



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, March 8, 2022

The County Council for Montgomery County, Maryland convened via video conference at 9:00 A.M. on Tuesday, March 8, 2022.

PRESENT

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

The President in the Chair.

MOMENT OF SILENCE recognizing Montgomery County's two-year battle against COVID-19.

PRESENTATIONS

- A. Proclamation was presented by Mr. Albornoz and the full Council recognizing Linda McMillan for her years of service to the Montgomery County Council.
- B. Proclamation was presented by Mr. Albornoz recognizing National Social Work Month by honoring Jay Kenney, NASW Social Work Pioneer.
- C. Proclamation was presented by Mr. Albornoz recognizing Multiple-Sclerosis Week.

GENERAL BUSINESS

- A. **Announcement** - Ms. Singleton, Clerk of the Council, announced that public hearings on the FY23 Operating Budget will be held on April 19 and April 20, 2022, at 1:30 P.M. and on April 19, 20, 21, 2022 at 7:00 P.M. Persons wishing to testify may sign up beginning March 24, 2022.
- (1) B. **Acknowledgement** - [Receipt of Petitions](#)
- Acknowledged receipt of a petition from residents of Montgomery County opposing **Expedited Bill 49-21**, Police - Police Accountability Board - Administrative Charging Committee - Established
- C. **Action** – Approval of Minutes
- Approved the minutes of February 9, 2022, without objection.
- (2) **INTERVIEWS** - [Applicants to serve on the Policing Advisory Commission](#)
- Conducted interviews with Mr. Brenman and Ms. Laurence, candidates for the Policing Advisory Commission.
- (2) **INTERVIEWS** - [Applicants to serve on the Policing Advisory Commission](#)
- Conducted interviews with Ms. Ekstrand, Mr. McKinney, and Mr. Soroka, candidates for the Policing Advisory Commission.

LEGISLATIVE SESSION - Day #7

- (3) **WORKSESSION** [Expedited Bill 49-21, Police - Police Accountability Board - Administrative Charging Committee - Established](#)
- Participating in the discussion were Mr. Drummer, Senior Legislative Attorney; and Dr. Stoddard, Assistant Chief Administrative Officer.
- Mr. Drummer reviewed the Council's actions from the previous worksession and outlined the remaining issues for Council decision: should members of the Police Accountability Board (PAB) be compensated; the level of staffing and legal support; and the transition clause. He noted that the vast majority of the County's over 75 board and commissions members are not compensated.

Councilmembers discussed compensation issues and supported compensation for Administrative Charging Committee (ACC) members because it serves as a quasi-judicial body, but questioned whether the role of the PAB justifies providing compensation to its members. Mr. Katz, Chair of the Public Safety (PS) Committee, expressed concern about including a compensation amount in the legislation, and said that compensation should be equitable and based on the anticipated workload. Received clarification that the Chair of the PAB, or a designee, would also serve on the ACC but would not be doubly compensated. Mr. Alborno noted that an individual must have a work permit in order to be eligible to receive compensation from the County government. Mr. Rice expressed the view that a consistent approach to compensation for all board and commission members must be taken, as the work of all board and commission members is important. Mr. Jawando expressed support for compensation of PAB members, equal to that of Board of Appeals members, because it is a State mandated board and takes on responsibility formally undertaken by Executive Branch staff.

Requested staff quantify differences between the functions of the PAB and the ACC, if possible, and agreed to return to the issue of compensation at the March 15 Council meeting.

Discussed the need for the ACC and PAB to have dedicated professional staffing, funding for which should be included in the budget submitted by the County Executive. Noted Mr. Drummer's comment that there is a potential conflict of interest should the County Attorney's Office provide representation to the Montgomery County Police Department for its internal investigation, as well as to the ACC. Mr. Katz stressed the need for the PAB and ACC to be as independent as possible to ensure fair and impartial hearings and expressed the view that the County Attorney's Office should provide special or outside legal counsel. Dr. Stoddard commented that a placeholder is included in the County Executive's recommended FY23 budget for the PAB and expressed the view that that amount would likely increase in the future as the PAB should have some influence in determining its appropriate level of staffing.

Mr. Jawando suggested language be amended in the bill to reflect that the PAB would have dedicated full-time staff, agreeing that independence is key and a special counsel model should be adopted.

Mr. Alborno requested the County Attorney's Office provide additional information regarding legal support for the PAB and the logistics for providing outside support, and indicated the Council would return to this issue next week.

(4) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

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

- A. **Introduced** a special appropriation to the County Government's FY22 Operating Budget, Department of Health and Human Services (DHHS) - \$2,109,404 for COVID Mass Vaccination CARES Grant (Source of Funds: State Funds). A public hearing and action are scheduled for March 22, 2022, at 1:30 P.M.
- B. **Introduced** Executive Regulation 16-21, Sick Leave Amendments.
- C. Adopted **Resolution 19-1178**, authorization to approve and certify the Agency Safety Plan for Montgomery County Department of Transportation (DOT), Division of Transit Services.
- D. Adopted **Resolution 19-1179**, confirming the County Executive's appointments to the Ethics Commission: Bruce Romer, Rahul Goel, Susan Beard.
- E. Adopted **Resolution 19-1180**, confirming the County Executive's appointments to the Commission on Health: Susan Emery, Samuel Greenfeld, Gabriela Lemus, Adam Lustig, Crystal DeVance-Wilson, Revathy Murthy.
- F. Adopted **Resolution 19-1181**, confirming the County Executive's appointments to the Workforce Development Board: Alex Attumalil, Christopher Gordon, Yamil Hernández, Omar Lazo, Yomi Ntewo, Michelle Bell, Christa Tichy, Amelia Kalant, Roxana Mejia.
- G. Adopted **Resolution 19-1182**, confirming the County Executive's appointment to the Policing Advisory Commission: Ruhama Endishaw.
- H. **Introduced** a resolution to create the Biohealth Opportunity Zone Incentive Program grants to attract Biohealth Campuses in County Opportunity Zones.

The Council recessed at 12:25 P.M. and reconvened at 1:35 P.M.

- (5) **PUBLIC HEARING** - [Special Appropriation to the County Government's FY22 Operating Budget, Department of Health and Human Services \(DHHS\) - \\$7,821,000 for FEMA Emergency Protective Measures Grant \(Source of Funds: State Funds\)](#)

The public hearing was conducted. Mr. Huckler was temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on March 9, 2022. Action is tentatively scheduled for March 15, 2022.

- (6) **PUBLIC HEARING** - [Special Appropriation to the County Government's FY22 Operating Budget, DHHS - \\$224,956 for Newcomers Enhancements and Assistance \(Source of Funds: General Fund: Undesignated Reserves\)](#)

The public hearing was conducted. Mr. Huckler was temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on March 9, 2022. Action is tentatively scheduled for March 15, 2022.

- (7) **PUBLIC HEARING** - [Special Appropriation to the FY22 Operating Budget, Housing Opportunities Commission \(HOC\) Non-Departmental Account \(NDA\) - \\$3,000,000 \(Source of Funds: General Fund Undesignated Reserves\)](#)

The public hearing was conducted. Mr. Huckler was temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on March 8, 2022. A Planning, Housing and Economic Development (PHED) Committee worksession is tentatively scheduled for March 14, 2022.

- (8) **PUBLIC HEARING/ACTION** - [Declaration of No Further Need - Disposition of Hollywood Branch Parcel](#)

The public hearing was conducted.

Adopted **Resolution 19-1183**, approving the Declaration of No Further Need - Disposition of Hollywood Branch Parcel.

Mr. Rice made the motion, and the resolution passed unanimously among those present. Mr. Huckler was temporarily absent.

(9) **PUBLIC HEARING - [Bill 4-22, Human Rights and Civil Liberties - Public Accommodations - Gender Inclusive Restrooms](#)**

The public hearing was conducted. Mr. Huckler was temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on March 15, 2022. A joint Government Operations and Fiscal Policy and Health and Human Services (GO/HHS) will be scheduled at a later date.

(10) **DISTRICT COUNCIL SESSION**

A. **Action - [Zoning Text Amendment \(ZTA\) 21-10, Accessory Structures - Use Standards](#)**

Mr. Riemer, Chair of the PHED Committee, summarized the Committee's recommendation, as contained in the staff report.

Enacted **Ordinance 19-29**, approving draft #2 of **ZTA 21-10**.

The PHED Committee made the motion and the Ordinance was enacted by a roll call vote:

YEAS: Friedson, Jawando, Riemer, Navarro, Rice, Katz, Huckler, Glass,
Albornoz

ABSENT: Huckler (temporarily).

B. **Action - [ZTA 21-11, Ashton Village Center Overlay Zone](#)**

Mr. Riemer summarized the PHED Committee's recommendation, as contained in the staff report. He noted that this ZTA is necessary to implement the Ashton Village Center Sector Plan.

Enacted **Ordinance 19-30**, approving draft #4 of **ZTA 21-11**.

The PHED Committee made the motion and the Ordinance was enacted by a roll call vote:

YEAS: Friedson, Jawando, Riemer, Navarro, Rice, Katz, Huckler, Glass,
Albornoz

ABSENT: Huckler (temporarily).

C. Action - Sectional Map Amendment (SMA) H-144 to implement the zoning recommendations of the Approved and Adopted Ashton Village Center Sector Plan

Mr. Riemer summarized the Committee's recommendation, as contained in the staff report. He noted that this SMA is necessary to implement the zoning recommendations of the Ashton Village Sector Plan.

Adopted **Resolution 19-1184**, approving SMA H-144.

The PHED Committee made the motion and the Resolution was adopted by a roll call vote:

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

ABSENT: Hucker (temporarily).

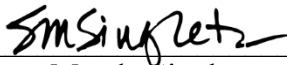
The Council recessed at 1:57 P.M. and reconvened at 3:02 P.M.

(2) **INTERVIEWS - Applicants to serve on the Policing Advisory Commission**

Conducted interviews with Mr. Ashmall and Mr. Francis, candidates for the Policing Advisory Commission. Mr. Hucker was temporarily absent.

The meeting adjourned at 3:30 P.M.

This is a correct copy of Council action.



Selena Mendy Singleton, Esq.
Clerk of the Council