



## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

**APPROVED**

Tuesday, May 18, 2021

The County Council for Montgomery County, Maryland convened via video conference at 9:02 A.M. on Tuesday, May 18, 2021.

### PRESENT

Councilmember Tom Hucker, President  
Councilmember Andrew Friedson  
Councilmember Will Jawando  
Councilmember Nancy Navarro

Councilmember Gabe Albornoz, Vice President  
Councilmember Evan Glass  
Councilmember Sidney Katz  
Councilmember Craig Rice  
Councilmember Hans Riemer

The President in the Chair.

### PRESENTATIONS

- A. Proclamation was presented by Vice President Albornoz recognizing Mental Health Awareness Month.
- B. Proclamation was presented by Mr. Rice and the E&C Committee commemorating the retirement of Montgomery County Public Schools (MCPS) Superintendent Dr. Jack Smith.
- C. Proclamation was presented by Council President Hucker and County Executive Elrich recognizing Building Safety Month.

### GENERAL BUSINESS

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

Ms. Singleton, Clerk of the Council, announced an addendum to the agenda, noting that there are no minutes for approval this week; adding introduction of a special appropriation to the County Government's FY21 Operating Budget, Department of Health and Human Services (DHHS), \$250,000 for Asian American Health Initiative COVID Response;

Amendment to the County Government's FY21 Operating Budget, Resolution 19-472, Section G, Designation of Entities for Non-Competitive Contract Award Status: The Primary Care Coalition; and deleting introduction of **Bill 20-21**, Swimming Pools - Lifeguard Requirement - Amendments.

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

Acknowledged receipt of a petition from residents of Montgomery County opposing the County Executive's proposed \$64.7 million property tax hike.

(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, DHHS; and Dr. Stoddard, Director, Office of Emergency Management and Homeland Security (OEMHS).

Dr. Gayles provided an update on COVID-related statistics, noting that transmission levels are in the "good" range, and that over 60% of residents have received at least one dose of vaccine, with 50% fully vaccinated. Vaccination of 12- to 15-year olds began last Thursday and they are partnering with MCPS to provide vaccine opportunities. He noted that children must have parental consent in order to receive the vaccine and they expect to get a large number of ages 12 to 15 to get vaccinated in coming weeks. The race/ethnicity gap in dissemination of the vaccine is shrinking, the State has encouraged private providers to register on Immunet to have doses shipped directly to them, and new community partners are being brought in to target communities with lower vaccination rates to expand vaccination opportunities.

Dr. Gayles said their role is to provide guidance on how to move forward and keep families safe and recommended residents still continue to wear face coverings, noting that 40%, or approximately 400,000 residents, have not received the vaccine, stressing the importance of getting the vaccine to drive transmission rates down even further. The State requires the wearing of face coverings, regardless of vaccination status in certain situations, including in healthcare facilities and school settings. The Center for Disease Control (CDC) guidance applies to those people fully vaccinated as they are not likely to transmit the virus, but there is no

enforcement mechanism. Businesses can establish policy for their space to keep employees and customers safe.

Dr. Stoddard said they are working with an external behavioral health specialist regarding appropriate messaging for various populations to encourage getting the vaccine. He encouraged residents to practice kindness and be respectful of people's choices of whether to wear face coverings even if fully vaccinated. He stated all County front-line employees have been offered multiple opportunities to receive the vaccine and 71% of law enforcement and 75% of fire fighters have been vaccinated. Some employees are refusing to get the vaccine, but this is not a reason to not come to work. About 12% of population is under age 12 and not eligible for the vaccine and are required to wear face coverings.

Dr. Bridgers discussed the vaccination program for homebound residents, noting that of 1,300 people registered, approximately two-thirds have been vaccinated, including their caregivers. Noted that 397 homebound and their caregivers remain to be vaccinated. Clinical staff will be diverted to participate in strike teams to ramp up vaccination of homebound residents.

B. [Introduced a resolution to adopt a Sixth Amended Board of Health Regulation to prevent the spread of COVID-19 in the County](#)

Senior Legislative Attorney Drummer explained that this resolution would incorporate changes from the first and second phases for reopening the County based on the percentage of the County population receiving COVID-19 vaccinations and modify the face covering requirements based on recent CDC and State Department of Health guidance. The Board of Health regulation would be automatically rescinded on May 28, 2021, when more than 50% of the County population would be fully vaccinated.

**Public Hearing - [Resolution to adopt a Sixth 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 Sixth Amended Board of Health Regulation to prevent the spread of COVID-19 in the County](#)**

Approved, unanimously, Mr. Friedson's motion to amend the Board of Health regulation to clarify that all organized sports played in the County must comply with the gathering guidelines described in paragraph 5 of the regulation and with the face covering requirements in paragraph 2; clarify that fitness centers must follow gathering limits in paragraph 5 and face covering requirements in paragraph 2; to remove the requirement for food

service establishments to maintain a daily record of date, time, name and contact information for at least one person for each dining party to assist with contact tracing; and to update the numbers in the background information to reflect that more than 60% of the County population has received at least one dose of the vaccine and that the virus thus far has claimed the lives of 1,490 County residents.

Adopted Resolution **19-842**, approving the Sixth Amended Board of Health Regulation to prevent the spread of COVID-19 in the County, as amended.

The Resolution was adopted by a roll call vote:

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

(3) **DISTRICT COUNCIL**

- A. Announcement - [An additional Public Hearing on the Thrive Montgomery 2050 Planning Board Draft is scheduled for June 29, 2021, at 7:00 pm.](#)

(4) **Action - [Appointment to Montgomery County Planning Board](#)**

Appointed Ms. Tina Patterson to the Montgomery County Planning Board until June 14, 2025.

Mr. Rice made the motion, which carried unanimously.

(5) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

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

- A. **Introduced** a resolution to approve Montgomery County Planning Board Regulation No. 3-21 on Forest Conservation - Trees.
- B. **Introduced** a special appropriation to the County Government's FY21 Operating Budget: Department of Housing and Community Affairs (DHCA) - \$2,900,000 for Montgomery Housing Initiative (Housing Initiative Fund) (Source of Funds: Designated Reserve for Affordable Housing).

- C. **Introduced/Adopted Resolution 19-844**, to amend resolution 19-472, Section G, FY21 Designation of Entities for Non-Competitive Contract Award Status: Connected DMV.
- D. Adopted **Resolution 19-845**, amendment No. 3 to the Intergovernmental Agreement between Montgomery County Government and Northeast Maryland Waste Disposal Authority.
- E. Adopted **Resolution 19-846**, confirming the County Executive's appointments to the Commission on Common Ownership Communities: Galia Steinbach, Peter Myo Khin.
- F. Adopted **Resolution 19-847**, confirming the County Executive's appointments to the Commission on Landlord-Tenant Affairs: Skyler Kelley, Joseph Reinhard.
- G. Adopted **Resolution 19-848**, confirming the County Executive's appointments to the Mental Health Advisory Committee: Susan Smith, Tami Mark, Celia Serkin
- H. Adopted **Resolution 19-849**, confirming the County Executive's appointments to the Commission for Women: Jan Molino, Betty Romero.
- I. Adopted **Resolution 19-850**, confirming the County Executive's nominations for Property Tax Assessment Appeals Board - Regular Member: Theodore Seale, Justina Oyofa, Ron Gupta; Alternate Member: Michael McCollum, Berni Fomengia, Mayra Sanchez.
- J. **Acknowledged and Received** - Council acknowledges receipt of the following Inspector General report: Report of Investigation - Allegation of Self-Dealing at Montgomery County Economic Development Corporation, OIG Publication #OIG-21-011.
- K. Adopted **Resolution 19-851**, Executive Regulation 4-21, Landlord-Tenant Relations - Obligations of Landlords, Air Conditioning.
- L. **Introduced** a supplemental appropriation to Montgomery College's FY21 Capital Budget and Amendment to the FY21-26 Capital Improvements Program (CIP) - \$1,000,000 for the Capital Renewal: College project (Source of Funds: G.O. Bonds). A public hearing and action is scheduled for June 15, 2021 at 1:30 P.M.
- M. **Introduced** a special appropriation to MCPS' FY21 Operating Budget - \$995,984 for the Coronavirus Response and Relief Supplemental Appropriations Act Governor's Emergency Education Relief II Fund - Innovative Approaches to Connecting with Students Grant (Source of Funds: Federal Grant). A public hearing and action are scheduled for June 15, 2021 at 1:30 P.M.

- N. **Introduced** a special appropriation to MCPS' FY21 Operating Budget - \$251,233 for the Early Childhood High-Quality Inclusion Policies and Practices Grant under the Individuals with Disabilities Education Act, Part B Grant (Source of Funds: Federal/State Grant). A public hearing and action are scheduled for June 15, 2021 at 1:30 P.M.
- O. **Introduced** a special appropriation to MCPS' FY21 Operating Budget - \$3,964,162 for the Title I, Part A Grant (Source of Funds: Federal/State Grant). A public hearing and action are scheduled for June 15, 2021 at 1:30 P.M.
- P. **Introduced** a supplemental appropriation to the County Government's FY21 Operating Budget, Department of Transportation (DOT) - \$13,575,533, and Department of General Services (DGS) - \$4,136,089 for Snow Removal/Wind and Rainstorm Cleanup (Source of Funds: General Fund Undesignated Reserves). A public hearing and action are scheduled for May 27, 2021 at 1:30 P.M.
- Q. **Introduced** a special appropriation to the FY21 Operating Budget; Montgomery County Government; DHHS Asian American Health Initiative COVID Response; \$250,000 (Source of Funds: General Fund Reserves); and Amendment to the FY21 Operating Budget for the Montgomery County Government, Resolution 19-472, Section G, Designation of Entities for Non-Competitive Contract Award Status: The Primary Care Coalition. A public hearing and action are scheduled for May 20, 2021 at 1:30 P.M.

The meeting recessed at 12:00 P.M. and reconvened at 1:33 P.M.

- (6) **PUBLIC HEARING/ACTION - Special Appropriation to the County Government's FY21 Operating Budget, Montgomery County Economic Development Corporation (MCEDC) Nondepartmental Account (NDA), Support for COVID-19 Response - Restaurant Relief Program, \$3,826,998; and Amendment to FY21 Operating Budget Resolution 19-472, Section G, Designation of Entities for Non-Competitive Contract Award Status: MCEDC**

The public hearing was conducted and the record closed.

Adopted **Resolution 19-852**, approving the subject special appropriation and amendment to the FY21 Operating Budget Resolution 19-472, Section G, Designation of Entities for Non-Competitive Contract Award Status: MCEDC.

Mr. Riemer made the motion, which carried unanimously.

- (7) **PUBLIC HEARING/ACTION** - [Special Appropriation to the County Government's FY21 Operating Budget, Office of the County Executive, Support for COVID-19 Response - Hotel Relief Program - \\$1,739,544, and Online Sales Program - \\$86,977 - totaling \\$1,826,521](#)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-853**, approving the subject special appropriation.

Mr. Friedson made the motion, which carried unanimously.

- (8) **PUBLIC HEARING/ACTION** - [Special Appropriation to MCPS' FY21 Operating Budget - \\$112,233,764 for the Elementary and Secondary School Emergency Relief Fund II](#)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-854**, approving the subject special appropriation.

Mr. Jawando made the motion, which carried unanimously.

- (9) **PUBLIC HEARING/ACTION** - [Special Appropriation to MCPS' FY21 Operating Budget - \\$1,274,619 for the Prekindergarten Enhancement Grant](#)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-855**, approving the subject special appropriation.

Mr. Katz made the motion, which carried unanimously.

- (9.5) [Presentation by Planning Staff on Countywide Demographic Changes](#)

Participating in the discussion were Ms. Wright, Director, Ms. McCarthy, Ms. Blackford, Mr. Holdzkom, and Ms. Stern, Montgomery Planning Department.

Ms. Navarro, who requested the presentation, stated that the County has changed dramatically over the last 30-35 years and budget decisions for services and the delivery of services to residents need to reflect current demographics.

Received a presentation by Montgomery Planning Department staff on countywide demographic trends, covering population growth and growth rates, components of growth, and social characteristics of population over time; density

of population and population social characteristics by place; and predominance of race by place over time. Census tracts show that the over 65 population is up and rising; the under 5 population is falling, as are birth rates; and the younger population is more diverse. On race/ethnicity, data shows increasing diversity but geographic segregation along racial lines, and income/race are correlated and share a geographic pattern. The geographic distribution data shows the upcounty is whiter and less densely populated; the downcounty, eastern county, and along the I-270 corridor are less racially predominant than the rest of the County; and more tracts are becoming more racially diverse and having person-of-color majorities.

Discussed how demographic information is influencing planning trends in the County for housing, public facilities and amenities, parks and public space, and how it will tie into Thrive Montgomery 2050 goals around equitable communities with access to attainable housing, healthy foods, employment, transportation, education, as well as economic health and environmental resilience.

Mr. Jawando requested information on the seven lowest income tracts and how they have shifted going back to 1990, and where the two census tracts are located that are 95% of one race/ethnicity.

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND  
IN LEGISLATIVE SESSION - Day #12**

**(10) Introduction of Bills:**

A. [Bill 17-21, Police - Community Informed Police Training](#)

Introduced draft #3 of the subject bill, sponsored by Councilmember Jawando; and co-sponsored by Council President Hucker. A public hearing is scheduled for June 22, 2021, at 1:30 P.M.

B. [Bill 18-21, Police - Internal Affairs - Procedures and Reporting Requirements](#)

Introduced draft #3 of the subject bill, sponsored by Council President Hucker; and co-sponsored by Councilmembers Jawando and Riemer. A public hearing is scheduled for June 22, 2021, at 1:30 P.M.

Councilmembers Glass, Navarro and Rice requested to be added as cosponsors.



C. [Bill 19-21, Finance - Reports on Settlement Agreements](#)

Introduced draft #1 of the subject bill, sponsored by Councilmember Jawando; and co-sponsored by Council President Hucker. A public hearing is scheduled for June 22, 2021, at 1:30 P.M.

Councilmembers Glass, Riemer, Rice and Navarro requested to be added as cosponsors.

D. **Bill 20-21**, Swimming Pools - Lifeguard Requirement - Amendments

Introduction was rescheduled for May 27, 2021.

E. [Expedited Bill 21-21, Fire and Rescue Services - Length of Service Awards Program for Volunteers - Amendments](#)

Introduced draft #2 of the subject expedited bill, sponsored by the Council President at the request of the County Executive. A public hearing and action are scheduled for June 15, 2021, at 1:30 P.M.

(11) **Call of Bills for Final Reading:**

A. [Motion under Council Rule of Procedure 10\(d\)/Action on Expedited Bill 22-20, Position Creation and Position Alteration - Director of Strategic Partnerships and Director of Criminal Justice Coordinating Commission](#)

Supported, unanimously, Mr. Katz's motion to remove from the table **Expedited Bill 22-20**.

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

Mr. Drummer, Senior Legislative Attorney, reviewed the purpose of the subject expedited bill, as contained in the staff report.

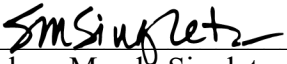
Enacted draft #1 of **Expedited Bill 22-20**, as introduced.

Mr. Katz made the motion and the expedited bill was enacted by a roll call vote:

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

The meeting adjourned at 3:35 P.M.

This is a correct copy of Council action.

  
\_\_\_\_\_  
Selena Mendy Singleton, Esq.  
Clerk of the Council