty regarding the reopening of schools in the fall. He said the budget before the Council is a continuation of services budget based on a maintenance of effort (MOE) level.

Mr. Katz requested a breakdown of the number of students in private schools in elementary versus secondary schools.

Mr. Hucker suggested that MCPS consider the use of solar power in the future.

Mr. Howard noted a typographical error in the chart on page 4 of the staff report: the FY21 recommendation for the Technology Modernization CIP project is \$25,484,000 (not \$25,284,000). Mr. Smith noted that all items in the Technology Modernization budget would be eligible for federal COVID-19 funding, and the distribution of these funds is expected in the next 40 to 60 days. The Council agreed to follow-up on the County Executive's reduction to the Technology Modernization CIP budget later this year when more information is known about federal funding, noting that funding could be allocated through a supplemental appropriation at that time.

Approved the FY21 Operating Budget for MCPS, as recommended by Council staff. Mr. Rice made the motion, which carried unanimously.

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

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

Participating in the discussion were Dr. Gayles, County Health Officer and Chief, Public Health Services, and Dr. Crowel, Director, Department of Health and Human Services (DHHS); and Dr. Stoddard, Director, Office of Emergency Management and Homeland Security (OEMHS).

Dr. Gayles reported that testing availability at Vehicle Emissions Inspection Program (VEIP) sites is increasing, plans are being finalized for mobile testing units, the rapid response partnership with the State is continuing, and

the hospitalization rate is trending downwards with no hospitals reported being at full capacity. The Governor announced yesterday that certain spaces, including golf courses, tennis courts and recreational boating, would reopen. Because of the difficulty in maintaining social distancing at playgrounds, the Parks Department was asked to look at alternatives for recreation spaces. Regarding nursing homes, Dr. Gayles said that the majority of cases are due to asymptomatic transmission by staff and that a State Action Team, a special task force created with the National Guard, was dispatched to assist at nursing homes. The State Infection Control Team visited facilities and seven nursing home facilities reported no new cases within the last 14 days. Mass testing of nursing home residents and staff will begin next week. The COVID-19 Action Team will continue to provide support to nursing homes. Multiple deliveries of personal protective equipment (PPEs) to County nursing facilities have been made. A discussion took place concerning the creation of an ombudsman position to address nursing home concerns and increased site visits. Staff are working with nursing homes on proactive steps for families to engage with residents.

Dr. Gayles responded to questions from Councilmembers concerning the status of nursing homes, staffing issues, responses to outbreaks and steps being taken for testing and mitigation of transmission of COVID-19, accuracy of information provided by nursing homes, and compliance visits; the creation of mobile testing sites to serve transit-dependent populations, increased testing capability through simpler test collection kits, recovery effort concerns for people of color, increased testing goals; and reimbursement of testing expenses, the need to increase contact tracing, and protocols for putting residents who have tested positive in isolation. To date 2.3% of County residents have been tested.

Dr. Crowel commented on the number of overdoses occurring during the pandemic, the need for substance abuse treatment in the County, including residential facilities, as well as income support and food support for vulnerable residents, and quarantine protocols for families.

Dr. Stoddard reported that 750,000 N-95 masks were obtained and delivered to nursing homes and noted that gowns were harder to get due to supply chain issues; and that infrastructure is in place to ensure compliance with State mandates. He discussed responses to complaints, distribution of masks to feeding sites and daycare providers, food distribution efforts, federal reimbursement eligibility, recovery planning, and planning for testing by self-collection.

The meeting recessed at 1:14 P.M. and reconvened at 1:49 P.M.

WORKSESSION - FY21 Operating Budget (continued)

- (2) [Housing Initiative Fund - including update on Homeless Services; worksession on FY21-26 Capital Improvements Program \(CIP\) for Affordable Housing Acquisition and Preservation and Affordable Housing Opportunity Fund projects](#)

Participating in the discussion were Ms. Harris, Chief, Services to End and Prevent Homelessness, DHHS; Mr. Nigam, Director, Department of Housing and Community Affairs (DHCA); and Ms. Beck, Office of Management and Budget (OMB).

Received opening remarks from Mr. Glass, Lead Member for Homelessness and Vulnerable Communities on the Health and Human Services (HHS) Committee, on efforts to identify and provide services to the County's homeless population.

Received an update from Ms. Harris on the Department's response to COVID-19 and steps taken to protect people in shelters and to provide alternative shelter to those over age 62 or with compromised immunity, distribution of meals, medical services, and efforts to provide permanent housing and other initiatives. Noted that seasonal overflow shelters would remain open for the duration of the pandemic.

Mr. Riemer, Chair of the, Planning, Housing, and Economic Development (PHED) Committee, and Ms. McMillan, Senior Legislative Analyst, reviewed the purpose of the Housing Initiative Fund (HIF), the County Executive's proposed budget, and the continuation of services budget proposed by Council staff.

Mr. Riemer made a motion to approve the staff recommendation, with \$6.8 million "fenced off" for two affordable housing projects.

Noted that the HIF item will be continued after the Bi-County Budgets meeting.

The meeting recessed at 2:40 P.M. and reconvened for the Bi-County Budgets meeting with Prince George's County via video conference at 3:00 P.M.

- (14) [MEETING with Prince George's County Council regarding Bi-County Budgets](#)

The minutes for the Bi-County Budgets meeting are being prepared separately.

The Bi-County Budgets meeting with Prince George's County adjourned at 3:16 P.M. and the Council session reconvened via video conference at 3:20 P.M.

WORKSESSION - FY21 Operating Budget (continued)

- (2) [Housing Initiative Fund - including update on Homeless Services; worksession on FY21-26 Capital Improvements Program \(CIP\) for Affordable Housing Acquisition and Preservation and Affordable Housing Opportunity Fund projects \(continued\)](#)

Mr. Katz noted that discussion of the HIF item is now being continued because of the interruption due to the scheduled Bi-County Budgets meeting.

Councilmembers made remarks in support of Mr. Riemer's motion that \$6.8 million be "fenced off" for two affordable housing projects. The motion passed unanimously.

Unanimously supported Mr. Riemer's motion to approve the staff recommendation for the FY21 HIF, with \$6.8 million "fenced off" for two affordable housing projects.

- (3) [Housing Opportunities Commission \(HOC\) Nondepartmental Account \(NDA\)](#)

Participating in this discussion were Mr. Spann, Executive Director, HOC; Ms. Salem, OMB; and Ms. McMillan.

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

Supported, without objection, Mr. Friedson's motion to include \$36,644 for reimbursement for rental license fees, a carryover from the previous year, to accurately reflect a continuity of services budget. Noted that this carryover resulted from the timing of when HOC finalized its budget in relation to the Council's budget approval.

Approved the FY21 Operating Budget for HOC, as amended. Mr. Riemer made the motion, which carried unanimously.

- (4) [DHCA \(does not include Housing Initiative Fund\)](#)

Participating in this discussion were Mr. Nigam, Director, DHCA; and Ms. McMillan.

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

After a brief discussion on the Accessory Dwelling Unit program and the Navigation and Compliance position, recommended that the PHED Committee review the program during the next fiscal year.

Noted that DHCA cannot assess an annual fee for Rental Licenses and Common Ownership Communities until 30 days after the Governor's State of Emergency is lifted. Council staff will monitor this issue to see if additional budget action is needed.

Ms. McMillan highlighted Grants funding, as well as items related to COVID-19.

Approved the FY21 Operating Budget for DHCA, as recommended by Council staff. Mr. Riemer made the motion, which carried unanimously.

(5) **UPDATE - [FY21-26 CIP Status Report](#)**

Mr. Levchenko, Senior Legislative Analyst, and Mr. Orlin, Senior Analyst, provided a status report on the FY21-26 CIP. The update covered CIP revenues, including recordation and impact taxes based on year-to-date actuals through April; State aid for school construction, noting the timing of the Built to Learn aid could be impacted by COVID-19; and funding gaps in CIP expenditures that will need to be addressed at Reconciliation.

Staff noted that this year's Reconciliation process will involve larger adjustments and more substantive changes to projects than in past years, and that the first four years are particularly oversubscribed and will require major reductions and deferrals to project expenditures and schedules.

Briefly discussed House Bill 1 (HB1), the Built to Learn Act, to invest an additional \$2.2 billion into school construction, prioritizing schools with the oldest buildings and schools with a high number of classroom trailers, that has not been signed into law by the Governor.

(7) **[Debt Service](#)**

Ms. Navarro, Chair of the Government Operations and Fiscal Policy (GO) Committee, provided introductory comments on the FY21 Operating Budget for Debt Service. Mr. Smith, Legislative Analyst, reviewed the proposed continuity of services budget, as contained in the staff report. Mr. Coveyou, Director, Department of Finance, participated in the discussion.

Approved the FY21 Operating Budget for Debt Service, as recommended by Council staff. Ms. Navarro made the motion, which carried unanimously.

(8) [Property tax options: amount, rate, and Income Tax Offset Credit \(ITOC\)](#)

Ms. Navarro, Chair of the GO Committee, stated that the order of the items in the staff report would be changed and that Mr. Smith would first review the amount of total real property tax revenues to levy in FY21.

Mr. Smith reviewed the amount of total real property tax revenues to levy in FY21, as contained in the staff report.

Unanimously supported Ms. Navarro's motion to stay at the Charter Limit for the County's property tax rates.

Mr. Smith reviewed the amount of the Income Tax Offset Credit (ITOC) for FY21, as contained in the staff report. Supported Ms. Navarro's motion to set the ITOC at \$692. Voting in support were Mr. Glass, Ms. Navarro, Mr. Albornoz, Mr. Rice, Mr. Friedson and Mr. Katz. Opposed to the motion were Mr. Riemer, Mr. Hucker and Mr. Jawando. The motion passed 6 to 3.

The Council is scheduled to take final action on property tax options on May 21, 2020.

(9) [Climate Change Planning NDA](#)

Participating in the discussion were Mr. Ortiz, Director, Department of Environmental Protection (DEP); Ms. Hochberg, Assistant Chief Administrative Officer and Director of County Climate Policy; Mr. Drummer, Senior Legislative Attorney; and Mr. Levchenko.

Mr. Hucker, Chair of the Transportation and Environment (T&E) Committee, made brief comments on the Climate Change Planning NDA, and Mr. Levchenko, reviewed the proposed continuity of services budget, as contained in the staff report. Ms. Hochberg provided a status update.

Councilmembers expressed frustration at not having input into the proposal and the pace at which the Climate Action and Resilience Plan is being implemented.

Mr. Friedson made a motion to put conditions on how the funding is spent. After discussing the motion with the Council attorney, Mr. Friedson amended his motion and requested that Ms. Hochberg provide monthly reports on how the funding will be used. The motion was accepted by the T&E Committee without objection.

Approved the FY21 Operating Budget for the Climate Change Planning NDA, as amended. Mr. Hucker made the motion, which passed unanimously.

(10) [DEP: General Fund](#)

Participating in the discussion were Mr. Ortiz, and Mr. Edwards, Chief, Division of Energy, Climate and Compliance, DEP; and Mr. Levchenko.

Mr. Hucker, Chair of the T&E Committee, provided a summary of the DEP General Fund budget, and Mr. Levchenko reviewed the proposed continuity of services budget, as contained in the staff report.

Received an update on pesticide outreach and outreach to owners of well and septic systems.

Approved the FY21 Operating Budget for the DEP General Fund, as recommended by Council staff. Mr. Hucker made the motion, which carried unanimously.

(11) [DEP: Water Quality Protection Fund](#)

Participating in the discussion were Mr. Ortiz; and Mr. Levchenko.

Mr. Hucker, Chair of the T&E Committee, provided a summary of the DEP Water Quality Protection Fund budget, and Mr. Levchenko reviewed the proposed continuity of services budget, as contained in the staff report.

Approved the FY21 Operating Budget for the DEP Water Quality Protection Fund budget, as recommended by Council staff. Mr. Hucker made the motion, which carried unanimously.

(12) [DEP: Recycling and Resource Management and Solid Waste Service Charges](#)

Mr. Hucker, Chair of the T&E Committee, provided a summary of the DEP Recycling and Resource Management Division Budget, including the Solid Waste Collection Fund and the Solid Waste Disposal Fund. Mr. Hucker noted that there has been a 30 percent increase in residential trash received at the Transfer Station, although overall trash processed is close to normal levels. The residential increase is assumed to be temporary and a result of the Governor's Stay at Home order. Mr. Levchenko reviewed the proposed continuity of services budget, as contained in the staff report.

Discussed the addition of three Field Inspectors to reduce recycling contamination (\$341,439) that was not included in the continuity of services budget.

Unanimously supported Mr. Hucker's motion to approve the staff recommendation with the addition of three Field Inspectors to reduce recycle contamination from non-recyclable materials.

Approved the FY21 Operating Budget for Recycling and Resource Management Division Budget, as amended.

(13) [Council Office](#)

Ms. Navarro, Chair of the GO Committee, provided a summary of the FY21 operating budget for the County Council, and Ms. Michaelson, Executive Director, reviewed the proposed continuity of services budget, as contained in the staff report.

Approved the FY21 Operating Budget for the Council Office, as recommended by Council staff. Ms. Navarro made the motion, which carried 8 to 1. Mr. Friedson was opposed.

The meeting adjourned at 6:15 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