



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Wednesday, May 13, 2020

The County Council for Montgomery County, Maryland convened via video conference at 9:36 A.M. on Wednesday, May 13, 2020.

PRESENT

Councilmember Sidney Katz, President
Councilmember Gabe Alborno
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.

Ms. Singleton, Clerk of the Council, announced an addendum to the agenda, adding introduction of a special appropriation to the County Government's FY20 Operating Budget, Montgomery County Economic Development Corporation Nondepartmental Account (NDA), Support for COVID-19 Response - \$1,250,000 for Telework Assistance Program; deferring action until May 19, 2020, on Executive Regulation 5-20, System Benefit Charges - Residential Waste Estimates; adding worksessions on the following FY21 Operating Budget items: Community Grants and MCG Cost Sharing; follow-up on Legislative Branch Communications Outreach NDA/Public Information Office; follow-up on Department of Environmental Protection - Recycling and Resource Management and Solid Waste Service Charges; adding action on renegotiated Collective Bargaining Agreements and Compensation and Benefits for non-represented employees; and adding a proposed closed session to consult with counsel to obtain legal advice, and to consult with staff, consultants, or other individuals about pending or potential litigation, pursuant to Maryland Code, General Provisions Article §3-305(b)(7) and (8). The topic is a pending suit against Montgomery County.

(.5) CONSENT CALENDAR

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

- A. **Introduced** a special appropriation to the County Government's FY20 Operating Budget, Montgomery County Economic Development Corporation NDA, Support for COVID-19 Response - \$1,250,000 for Telework Assistance Program A public hearing and action are tentatively scheduled for May 14, 2020.

WORKSESSION - FY21 Operating Budget

- (7) [Legislative Branch Communications Outreach NDA/Public Information Office follow-up](#)

Ms. Michaelson, Council Executive Director; and Mr. Hudson, Director, Public Information Office (PIO), participated in the discussion.

Supported without objection Ms. Navarro's motion to create a new Public Information Officer position within the Legislative Branch by shifting the current PIO vacancy in the Executive Branch to offset costs.

ACTION on the following:

- (1) [Resolution to establish FY21 Solid Waste Service Charges](#)

Mr. Levchenko, Senior Legislative Analyst, reviewed the recommendations contained in the staff report.

Adopted **Resolution 19-449**, approving the FY21 Solid Waste Services Charges as recommended by Council staff. Mr. Hucker made the motion, which carried without objection.

- (2) [Resolution to establish FY21 Water Quality Protection Charge](#)

Mr. Levchenko reviewed the recommendation for the FY21 Water Quality Protection Charge, as contained in the staff report.

Adopted **Resolution 19-450**, approving the FY21 Water Quality Protection Charge, as recommended by Council staff. Mr. Hucker made the motion, which carried without objection.

- (3) [Resolution to approve WSSC System Development Charge](#)

Mr. Levchenko reviewed the purpose of the System Development Charge, which was approved at the Prince George's - Montgomery bi-county meeting.

Adopted **Resolution 19-451**, approving the FY21 System Development Charge. Mr. Hucker made the motion, which carried without objection.

- (4) [Executive Regulation 5-20, System Benefit Charges - Residential Waste Estimates](#)

This item was deferred until May 19, 2020.

- (5) **INTRODUCTION/SUSPENSION OF RULES/ACTION:** [Resolution to Approve FY20 Savings Plan](#)

Mr. Howard, Council Deputy Director, explained that the action today is to formalize the FY20 savings plan submitted by the County Executive, which would reduce the approved Other Post-Employment Benefits (OPEB) pre-funding expenditures for County government by \$21.1 million.

Approved Ms. Navarro's motion to suspend the Rules of Procedure to allow immediate action, without objection.

Adopted **Resolution 19-452**, approving the FY20 Savings Plan, as recommended by Council staff. Ms. Navarro made the motion, which carried without objection.

- (8) [Department of Environmental Protection \(DEP\) - Recycling and Resource Management and Solid Waste Service Charges, follow-up](#)

Mr. Ortiz, Director, DEP, participated in the discussion.

Mr. Levchenko stated that consideration of a new initiative to provide recycling bins in the Wheaton Urban District was inadvertently omitted from the Council staff report considered on May 7, 2020.

Mr. Friedson stated that he serves on the Board of Bethesda Green.

Approved Ms. Navarro's motion, without objection, to include funding of \$78,000 in DEP's FY21 budget for Wheaton recycling bins, as recommended by Council staff.

- (9) **ACTION -** [Renegotiated Collective Bargaining Agreements and Compensation and Benefits for non-represented employees](#)

Participating in the discussion were Mr. Drummer, Senior Legislative Attorney; Mr. Trombka, Senior Legislative Analyst, Office of Legislative Oversight (OLO);

Mr. Madaleno, Director, Office of Management and Budget (OMB); Mr. Buddle, President, International Association of Fire Fighters Local 1664 (IAFF); Mr. Holland, Vice President, Fraternal Order of Police (FOP) Local 35; and Mr. Renne, President, Municipal and County Government Employees Organization Local 1994 (MCGEO).

Ms. Navarro, who represented the Council in the meetings with the union representatives, reviewed actions taken to date due to the unprecedented crisis associated with COVID-19. The Council received the renegotiated agreements yesterday, May 12, 2020, which are included in the staff report.

Mr. Hucker and Mr. Jawando spoke in support of approving the unions' renegotiated collective bargaining agreements, commenting on challenges associated with recruiting and retaining first responders, low-starting pay, the impact on overtime costs, and low morale among employees.

Mr. Rice made a motion, seconded by Mr. Riemer, to reject all provisions in the renegotiated collective bargaining agreements. During discussion, Councilmembers commented on the need for economic restraint during this period of uncertainty due to the pandemic, and noted Ms. Navarro's comment that the Council can return to this issue at a point certain to review possible options when more factual fiscal information is available.

Defeated by a vote of 2 to 7 Mr. Hucker's motion to vote separately on the three bargaining units' renegotiated collective bargaining agreements (IAFF, FOP and MCGEO). Mr. Hucker and Mr. Jawando voted in the affirmative.

Rejected all provisions in the renegotiated collective bargaining agreements for IAFF, FOP and MCGEO. Mr. Rice made the motion, which carried by a vote of 7 to 2. Mr. Hucker and Mr. Jawando voted in the negative.

Supported by a vote of 7 to 2 Ms. Navarro's motion to apply the decision on compensation for represented employees to non-represented employees. Mr. Hucker and Mr. Jawando voted in the negative

The meeting recessed at 12:31 P.M. and reconvened at 1:33 P.M.

Unanimously supported Mr. Rice's motion requesting staff to draft documentation that would allow Councilmembers to voluntarily donate money back from each paycheck to offset the FY21 mandated compensation increase for Councilmembers.

WORKSESSION - FY21 Operating Budget *(continued)*

(6) [Community Grants NDA and Montgomery County Government \(MCG\) Cost Sharing](#)

[Supplement to Community Grants and Cost Sharing Staff Report](#)

Participating in the discussion were Ms. Chen, Legislative Analyst; Mr. Howard, Deputy Director; and Ms. Beck, Office of Management and Budget (OMB).

Mr. Albornoz, Chair of the Health and Human (HHS) Committee, remarked on the critical work done by community organizations in providing a network of services that enhances assistance provided by the County.

Discussed the transition of separate Executive and Council Community Grants NDAs into a single NDA in FY21 with the goal of establishing a centralized Community Grants Office; the shifting of many reoccurring community grants into the base budgets of specific departments; the merits of spreading funding for Cost Sharing projects over several years; and the need for a broad conversation in moving forward with a more holistic approach to grants in the lens of racial equity and social justice.

Ms. Chen reviewed the proposed continuity of services budget for Community Grants and MCG Cost Sharing, as contained in the staff report. Mr. Howard reviewed the supplemental staff report.

Approved unanimously Mr. Rice's motion to accept the staff recommendations for Community Grants and MCG Cost Sharing with the following amendments:

Shift \$303,749 from the Capital Grants/Cost Sharing budget, which is all current revenue, to fund FY21 Community Grants contracts not moved into department base budgets to allow the Council to fund approximately \$616,000 above the CE FY21 recommendation for Community Grants not included in the base budget to all contracts at their highest funding levels in the last three years.

Defer the discussion on capital grants to arts and humanities organizations to the Education and Culture (E&C) Committee, jointly with OMB, Department of General Services (DGS), and the Arts and Humanities Council to review the fiscal impact of COVID-19 to arts organizations and reassess the need for capital projects with a focus on economic stimulus and long-term stability and vitality of the arts and humanities sector in Montgomery County. The E&C Committee will meet in the next three weeks and present a recommendation to the Council.

With regard to shifting funds from the Capital Grants Cost Sharing budget to fund FY21 Community Grants, Mr. Rice noted that the Council decided on this funding strategy last year during the grants reform efforts, and that this increase is intended to more equitably fund Community Grants contracts.

Motion to Close

Agreed to meet in closed session to consult with counsel to obtain legal advice, and to consult with staff, consultants, or other individuals about pending or potential litigation, pursuant to Maryland Code, General Provisions Article §3-305(b)(7) and (8). The topic was a pending suit against Montgomery County.

Mr. Riemer made the motion which carried without objection.

The Council adjourned the open session at 2:25 P.M. and reconvened in closed session at 2:28 P.M. via video conference call.

The meeting adjourned at 3:44 P.M.

Report of Closed Session of May 13, 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 Wednesday, May 13, 2020. The Council convened in closed session at 2:28 P.M. via video conference call to obtain legal advice, and to consult with staff, consultants, or other individuals about pending or potential litigation, pursuant to Maryland Code, General Provisions Article §3-305(b)(7) and (8). The topic was a pending suit against Montgomery County.

The meeting was closed on a motion by Mr. Riemer, which carried without objection. The following persons were present: Councilmembers Katz, Huckler, 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; Mr. Drummer, Senior Legislative Attorney; Ms. Mihill and Ms. Wellons, Legislative Attorneys; Mr. Hansen, County Attorney; Dr. Crowel, Director, Department of Health and Human Services; 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