



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Thursday, May 14, 2020

The County Council for Montgomery County, Maryland convened via video conference at 9:34 A.M. on Thursday, May 14, 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. Rice recognized Mr. Michael Doggett, a teacher at Hallie Wells Middle School, for his creative teaching activities to keep students engaged during the pandemic.

Announcement - Ms. Singleton, Clerk of the Council, announced an addendum to the agenda, adding public hearing and action on 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; and a worksession in the afternoon on FY21 PAYGO.

(1) **CONSENT CALENDAR**

Approved the consent calendar items listed below.

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

- A. **Introduced** a resolution to amend Council's contract for audit services.
- B. **Adopted Resolution 19-453**, amending Resolution 19-128, Section G, Non-Competitive Contract Award: BioHealth Innovation, Inc.

(2) **WORKSESSION - [Expedited Bill 19-20, Administration - County Executive - Office of Labor Relations - Established](#)**

Ms. Navarro, Chair of the Government Operations and Fiscal Policy (GO) Committee, reviewed the purpose of the subject expedited bill, which would create an Office of Labor Relations in the Executive Branch and includes the transfer of seven employees currently in the Office of Human Resources. No new positions would be created and there would be no fiscal impact as the Chief Labor Relations Officer position was created and filled in FY20. Final action on the bill is scheduled for May 19, 2020.

(3) **WORKSESSION - [Bill 20-20, Administration - Office of the County Executive - Business Advancement Team - Established](#)**

Ms. Benjamin, Special Projects Manager, participated in the discussion.

Ms. Navarro reviewed the purpose of the subject bill, which renames the existing Business Solutions Group as the Business Advancement Team and assigns additional duties to the Team from the Department of Finance and the Community Engagement Cluster.

Mr. Hucker requested an organizational chart showing County personnel associated with helping businesses and their job functions.

Ms. Navarro said the Council should come back to discuss how to best structure the Council's oversight with respect to racial justice and economic equity legislation to help bolster small businesses.

The Council agreed to make this an expedited bill. Final action is scheduled for May 19, 2020.

(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, Department of Health and Human Services (DHHS) Public Health Services; and Dr. Stoddard, Director, Office of Emergency Management and Homeland Security (OEMHS).

Received an update from Dr. Stoddard on the distribution of personal protective equipment (PPEs) to group homes, nursing homes, and childcare providers; calls to 311 related to COVID-19; efforts by the Food Security

Task Force to coordinate with non-profit groups on food distribution; identification of locations available for at-risk persons to quarantine themselves; projections for the corona virus relief fund and FEMA reimbursements; and the establishment of a recovery framework.

Dr. Gayles discussed criteria for reopening the County and expressed the opinion that the County is not yet at that point and based on current data, it is not appropriate to relax restrictions. Criteria for reopening include a sustained (14-day) decrease (rolling average) in the number of new COVID-19 cases and hospitalization rates, a sustained decrease in COVID-related fatalities, and a decrease in COVID-like emergency room visits. Currently, 750 tests per week are being done. Capacity needs to be increased to test 5 percent of the population (55,000) on a weekly basis. The testing “helpline” went live yesterday, plans for mobile testing is being finalized. The County’s test positivity rate is currently in the low 20 percentile. Contact tracing efforts are being done in concert with the State team. Volunteers are welcomed to assist, but because tracing would be a sustained effort, contract staff would be hired to support the disease control team over the long term. Dr. Gayles said equity issues must be considered when looking at the reopening of the County. An advisory panel will be created to ensure the County is moving forward. Dr. Gayles stressed that it is safe to seek non-COVID related medical care and that families should get their children the appropriate vaccines. He indicated that staff is working on a chart to show the specific metrics on when the County would reopen, and that they are working on providing a breakdown of who is getting tested by gender, age, and ZIP code. The testing “helpline” can be accessed by calling 240-777-1755. The rapid response team is working to increase testing at nursing homes. Dr. Gayles stated that they have been working with their regional counterparts and metrics are being shared with respect to the reopening of the adjoining jurisdictions.

The meeting recessed at 11:44 A.M. and reconvened at 1:38 P.M.

(7.5) **PUBLIC HEARING/ACTION** - [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](#)

The public hearing was held and the record closed.

Participating in the discussion on the additional funds to be provided for the Telework Assistance Program were Mr. Wu, President and Chief Executive Officer, and Mr. Tompkins, Executive Vice President and Chief Operating Officer, Montgomery County Economic Development Corporation.

Adopted **Resolution 19-454**, approving the subject special appropriation.

Mr. Friedson made the motion, which carried unanimously.

- (7) **PUBLIC HEARING/ACTION** - [Special appropriation to the County Government's FY20 Operating Budget, Department of Housing and Community Affairs \(DHCA\) COVID-19 Response: \\$4,393,899 for CDBG-CV and ESG-CV HUD CPD Funding](#)

The public hearing was held and the record closed.

Adopted **Resolution 19-455**, approving the subject special appropriation.

Ms. Navarro made the motion, which carried unanimously.

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

Participating in the discussion were Ms. Kassiri, Deputy Chief Administrative Officer; Ms. Wellons, Legislative Attorney; and Dr. Orlin, Senior Analyst.

Ms. Navarro, Chair of the Government Operations and Fiscal Policy (GO) Committee, reviewed the summary, as contained in the staff report, and expressed concerns regarding the subject bill.

Discussed the creation of a non-merit appointed position for Director of Strategic Partnerships and the elimination of the requirement that the position of Director of the Criminal Justice Coordinating Commission be filled by a non-merit appointee. Reviewed whether the bill is consistent with the Council's stated continuity of services objectives and whether the respective positions should be performed by merit or non-merit employees. Briefly reviewed the current personnel compliment in the Executive's office and expressed concerns over the creation of a new position. Councilmembers agreed that better communication between the Executive branch and the Council is needed and look forward to working together on that issue.

Ms. Navarro announced that action on **Expedited Bill 22-20** is tentatively scheduled for May 19, 2020.

(4) **WORKSESSION - [Bill 21-20, Office of Animal Services - Established](#)**

Participating in the discussion were Chief Jones, and Mr. Koenig, Director, Animal Services and Adoption Center, Montgomery County Police Department (MCPD); and Ms. Mihill, Legislative Attorney.

Mr. Katz, Chair of the Public Safety (PS) Committee, summarized the subject bill, as contained in the staff report, and noted that the Council held a worksession on May 5, 2020, and tentatively approved the budget for the Office of Animal Services. Ms. Mihill reviewed the staff recommendation to amend the bill to make it expedited with an effective date of July 1, 2020.

Mr. Katz announced that action on **Bill 21-20** is tentatively scheduled for May 19, 2020.

WORKSESSION - FY21 Operating Budget and FY21-26 Capital Improvements Program (CIP)

(8) [Capital Budget Wrap-up and CIP Reconciliation](#)

Mr. Levchenko, Senior Legislative Analyst, and Dr. Orlin reviewed the FY21-26 CIP reconciliation, as contained in the staff report.

Mr. Katz called for a recess to allow time for the staff report to be posted on the Council's website.

The Council recessed at 2:39 P.M. and reconvened at 2:50 P.M.

Staff continued the review noting this year's reconciliation process involved larger adjustments and more substantive changes to projects than in past years. The first four years were particularly oversubscribed and required major reductions and deferrals to project expenditures and schedules. Reduced recordation taxes and uncertainty in State aid related to the "Built to Learn" Act were problematic in formulating projections. Staff sought to include sufficient bond set-asides across the six-years to provide flexibility to the Council as issues and opportunities become clearer in the next year or two. Reviewed G.O. bond spending affordability targets and keeping within spending affordability guidelines.

Noted that projects which had been previously approved and funded were given more weight than newly proposed and currently unfunded projects. Staff reviewed technical adjustments and/or production delays for projects to allow slippage of expenditures into future years as well as reductions and deferrals of projects. Staff also reviewed additional recommended changes to non-

recommended reductions for Montgomery County Public School (MCPS) projects.

Mr. Rice recommended that the E&C Committee meet with MCPS and the Board of Education in the fall to review and possibly reprioritize projects when more up-to-date financial information will be available.

Mr. Katz announced that a straw vote would be taken,

Unanimously supported Mr. Friedson motion to accept the staff recommendations for the FY21 Capital Budget and FY21-26 CIP reconciliation, as contained in the staff report, which provide for a balanced FY21-26 CIP with set-asides in each of the fiscal years of the CIP to provide more flexibility to the Council in upcoming years to address emerging issues and uncertainties, such as State aid for school construction.

(8A) [FY21 Pay As You Go \(PAYGO\)](#)

Mr. Levchenko and Dr. Orlin reviewed FY21 PAYGO, as contained in the staff report. Ms. Michaelson, Council Executive Director; and Ms. Beck, Capital Budget Manager, OMB, participated in the discussion.

Dr. Orlin reviewed three different tranches for the Council to consider if it were to decide to reduce \$32 million of G.O. bond spending. Noted that there is likely to be significant revenue shortfall in FY21 as a consequence of the COVID-19 pandemic, and as a result, a Savings Plan in early FY21 is anticipated. Reducing or eliminating PAYGO in FY21 would provide more of a fiscal cushion should the Council need up to \$32 million to help bridge an impending revenue gap.

After discussing the recommendations, Councilmembers concluded that at this point there was not enough time to deliberate and give adequate consideration to supporting one of the proposed options.

Unanimously supported Mr. Riemer's motion in support of not taking a reduction for PAYGO in FY21.

(9) [Operating Budget Wrap-up](#)

Ms. Michaelson reviewed the updated FY21 Operating Budget reconciliation list, and noted two technical corrections, as contained in the staff report:

A decrease in the debt service for the Advanced Land Acquisition Fund (ALARF) of \$2,600.

Show a \$600,000 transfer from the General Fund for the Interagency Agreements Special Revenue Fund for the maintenance of ballfields. Staff noted that it would not be necessary to add an additional \$600,000 to the budget, therefore, the figure for reduced expenditures is \$69.3 million, rather than \$68.7 million.

Supported Mr. Friedson's motion to defund the vacant Criminal Justice Coordinating Commission (CJCC) position. Mr. Hucker and Mr. Jawando were opposed. The motion passed 7 to 2.

A straw vote was taken to approve the reconciliation list for the FY21 Operating Budget. Mr. Albornoz made the motion, which carried unanimously.

Mr. Katz provided comments on the unique challenges in preparing a balanced FY21 budget in the midst of the COVID-19 pandemic. He noted that revenues are down, the needs of residents have greatly increased, unemployment is at a record high, and many businesses are shuttered. While conducting official business via Zoom, the Council has met its goal of continuity of services budgets for departments so that they can continue to provide the services most necessary. Mr. Katz's closed his remarks by thanking the residents of Montgomery County, colleagues and staff.

The meeting adjourned at 3:59 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