



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, March 15, 2022

The County Council for Montgomery County, Maryland convened via video conference at 9:45 A.M. on Tuesday, March 15, 2022.

PRESENT

Councilmember Gabe Albornoz, President
Councilmember Andrew Friedson
Councilmember Will Jawando
Councilmember Nancy Navarro

Councilmember Evan Glass, Vice President
Councilmember Tom Hucker
Councilmember Sidney Katz
Councilmember Hans Riemer

ABSENT

Councilmember Craig Rice

The President in the Chair.

Mr. Albornoz announced that Mr. Rice was absent due to having been in a car accident earlier in the day.

GENERAL BUSINESS

A. Announcements – Agenda and Calendar Changes

- (1) The Council is seeking applicants for the vacancy on the Montgomery County Planning Board. The application deadline is March 25, 2022, at 5:00 P.M.
- (1.5) The Council is seeking applicants for the vacancy on the Montgomery County Board of Appeals. The application deadline is April 8, 2022, at 5:00 P.M.

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

No petitions were received this week.

C. **Adopted – Approval of Minutes**

There were no minutes for approval.

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

A. **Updates from County Government and Montgomery County Public Schools - Novel Coronavirus (COVID-19) and Health Planning**

Participating in the discussion were Dr. Crowel, Director, and Dr. Bridgers, Acting Chief Health Officer, Department of Health and Human Services (DHHS); Dr. Stoddard, Assistant Chief Administrative Officer; Ms. Dawson, Chief, Office of Finance and Operations, and Ms. Iszard, Coordinator, Student Health and Wellness, Montgomery County Public Schools (MCPS).

Received information from Dr. Crowel that so far this year, approximately \$77 million in rental assistance has been provided and the opening date for applications for Emergency Rental Assistance Program 2 (ERAP) funds will be announced soon; there are three to four evictions carried out weekly, some of which are commercial tenants; and interviews are ongoing with candidates for the Public Health Officer position. He clarified that previous candidates withdrew from consideration and did not turn down an offer of employment, as was reported in the media. DHHS is in discussions with libraries and recreation centers to provide therapeutic spaces, quiet rooms, and meditation spaces for residents to help promote wellness and mindfulness.

Dr. Bridgers reported that COVID case rates are trending downward with a low rate of community transmission, vaccination clinics and testing are ongoing, 53 percent of the County's total population is fully vaccinated and boosted with 95 percent having received at least one dose of the vaccine. He encouraged residents to continue with good public health practices, including frequent hand washing. Discussing the “next normal” plan, Dr. Bridgers said DHHS is focusing on “SHOTS” - Shots, Health monitoring, Outreach and communication, Testing, and Staying ready. They are prepping for administration of the vaccine to two- to five-year old children when approved and continuing to monitor variant strains of the virus.

Dr. Stoddard said a pilot program will be announced later today to provide rapid test kits and drop-off boxes at five recreation centers and the Dennis Avenue Health Center; test results should be available within 48 hours. He noted the importance of re-opening recreation centers to provide wellness opportunities to residents, and along with libraries, provide opportunities to help address learning loss among students.

Ms. Dawson reported that COVID cases for students and staff are trending downward, on March 8 the Board of Education voted to make mask wearing optional, students returning from quarantine or isolation must wear masks for 6 to 10 days, take-home test kits will be provided to all students and staff prior to spring break and then asked to administer the test on April 18 and report any positive results, and that KN95 masks and hand sanitizer will continue to be made available to students and staff. Ms. Iszard indicated that vaccination clinics are continuing with a focus on equity. MCPS has partnered with the Montgomery County Council of Parent-Teacher Associations (MCCPTA) to reach out to hesitant communities. A “Booster before Break” clinic is being held at various locations this Saturday. Ms. Dawson commented that currently, over 100 schools have wellness/mindfulness rooms, with the goal of having space made available in all schools.

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION - Day #8**

(4) **WORKSESSION - Expedited Bill 49-21, Police - Police Accountability Board (PAB) - Administrative Charging Committee (ACC) - Established**

Participating in the discussion were Mr. Markovs, Acting County Attorney; Dr. Stoddard, and Mr. Drummer, Senior Legislative Attorney.

Mr. Albornoz said the Council will conclude its discussions on **Expedited Bill 49-21** by the end of March and no vote would be taken today.

Received a summary of the Council's decisions from previous meetings from Mr. Drummer, who noted that the Council also approved an amendment to require the PAB and the ACC to meet at least once per month. The remaining issues for consideration are compensation for PAB members, staffing support, and the transition clause.

Discussed compensation and noted that unless precluded, the Council can establish compensation which would be appropriated for a PAB member's full three-year term, and that if compensation is provided to the PAB, it would not set a precedent to require members of other boards and commissions to be compensated; considered the unique function of the PAB, noted its advisory role and questioned whether it serves in a quasi-judiciary capacity. Mr. Drummer indicated that if compensation is established, it would then become a line item in the County's operating budget. Noted that the bill establishes compensation for the ACC at \$16,000 per member and \$22,000 for the Chair; and that the PAB Chair, or designee, would also serve on the ACC but could only receive compensation for service on one Board. Mr. Albornoz indicated he was not ready to determine a compensation amount and suggested the Council return to the issue at a future meeting.

Mr. Jawando questioned the volume of work and time requirements for the PAB and noted his support for providing compensation equal to that of the Board of Appeals, and his intention to pursue compensation for PAB members.

Approved without objection Mr. Jawando's motion to remove the prohibition against compensation from the bill. Mr. Rice was absent.

Considered options for staffing of the PAB and noted Dr. Stoddard's comment that funding is reflected in the budget for a full-time dedicated position, likely an M2 (senior level management) position, and administrative support, but there is no dedicated line item. Mr. Markov expressed the view that the PAB and ACC would each need separate counsel representation.

Approved without objection Mr. Katz's motion to amend lines 91-94 of the expedited bill to reflect that special counsel must be retained and dedicated full-time staff must be provided to the PAB and ACC, as follows:

(f) Staff. The Chief Administrative Officer must provide appropriate dedicated full-time staff to the Board and make available to the Board services and facilities that are necessary or appropriate for the proper performance of its duties. The County Attorney must [[serve as counsel]] retain special legal counsel approved by the Council to serve as counsel to the board.

And to amend lines 154-157 of the bill as follows:

(e) Staff. The Chief Administrative Officer must provide appropriate dedicated full-time staff to the Board and make available to the Board services and facilities that are necessary or appropriate for the proper performance of its duties. The County Attorney must [[serve as counsel]] retain special legal counsel approved by the Council to serve as counsel to the board.

The Council is scheduled to continue discussion of **Expedited Bill 49-21** at its next meeting on March 22, 2022.

(5) CONSENT CALENDAR

Approved the following consent calendar items listed below.

Mr. Hucker made the motion, which carried without objection. Mr. Rice was absent. (*Clerk's note: At the March 22 meeting, Mr. Rice indicated that had he been present for this item he would have voted in the affirmative.*)

- A. **Introduced** a supplemental appropriation to the County Government's FY22 Capital Budget, Department of Recreation; and amendment to the FY21-26 Capital Improvements Program - \$109,000 for Public Arts Trust. A public hearing is scheduled for April 5, 2022, at 1:30 P.M.
- B. **Introduced** a special appropriation to the County Government's FY22 Operating Budget, Department of Health and Human Services (DHHS) - \$2,539,747 for Centers for Disease Control and Prevention Crisis Cooperative Agreement, COVID-19 Public Health Workforce Supplemental Funding Grant (Source of Fund: State Funds). A public hearing is scheduled for March 22, 2022, at 1:30 P.M.
- C. **Introduced** a resolution to renew Council contract for audit services.
- D. **Introduced** a special appropriation to the County Government's FY22 Operating Budget, Department of Recreation - \$100,000 for Expansion of Sports Leagues for Girls (Source of Funds: General Fund Reserves). A public hearing is scheduled for March 22, 2022, at 1:30 P.M.
- E. **Introduced** a special appropriation to the County Government's FY22 Operating Budget, Incubator Programs - Economic Development Partnership Non-Departmental Account (NDA) - \$789,000 (Source of Funds: General Fund Reserves). A public hearing is scheduled for March 22, 2022, at 1:30 P.M.
- F. **Adopted Resolution 19-1185**, Executive Regulation No. 14-21, Amendment to the Montgomery County Personnel Regulations - Adding an Official Holiday.

- G. Adopted **Resolution 19-1186** to create the Biohealth Opportunity Zone Incentive Program grants to attract Biohealth Campuses in County Opportunity Zones.
- H. Adopted **Resolution 19-1187**, approving a 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).
- I. Adopted **Resolution 19-1188**, approving a 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).
- J. Adopted **Resolution 19-1189**, approving a special appropriation to the County Government's FY22 Operating Budget, DHHS - \$7,821,000 for FEMA Emergency Protective Measures Grant (Source of Funds: State Funds).
- K. Adopted **Resolution 19-1190**, confirming the County Executive's appointment to the Local Management Board for Children, Youth, and Families (Collaboration Council): Everett Davis.
- L. Adopted **Resolution 19-1191**, confirming the County Executive's appointment to the Commission on People with Disabilities: Robert Green.
- M. Adopted **Resolution 19-1192**, Executive Regulation 16-21, Sick Leave Amendments.
- N. **Adopted - Executive Regulation 18-21**, Water Quality Protection Charge, Definition of Treatment.
This item was postponed.
- O. **Introduced** a resolution to Affirm Montgomery County's Support of Public Health Officials.

The Council recessed at 12:26 P.M. and reconvened at 1:35 P.M.

- (6) **PUBLIC HEARING - Supplemental Appropriation #22-56 to the FY22 Operating Budget Montgomery County Department of Health and Human Services (DHHS) COVID-19 Emergency Response, \$69,691,000 (Source of Funds: County General Reserves)**

The public hearing was conducted. Mr. Hucker was temporarily absent and Mr. Rice was absent. Additional material for the Council's consideration should be submitted by the close of business on March 18, 2022. A joint Government

Operations and Fiscal Policy and Health and Human Services (GO/HHS) will be scheduled for March 24, 2022.

- (7) **PUBLIC HEARING** - [Supplemental Appropriation to the County Government's FY22 Operating Budget, Montgomery County Fire and Rescue Service \(MCFRS\) - \\$13,900,000 for General Personnel and Operating Costs \(Source of Funds: Undesignated Reserves Fire Fund Reserves\)](#)

The public hearing was conducted. Mr. Hucker was temporarily absent and Mr. Rice was absent. Additional material for the Council's consideration should be submitted by the close of business on March 15, 2022. A Public Safety (PS) Committee worksession will be scheduled for March 21, 2022.

- (8) **PUBLIC HEARING** - [Supplemental Appropriation to the County Government's FY22 Capital Budget and Amendment to the FY21-26 Capital Improvements Program \(CIP\) - \\$602,651 for Montgomery County Public Schools \(MCPS\) Planned Life Cycle Asset Replacement \(Source of Funds: Aging Schools Program\)](#)

The public hearing was conducted. Mr. Hucker was temporarily absent and Mr. Rice was absent. Additional material for the Council's consideration should be submitted by the close of business on March 15, 2022.

- (9) **PUBLIC HEARING/ACTION** - [Supplemental Appropriation to the County Government's FY22 Operating Budget, Office of the County Executive - \\$45,528 to support the establishment of the Office of Grants Management \(Source of Funds: General Fund Undesignated Reserves\)](#)

The public hearing was conducted.

Adopted **Resolution 19-1193**, approving the subject supplemental appropriation.

Mr. Friedson made the motion, which carried without objection among those present. Mr. Rice was absent, and Mr. Hucker was temporarily absent.

- (9) **PRESENTATION** - [Economic Trends in Metropolitan Washington by Metropolitan Washington Council of Governments](#)

Mr. DesJardin, Director of Community Planning and Services, Metropolitan Washington Council of Governments (COG) participated in the discussion.

Received information from COG related to regional COVID data, data illustrating COVID's impact on employment, comparisons to other metropolitan areas, changes to major job sectors in the region from May 2020 vs. May 2019 and data illustrating job growth from April 2020 to December 2021, employment impacts

to Montgomery County, unemployment rate data, traffic volume trends, Metrorail and Metro Bus ridership volume, home median sale price trends, new housing trends, new multifamily rental construction, square footage of completed commercial construction by structure type, changes in retail and office vacancy rates, office occupancy averages from the last 16-18 months, office lease expiration by class data, telework preferences of the region, post-pandemic telework preferences by age cohorts, and data trends on why homeowners decided where to live such as low crime rates, high quality schools, more space, and proximity to extended family.

Mr. Katz requested statistics on new small business growth in the County, data for rental cost trends by unit type and location and if tenants paying leases are current. Mr. DesJardin shared that most businesses are current in rent, with the exception of some small businesses and restaurants.

Mr. Jawando requested more detailed data on job growth in Montgomery County by job sector, and data on changes to women and minority-owned businesses and data related to job loss; and noted the need for various types of housing strategies to increase available affordable housing.

Mr. Hucker requested housing data by jurisdiction, information regarding the permit waiting time for new construction in the District of Columbia vs. Montgomery County. Noting the demand for new housing, Mr. Hucker requested comparison information on incentive programs in the region.

Mr. Friedson noted the parallel between the Council and COG by focusing on housing in the region and the need for adjusting zoning laws to attract business and growth and suggested that data on office lease expiration should be a larger focus to increase tax revenue.

(11) DISTRICT COUNCIL SESSION

A. **Introduction - ZTA 22-02, Density and Height Limits, Parking - Biohealth**

Introduced draft #1 of **ZTA 22-02**, sponsored by Councilmember Friedson and co-sponsored by Councilmembers Hucker, Katz, Navarro, Albornoz, and Glass. A public hearing is scheduled for May 10, 2022, at 1:30 P.M.

Mr. Riemer requested to be added as a co-sponsor of the ZTA.

LEGISLATIVE SESSION - DAY #8 (*continued*)

(12) Introduction of Bills:

- A. [Bill 5-22, Economic Development Corporation - Board of Directors Membership](#)

Introduced draft #1 of **Bill 5-22**, sponsored by the Council President at the request of the County Executive. A public hearing is scheduled for April 19, 2022, at 1:30 P.M.

- B. [Bill 6-22, Recreation - Montgomery County Sports Commission - Established](#)

Mr. Albornoz, lead sponsor of the Bill, noted that this Commission will examine the gaps in youth sports holistically and advise the Council on youth sports issues.

Introduced draft #1 of **Bill 6-22**, sponsored by Mr. Albornoz. A public hearing is scheduled for April 5, 2022, at 1:30 P.M.

Mr. Friedson, Mr. Katz, Mr. Jawando, Mr. Riemer, Mr. Hucker, Ms. Navarro, and Mr. Glass requested to be added as a co-sponsors of the Bill.

(13) Call of Bills for Final Reading:

- A. [Bill 46-21, Environmental Sustainability - Commercial Property Assessed Clean Energy Program - Amendments](#)

Mr. Hucker, Chair of the Transportation and Energy (T&E) Committee, reviewed the Committee's recommendations, as contained in the staff report.

Enacted draft #2 of **Bill 46-21**, as shown at the end of these minutes.

The T&E Committee made the motion, and the Bill was enacted by a roll call vote:

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

A. **Bill 48-21, General Provision - County Symbols - County Tree - Established**

Ms. Ndou, Legislative Attorney, introduced the item and summarized the Department of Environmental Protection's (DEP) process, public hearing feedback, and exploration of alternative options to the black tupelo tree.

Enacted draft #1 of **Bill 48-21**, as introduced.

Mr. Riemer made the motion, and the Bill was enacted by a roll call vote:

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

ABSENT: Rice

The meeting adjourned at 3:11 P.M.

This is a correct copy of Council action.

SMSingletz

Selena Mendy Singleton, Esq.

Clerk of the Council