



## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

**APPROVED**

Tuesday, June 16, 2020

The County Council for Montgomery County, Maryland convened via video conference at 9:31 A.M. on Tuesday, June 16, 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.

### GENERAL BUSINESS

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

Ms. Singleton, Clerk of the Council, announced that the Report and Recommendations of the Charter Review Commission will be presented to the Council on June 23, 2020. The Council will conduct a public hearing on these recommendations and other proposed Charter Amendments on July 7, 2020 at 1:30 P.M.

- (1) The Council is seeking applicants for the Policing Advisory Commission. The deadline is June 19, 2020, at 5:00 P.M.

She also announced an addendum to the agenda, adding introduction of a special appropriation to Montgomery County Public Schools' (MCPS) FY20 Operating Budget - \$24,768,196 for CARES Act Elementary and Secondary School Emergency Relief Fund; introduction of a special appropriation to the County Government's FY20 Operating Budget, COVID-19 Human Services and Community Assistance Non-departmental Account (NDA), Support for COVID-19 Response - \$10,500,000 for Montgomery County Food Security Fund and amendment to the FY20 Operating Budget Resolution 19-128, Section G, FY20 Designation of Entities for Non-Competitive Award Status: Greater

Washington Community Foundation; introduction of a special appropriation to the County Government's FY20 Operating Budget, Department of Health and Human Services (DHHS) - \$565,706 for Positive Youth Development Program and amendment to the FY20 Operating Budget Resolution 19-128, Section G, FY20 Designation of Entities for Non-Competitive Award Status: Identity Inc.; sitting as the Board of Health introduction, public hearing, and action on a Board of Health Regulation to adopt Executive Order 082-20, COVID-19 Local Order - Phase 2; and introduction and action on a resolution to approve Executive Order 082-20, COVID-19 Local Order - Phase 2, as the County Council; and postponing the virtual brown bag lunch with Regional Services Center Directors to a future date.

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

No petitions were received this week.

C. **Approved** the minutes of April 21, 2020, and the closed session minutes of May 6 and 13, 2020, without objection.

(3) **CONSENT CALENDAR**

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

- A. **Introduced** a resolution approving the Tax Supported Fiscal Plan Summary for FY21-26 Public Services Program.
- B. **Introduced** a special appropriation to the MCPS' FY20 Operating Budget - \$123,000 for the Verizon Innovative Learning Program Grant. A public hearing and action are tentatively scheduled for June 23, 2020.
- C. **Introduced** a special appropriation to MCPS' FY20 Operating Budget - \$125,000 for the Individuals with Disabilities Education Act - Part B Grant. A public hearing and action are tentatively scheduled for June 23, 2020.
- D. **Introduced** a special appropriation to MCPS' FY20 Operating Budget - \$202,805 for the Head Start State Supplemental Continuation Grant. A public hearing and action are tentatively scheduled for June 23, 2020.
- E. **Introduced** a special appropriation to MCPS' FY20 Capital Budget and amendment to the FY19-24 Capital Improvements Program (CIP) - \$1,281,117 for the Technology Modernization Project. A public hearing and action are tentatively scheduled for June 23, 2020.

- F. Adopted **Resolution 19-493**, to Declare Racism as a Public Health Crisis.
  - G. Adopted **Resolution 19-494**, supplemental appropriation to the County Government's FY20 Operating Budget, Department of Police, Governor's Office of Crime Control and Prevention (GOCCP) - \$549,709 for Sex Assault Kit Testing (SAKT) Award.
  - H. **Introduced** a special appropriation to the County Government's FY20 Operating Budget, DHHS - \$2,622,961 for Federal Older Americans CARES and Families First Coronavirus Response Act (FFCRA) Grants. A public hearing and action are tentatively scheduled for June 23, 2020.
  - I. **Introduced** a special appropriation to MCPS' FY20 Operating Budget - \$24,768,196 for CARES Act Elementary and Secondary School Emergency Relief Fund. An Education & Culture (E&C) Committee worksession is tentatively scheduled for June 22, 2020. A public hearing and action are tentatively scheduled for June 23, 2020.
  - J. **Introduced** a special appropriation to the County Government's FY20 Operating Budget, COVID-19 Human Services and Community Assistance Non-Departmental Account (NDA), Support for COVID-19 Response - \$10,500,000 for Montgomery County Food Security Fund (Source of Funds: General Fund Reserves) and amendment to FY20 Operating Budget Resolution 19-128, Section G, FY20 Designation of Entities for Non-Competitive Award Status: Greater Washington Community Foundation. A public hearing and action are tentatively scheduled for June 23, 2020.
  - K. **Introduced** a special appropriation to the County Government's FY20 Operating Budget, DHHS - \$565,706 for Positive Youth Development Program and amendment to FY20 Operating Budget Resolution 19-128, Section G, FY20 Designation of Entities for Non-Competitive Award Status: Identity Inc. A public hearing and action are tentatively scheduled for June 23, 2020.
- (4) **ACTION:** [Department of Housing and Community Affairs \(DHCA\) - Tenant Support FY20 and FY21 - Non-Competitive Contracts - Schedule](#)

Mr. Riemer, Chair of the Planning, Housing, and Economic Development (PHED) Committee, and Ms. McMillan, Senior Legislative Analyst, reviewed the purpose of the four FY20 non-competitive contracts and Committee recommendations, as contained in the staff report. Mr. Nigam Director, DHCA, participated in the discussion.

Ms. Navarro suggested language be added to allow funds to be used for job placement and training within the tenant education component.

Mr. Jawando suggested residents be provided with a list of references and referral contacts for services.

Adopted **Resolution 19-495**, approving the amendment to the FY20 Operating Budget Resolution 19-128, Section G, FY20 Designation of Entities for Non-Competitive Contract Award Status: Housing Initiative Partnership, Inc.; Latino Economic Development Corporation; Legal Aid Bureau, Inc.; and Montgomery County Renters Alliance, Inc.

The PHED Committee made the motion, which carried without objection.

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

Senior Legislative Attorney Drummer reviewed the procedural background for approving Executive Order 082-20 and the Board of Health regulation needed to lift the stay at home order and move the County into Phase 2 of reopening.

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, DHHS; Ms. Kinch, County Attorney's Office; and Dr. Stoddard, Director, Office of Emergency Management and Homeland Security (OEMHS).

Dr. Gayles provided an update on data used to guide how the County moves forward safely, noting that 7% of the State's population has been tested with an 8.1% positivity rate and that the three-day average continues to decrease. He noted he is committed to using data and science to move the County forward with strict guidelines for face coverings and capacity limits. He said increased testing capacity is needed, and that testing would be available at the Wheaton Recreation Center on Fridays, and a mobile testing unit will soon be available to provide pop-up testing at the most impacted communities. Serial testing (every five to seven days) of nursing home residents and staff is underway and school health nurses have been tapped to assist with contact tracing. High throughput testing is being disseminated for first responders and essential employees.

Dr. Gayles, Dr. Stoddard, and Ms. Kinch responded to questions from Councilmembers concerning the requirements set forth for reopening in Phase 2, as included in the Executive Order. Received information on pool openings capacity limits, cleaning requirements as well as other requirements. Discussed requirements for youth sports, parks, gyms, and playgrounds; plans to increase testing in Silver Spring, mask requirements and distribution, dissemination of information in multiple languages, indoor mall requirements,

nursing home issues, and resources and guidance for businesses and restaurants.

Received an update from Dr. Stoddard on business compliance issues, distribution of personal protective equipment (PPEs), and 311 calls. He said he met with Ms. Ward, Racial Equity Officer, to discuss how to integrate racial equity into the recovery process.

B. [Introduction Board of Health Regulation to adopt Executive Order 082-20, COVID-19 Local Order - Phase 2](#)

and

[PUBLIC HEARING - Board of Health Regulation to adopt Executive Order 082-20, COVID-19 Local Order - Phase 2](#)

Introduced the Board of Health Regulation to adopt Executive Order 082-20, COVID-19 Local Order - Phase 2.

The public hearing was held and the record closed.

(5.5) **INTRODUCTION/ACTION -** [Resolution to approve Executive Order 082-20, COVID-19 Local Order - Phase 2, as the County Council](#)

Introduced the resolution to approve Executive Order 082-20, COVID-19 Local Order Phase 2, as the County Council.

Adopted **Resolution 19-496**, approving Executive Order 082-20, COVID-19 Local Order Phase 2.

Mr. Jawando made the motion, which carried unanimously.

(5) **COUNCIL SITTING AS BOARD OF HEALTH** (*continued*)

C. **Action -** [Resolution to adopt Executive Order 082-20, COVID -19 Local Order - Phase 2, as a Board of Health Regulation](#)

Adopted **Resolution 19-497**, approving Executive Order 082-20, COVID-19 Local Order - Phase 2, as a Board of Health Regulation.

Mr. Alborno made the motion, which carried unanimously. The virtual Brown Bag Lunch with Regional Services Center Directors was postponed and will be rescheduled for a future date.

The meeting recessed at 12:44 P.M. and reconvened at 1:40 P.M.

(6) **PUBLIC HEARING - Bill 14-20, Human Rights and Civil Liberties - Discriminatory Employment Practices - Workplace Harassment**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on June 30, 2020. A Health & Human Services (HHS) Committee is tentatively scheduled for a later date.

(7) **PUBLIC HEARING - Bill 7-20, Interagency Commission on Homelessness - Membership and Duties**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on June 19, 2020. A HHS Committee is tentatively scheduled for June 25, 2020.

(8) **PUBLIC HEARING/ACTION - Special Appropriation to the County Government's FY20 Operating Budget - \$80,000,000 for Federal Coronavirus Relief Fund Nondepartmental Account (NDA)**

The public hearing was conducted and the record closed. Mr. Katz announced that action would take place after all the public hearings have been conducted.

(9) **PUBLIC HEARING/ACTION - Special Appropriation to the County Government's FY20 Operating Budget, Montgomery County Economic Development Corporation NDA, Support for COVID-19 Response - \$500,000 for 3R Initiative**

The public hearing was conducted. Because of a technical glitch, the hearing was continued after the public hearing for Item #10.

(10) **PUBLIC HEARING/ACTION - Special appropriation to the County Government's FY20 Operating Budget, Early Care and Education NDA, COVID-19 Early Care and Education Initiative (ECEI) Recovery Fund, \$10,000,000**

The public hearing was conducted and the record closed. Mr. Katz announced that action would take place after all the public hearings have been conducted.

(9) **PUBLIC HEARING/ACTION - Special Appropriation to the County Government's FY20 Operating Budget, Montgomery County Economic Development Corporation NDA, Support for COVID-19 Response - \$500,000 for 3R Initiative (continued)**

Because of a technical glitch, Mr. Katz reopened the public hearing to allow one more speaker to present testimony.

The public hearing was conducted and the record closed. Mr. Katz announced that action would take place after all the public hearings had been conducted.

(8) **ACTION** - [Special Appropriation to the County Government's FY20 Operating Budget - \\$80,000,000 for Federal Coronavirus Relief Fund NDA](#)

Ms. Michaelson, Council Executive Director, reviewed the subject special appropriation and recommendation, as contained in the staff report. Mr. Madaleno, Director, Office of Management and Budget (OMB), participated in the discussion. Ms. Michaelson noted a correction in that expenditures for assistance to childcare providers and for food security should also be funded by part of the remaining \$100 million in the Federal Coronavirus Relief Fund NDA and therefor the funding source would change from General Fund Reserves to Federal Grant Funds.

Discussed allocations to municipalities to cover expenses that they have encountered due to the pandemic.

Unanimously supported Mr. Friedson's motion for a technical amendment to revise the language on page 5 of the resolution, as contained in the staff report, to add the words "any County or municipal" as follows:

Funds in the COVID NDA may be used to pay for any County or municipal expenditure that is eligible under the CARES Act related to the following, to the extent these expenditures are not eligible for other Federal reimbursement:

Discussed the need to return to the Council's traditional process for handling appropriations to allow sufficient time for review and evaluation before placing an item on the Council's agenda for consideration, utilizing the expertise of Council's Central Staff, as well as the need to improve communications between the Executive branch and Council.

Mr. Friedson recommended placing on an upcoming agenda a discussion of how expenditures for the remaining \$100 million in the Special Appropriation on Federal Coronavirus Relief Fund NDA will be used.

Adopted **Resolution 19-498**, approving the subject special appropriation, as amended.

Mr. Rice made the motion, which passed unanimously.

- (9) **ACTION** - [Special Appropriation to the County Government's FY20 Operating Budget, Montgomery County Economic Development Corporation NDA, Support for COVID-19 Response - \\$500,000 for 3R Initiative](#)

Mr. Riemer reviewed the subject special appropriation, as contained in the staff report. Mr. Wu, President and CEO, Montgomery County Economic Development Corporation, participated in the discussion.

Adopted **Resolution 19-499**, approving the subject special appropriation.

Mr. Riemer made the motion, which passed unanimously.

- (10) **ACTION** - [Special appropriation to the County Government's FY20 Operating Budget, Early Care and Education Non-Departmental Account \(NDA\), COVID-19 Early Care and Education Initiative \(ECEI\) Recovery Fund, \\$10,000,000](#)

Ms. Navarro reviewed the subject special appropriation, as contained in the staff report. Participating in the discussion was Ms. Yao, Legislative Analyst.

Unanimously supported Ms. Navarro's motion to accept staff's recommendation to amend the funding source from General Fund Reserves to Federal Grant Funds.

Adopted **Resolution 19-500**, approving the subject special appropriation, as amended.

Ms. Navarro made the motion, which passed unanimously.

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND  
IN LEGISLATIVE SESSION - Day #19**

- (11) **Introduction of Bills**

A. [Bill 24-20, Administration - Police - Assistant Chiefs of Police](#)

Introduced draft #1 of the subject bill, sponsored by the Council President at the request of the County Executive. A public hearing is scheduled for July 7, 2020, at 1:30 P.M.

B. [Bill 25-20, Rental Assistance - Amendments](#)

Introduced draft #1 of the subject bill, sponsored by the Council President at the request of the County Executive. A public hearing is scheduled for July 7, 2020, at 1:30 P.M.



C. [Bill 26-20, Environmental Sustainability - Energy and Air Quality Advisory Committee - Amendments](#)

Introduced draft #1 of the subject bill, sponsored by the Council President at the request of the County Executive. A public hearing is scheduled for July 7, 2020, at 1:30 P.M.

D. [Expedited Bill 27-20, Police - Regulations - Use of Force Policy](#)

Introduced draft #8 of the subject expedited bill, sponsored by Councilmembers Jawando, Rice, Navarro and Albornoz; and co-sponsored by Councilmembers Hucker, Riemer, Katz, Friedson and Glass. A public hearing will be scheduled at a future date.

(12) **INTERVIEWS - [Planning Board](#)**

Because the Council was behind schedule, Mr. Katz announced that the interviews for the Planning Board would be postponed until July 7, 2020.

The meeting adjourned at 4:57 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