



## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

**APPROVED**

Tuesday, April 27, 2021

The County Council for Montgomery County, Maryland convened via video conference at 9:03 A.M. on Tuesday, April 27, 2021.

### PRESENT

Councilmember Tom Hucker, President	Councilmember Gabe Albornoz, Vice President
Councilmember Andrew Friedson	Councilmember Evan Glass
Councilmember Will Jawando	Councilmember Sidney Katz
Councilmember Nancy Navarro	Councilmember Craig Rice
Councilmember Hans Riemer	

The President in the Chair.

### PRESENTATIONS

- A. Proclamation was presented by Mr. Katz recognizing Cross Community, Inc.
- B. Proclamation was presented by Vice President Albornoz and County Executive Elrich recognizing Developmental Disabilities Awareness Month.
- C. Proclamation was presented by Council President Hucker and the Planning, Housing and Economic Development (PHED) Committee recognizing Fair Housing Month.

### GENERAL BUSINESS

- (.5) A. **Announcements** - Agenda and Calendar Changes

Ms. Singleton, Clerk of the Council, announced an addendum to the agenda, stating that a public hearing on additional amendments to the recommended FY22 Capital Budget and FY21-26 Capital Improvements

Program (CIP) and additional amendments to the recommended FY22 Operating Budget is scheduled for Friday, May 14, 2021, at 1:30 P.M.; deleting introduction of an amendment to the FY21-26 CIP, Maryland-National Capital Park and Planning Commission (M-NCPPC), Power Line Trail; and deleting introduction of following amendments to the FY21-26 CIP for the Department of Transportation (DOT): Bus Rapid Transit: Veirs Mill Road; Bus Rapid Transit: System Development; and Bus Priority Lanes; and postponing the worksession on the Ashton Village Center Sector Plan.

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

No petitions were received this week.

C. **Action** - Approval of Minutes

There were no minutes for approval.

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

Dr. Gayles provided an update on current COVID-related statistics, noting that 75% of residents over age 65 are fully vaccinated and 50.4% of eligible residents have received at least one dose. Currently, the County is experiencing a moderate rate of transmission and while disparities in dissemination of the vaccine have been reduced, a focused intervention and outreach program is still needed in highly impacted areas. Plans for walk-up vaccination clinics are being developed and Dr. Gayles expressed the hope that young people would get vaccinated when it is approved for children, and that residents would get both doses of either the Pfizer or Moderna vaccine to achieve maximum protection. No updated guidance has been provided regarding use of the Johnson and Johnson (J&J) vaccine, which has been given to over 8 million people without complications. An announcement regarding mask usage is anticipated shortly from the Biden administration. Currently, demand for vaccinations in the County exceeds

the available number of doses with approximately 100,000 people preregistered.

Dr. Stoddard indicated they are working on FEMA-sponsored mobile vaccination clinics and have reached out to the Minority Health Initiatives regarding vaccination opportunity locations and noted that the Germantown mass vaccination site has the J&J vaccine available. The rate of preregistration for the vaccine is slowing while the portfolio of vaccination opportunities continues to increase. They are hopeful that senior centers and libraries can be opened soon.

Dr. Bridgers indicated that homebound individuals and their caregivers are being contacted via email and with follow-up phone calls to help further reduce the number of homebound residents waiting for a vaccine; clinical staff is scheduled to receive training this week on vaccination protocols to assist with providing the vaccine to those homebound residents.

B. **Introduced** a resolution to adopt a Fifth Amended Board of Health Regulation to prevent the spread of COVID-19 in the County.

Mr. Hucker stated that the resolution being considered today provides a framework for the opening up of the County and to allow additional activities, and that the data validates the County's cautious approach to prioritize public health over everything else. He encouraged everyone to get vaccinated.

Senior Legislative Attorney Drummer reviewed the resolution which establishes phases for reopening the County based on the percentage of the County population receiving COVID-19 vaccinations.

and **Public Hearing** - Resolution to adopt a Fifth Amended Board of Health Regulation to prevent the spread of COVID-19 in the County.

The public hearing was held and the record closed.

C. **Action** - Resolution to adopt a Fifth Amended Board of Health Regulation to prevent the spread of COVID-19 in the County

Ms. Kinch, Chief, Division of Labor Relations and Public Safety, County Attorney's Office, said the Council would be notified when the next phase was achieved via memorandum, as well as by press release and distribution via social media to inform the public.

Approved without objection Mr. Albornoz's motion to amend the resolution by moving the consumption of food and drink through concessions from Phase 2 to Phase 1; and regarding the use of face coverings when actively engaged in sports, removing the reference to the American Academy of Pediatrics to clarify that the guidelines apply to adults as well as children.

Adopted **Resolution 19-814**, approving the Fifth Amended Board of Health Regulation to prevent the spread of COVID-19 in the County, as amended.

Mr. Riemer made the motion and the resolution was adopted by a roll call vote:

YEAS: Glass, Jawando, Riemer, Navarro, Rice, Friedson, Katz, Albornoz, Hucker.

(3) **INTERVIEW - [County Executive's Appointment for Director, Department of Alcohol Beverage Services: Katherine Durbin](#)**

Interviewed Ms. Katherine Durbin, the County Executive's appointee for Director, Department of Alcohol Beverage Services.

(4) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

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

- A. **Adopted Resolution 19-815**, in support of Metropolitan Washington Council of Governments resolution supporting Statehood for the District of Columbia.
- B. **Adopted Resolution 19-816**, confirming the County Executive's appointments to the White Flint Downtown Advisory Committee: Joy Champaloux, Graham Gursky.
- C. **Introduced/Adopted Resolution 19-817**, approving RCN/Starpower Cable Franchise Transfer of Control to Stonepeak Associates IV, LLC.
- D. **Introduction** - Amendment to the FY21-26 CIP, M-NCPPC, Power Line Trail (Source of Funds: State Aid).

This item was deleted.

- E. **Introduction** - Amendment to the FY21-26 to the CIP, DOT, Bus Rapid Transit: Veirs Mill Road (Source of Funds: Mass Transit Fund).  
This item was deleted.
- F. **Introduction** - Amendment to the FY21-26 to the CIP, DOT, Bus Rapid Transit: System Development (Source of Funds: Mass Transit Fund).  
This item was deleted.
- G. **Introduction** - Amendments to the FY21-26 CIP, DOT Bus Priority Lanes (Source of Funds: Mass Transit Fund).  
This item was deleted.

The meeting recessed at 12:29 P.M. and reconvened at 1:31 P.M.

- (5) **PUBLIC HEARING** - [Intent to consider increasing FY22 General Fund tax rate above the Constant Yield Tax Rate \(CYTR\)](#)

The public hearing was held. Action will be scheduled at a future date.

- (6) **WORKSESSION** – Ashton Village Center Sector Plan  
This item was postponed.

**WORKSESSION/ACTION on the following:**

- (7) [Compensation and Benefits](#)

Participating in the discussion were Mr. Trombka, Senior Legislative Analyst, Office of Legislative Oversight (OLO); Mr. Howard, Deputy Director; Mr. Drummer; Mr. Buddle, President of International Association of Fire Fighters (IAFF); Ms. Bryant, Director, and Ms. Silberman, Office of Management and Budget (OMB).

Ms. Navarro, Chair of the Government Operations and Fiscal Policy (GO) Committee, noted the increase in optimism surrounding this budget as compared to last year's as well as the many different components that go into the budget that have to be considered, including competing interests and policy goals.

Mr. Howard and Mr. Trombka provided an overview of issues associated with FY22 compensation and benefits included in the Executive's proposed FY22 operating budget. Noted that straw votes would be taken today but that decisions on compensation and benefit provisions in the collective bargaining agreements would be taken up during the next agenda item.

Mr. Trombka noted that the Executive's recommended budget includes two sick leave related compensation adjustments: sick leave crediting for IAFF, and sick leave payouts for Municipal and County Government Employees Organization (MCGEO) and non-represented employees, which are significant changes in long-standing County policies.

Compensation cost sustainability was reviewed, noting that the recommended FY22 operating budget includes tax-supported compensation costs that exceed those in the FY21 budget by 3.2% while the Executive's budget projects that tax-supported revenues will grow by 0.8% in FY22. The Council's compensation sustainability policy requires the Executive to explain how recommended compensation cost increases will be supported by additional revenues or spending reductions when recommended compensation growth exceeds the one- or six-year revenue growth projections (the response by the Executive Branch is provided in the addendum to the staff report).

Mr. Howard reviewed the employer share of group insurance costs for active employees of County Government and MCPS, and group insurance for retirees (other post-employment benefits). Noted that for FY22, the Executive included funding for an 80/20 cost share for IAFF and Fraternal Order of Police (FOP) employees due to the language in the collective bargaining agreements. Reviewed a summary of compensation changes and staff recommendations (starting on page 23 of the staff report), including three policy recommendations.

Discussed the proposed sick leave crediting (IAFF) and sick leave payout (MCGEO and non-represented), and the non-HMO insurance 80/20 cost share for IAFF and FOP.

Discussed the agreement negotiated with the IAFF that could require the Executive to submit a supplement appropriation to the FY22 general wage adjustment (GWA) for IAFF members should the consumer price index (CPI) for the period ending March 2022 exceed 1.5% (up to a maximum of 2.25%).

Discussed the provision that would require the Executive to submit legislation before June 30, 2022, to enhance the retirement pensions for employees represented by the IAFF by providing a 5% credit to average final earnings for accumulated sick leave to calculate a retirement pension. Noted that the Executive has not provided details on the pending legislation nor has he submitted an actuarial assessment of the cost.

Mr. Drummer stated that the final budget resolutions need to clarify that funding is not appropriated for IAFF members for a 5% credit to average final earnings for accumulated sick leave to calculate a retirement pension nor to increase the GWA for IAFF members to the amount of the CPI for the period ending March 2022.

Ms. Navarro noted that the new IAFF agreement does not address why changes were made and there is no mention that a reduction in overtime costs were a consideration. She also noted there are changes to fiscal policy and such policy changes should not be made during budget deliberations and contract approvals, changes should be collaborative and need to be discussed in advance.

Several Councilmembers mentioned the ongoing issue of high overtime costs for fire and rescue employees. Ms. Silberman clarified that the workgroup that was mentioned during the discussion will not be specifically addressing overtime costs but will be reviewing pension benefits, which may affect overtime costs.

Supported, unanimously, Mr. Rice's motion in support of the following staff recommendations for FY22 Group Insurance, FY22 Allocations for Retirement, and FY22 County Government Compensation-Related NDAs, except for the \$1,463,487 included for changes in the group insurance cost share for IAFF and FOP employees, which will be taken up in the next agenda item on collective bargaining agreements.

#### FY22 Group Insurance

- Support the agencies' FY22 tax supported requests for active employee costs (excluding the cost share for FOP and IAFF employees in County Government, which is addressed below).
- Support the agencies' FY22 tax supported pay-as-you-go requests for retired employee costs.
- Support the Executive's recommended FY22 OPEB pre-funding.
- Support the recommended FY22 projection for County Government's Employee Health Benefits Self Insurance Fund.
- 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.

#### FY22 Allocations for Retirement

- Approve the recommended total FY22 County contributions for the County Government Employee Retirement System, Retirement Savings Plan, Guaranteed Retirement Income Plan.
- Approve the recommended FY22 administrative and operating budgets of the Employee Retirement System, Retirement Savings Plan, Guaranteed Retirement Income Plan, Deferred Compensation Plan, and Consolidated Retiree Health Benefits Trust.
- Continue to monitor the funded ratio of the agencies' pension funds.
- Encourage MCPS to achieve savings in retirement costs, as set forth in OLO Memorandum Report 2016-5, MCPS Local Pension Plan and Supplement.

FY22 County Government Compensation-Related NDAs

- Approve the Executive's recommended funding for the OPEB pre-funding, Group Insurance for Retirees, Montgomery County Employee Retirement Plans, State Positions Supplement, and State Retirement Contribution NDAs.
- Approve the Executive's recommended funding for the Compensation and Employee Benefits Adjustments NDA, except for the \$1,463,487 included for changes in the group insurance cost share for IAFF and FOP employees (will be acted upon during next agenda item on collective bargaining agreements). If the Council reaffirms the same 75/25 cost share split for all employees as it has since FY11, it will reduce this NDA by \$1,463,487.

(8) Collective Bargaining Agreements with MCGEO, FOP, and IAFF

Participating in the discussion were Mr. Drummer; and Mr. Renne, President, MCGEO.

Mr. Drummer reviewed the collective bargaining agreements, as contained in the staff report.

Supported, without objection, Mr. Reimer's motion regarding the collective bargaining agreements to support the staff recommendations in the previous item (agenda item #7) minus the IAFF provision.

Mr. Friedson expressed concern about the fiscal sustainability of the operating budget and moving forward believes the Council should work together on priorities with the County Executive and the Executive Branch in advance of budget deliberation, that there should be a level of equity across bargaining units, and that MCPS should be encouraged to adopt the same cost share for employee insurance to realize an estimated annual savings of \$25 million.

Mr. Drummer confirmed that action could be taken on the three collective bargaining agreements en bloc, and that clarifying language would be added to the resolutions.

Clarifying language will be added to all three resolutions to reject the provision that would increase the County share of non-HMO group insurance premiums from 75% to 80% and intends to approve the group insurance cost share as currently adopted for FY2021.

Clarifying language would be added to the IAFF resolution that the Council does not intend to approve the provision that would require the Executive to submit legislation before June 30, 2022 to enhance the retirement pensions for employees represented by the IAFF by providing a 5% credit to average final earnings for accumulated sick leave to calculate a retirement pension. Instead, the Council



would consider this legislation and any associated funding request if or when it is submitted by the Executive.

The Council approves, as amended, each provision subject to Council review in the Agreements with MCGEO, FOP, IAFF, and adopted **Resolution 19-818**, Collective Bargaining Agreement with MCGEO, as amended; **Resolution 19-819**, Collective Bargaining Agreement with the FOP, as amended; and **Resolution 19-820**, Collective Bargaining Agreement with IAFF, as amended, indicating the Council's intention regarding the collective bargaining agreements. Supported, unanimously, Mr. Katz's motion to adopt the resolutions en bloc, as amended.

### **WORKSESSIONS - FY21-26 CIP Amendments**

(9) [Montgomery County Public Schools](#)

Participating in the discussion were Ms. Wolf, President of the Board of Education; and Dr. Smith, Superintendent of MCPS.

Mr. Rice, Chair of the Education and Culture (E&C) Committee, and Mr. Levchenko, Senior Legislative Analyst, reviewed the Committee recommendations, as contained in the staff report.

Supported, without objection, the Committee recommendations.

(10) [FiberNet P509651 for \\$5,772,000](#)

Participating in the discussion was Dr. Toregas, Council IT Adviser.

Ms. Navarro, Chair of the GO Committee, reviewed the Committee recommendations, as contained in the staff report.

Supported, without objection, the Committee recommendation, as proposed by the County Executive.

(11) [ultraMontgomery project P341700 for \\$680,000](#)

Ms. Navarro reviewed the Committee recommendation, as contained in the staff report.

Supported, without objection, the Committee recommendation.

(12) [General Government - Economic Development](#)

Participating in the discussion was Mr. Smith, Legislative Analyst.

Mr. Riemer reviewed the Committee recommendation, as contained in the staff report. Noted that the GO and PHED chairs agreed that the Wheaton Redevelopment Program item could go straight to Council due to the nature of the amendment.

Supported, without objection, the PHED Committee recommendations as well as the Wheaton Redevelopment Program item.

(13) [General Government - County Offices and Other Improvements - DGS](#)

Participating in the discussion was Mr. Mia, Legislative Analyst.

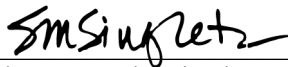
Ms. Navarro reviewed the Committee recommendations, as contained in the staff report.

Mr. Mia recommended an item that was submitted by the County Executive on March 15, 2021, that was inadvertently left out of the Committee's review, which was a funding shift of \$1.0 million each in FY23-24 to FY25-26 for the Americans with Disabilities Act (ADA): Compliance project for fiscal capacity. Noted a correction on the chart on page 2 of the staff report for ADA Compliance, funding shift should be from FY23-24 to FY25-26.

Supported, without objection, the GO Committee recommendations as well as the staff recommendation for ADA Compliance.

The meeting adjourned at 4:41 P.M.

This is a correct copy of Council action.



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Selena Mendy Singleton, Esq.  
Clerk of the Council