



## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

**APPROVED**

Thursday, May 19, 2022

The County Council for Montgomery County, Maryland convened in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville Maryland at 9:05 A.M. on Thursday, May 19, 2022.

### PRESENT

Councilmember Gabe Albornoz, President	Councilmember Evan Glass, Vice President
Councilmember Andrew Friedson	Councilmember Tom Hucker
Councilmember Will Jawando ( <i>virtually</i> )	Councilmember Sidney Katz
Councilmember Nancy Navarro	Councilmember Craig Rice
Councilmember Hans Riemer	

The President in the Chair.

### PRESENTATIONS

- A. Presented proclamation recognizing the retirement of Kim Jones, Chief Executive Officer of Non-Profit Village, by Councilmember Jawando.

The Council recessed at 9:20 A.M. and reconvened at 9:31 A.M.

Mr. Albornoz requested a moment of silence in honor of former County Executive Sidney Kramer.

### GENERAL BUSINESS

- A. Ms. Rupp, Clerk of the Council, announced that the public hearing for the Supplemental Appropriation to the County Government's FY22 Operating Budget, Department of Transportation - \$12,472,739, and Department of General Services - \$3,146,130 for Snow Removal/Wind and Rainstorm Cleanup will be held on May 26, 2022, at 9:30 A.M.; a correction to

agenda item #7 to reflect the correct name of WSSCWater and the request to suspend the Rules of Procedure; a correction to agenda item #8 to reflect the correct number of the Executive Regulation; the deletion of agenda item #10 and agenda item #15F; the addition of agenda item #21.5; and the time change time of agenda items #13 and #14.

(1) B. **Acknowledgement - [Receipt of Petitions](#)**

There were no petitions received this week.

C. **Action - Approval of Minutes**

The Council minutes from April 5, 2022, and Council minutes from a closed session on May 3, 2022, were approved without objection.

(2) **ACTION - [Resolution to appoint Chief Digital Officer: Kenneth Lennon](#)**

Adopted **Resolution 19-1257**, appointing Chief Digital Officer: Kenneth Lennon.

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

(3) **ACTION - [Resolution to appoint Montgomery County Planning Board Candidate](#)**

Adopted **Resolution 19-1258**, appointing Carol Rubin to the Montgomery County Planning Board.

Ms. Navarro made the motion, which carried without objection.

(4) **ACTION - [Resolution to approve FY23 Transportation Fees, Charges, and Fares](#)**

Adopted **Resolution 19-1259**, approving the FY23 Transportation Fees, Charges, and Fares.

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

(5) **ACTION - [Resolution to establish FY23 Solid Waste Service Charges](#)**

Adopted **Resolution 19-1260**, establishing the FY23 Solid Waste Service Charges.

The Transportation and Environment (T&E) Committee made the motion, which carried without objection.

(6) **ACTION** - [Resolution to establish FY23 Water Quality Protection Charge](#)

Adopted **Resolution 19-1261**, establishing the FY23 Water Quality Protection Charge.

The T&E Committee made the motion, which carried without objection.

(7) **INTRODUCTION/SUSPENSION OF RULES/ACTION** - [Resolution to approve WSSC Water System Development Charge](#)

*Request to suspend Rules of Procedure (Rule 7.(c)) to allow immediate action.*

Approved the suspension of rules to act on the item on the same day it is introduced.

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

Adopted **Resolution 19-1262**, approving the WSSC Water System Development Charge.

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

(8) **ACTION** - [Resolution to approve Executive Regulation 6-22, Systems Benefit Charges - Residential Waste Estimates](#)

Adopted **Resolution 19-1263**, approving Executive Regulation 6-22, Systems Benefit Charges, Residential Waste Estimates.

Ms. Navarro made the motion, which carried without objection.

(9) **ACTION** - [Resolution to approve FY23 Annual Transportation Plan Grant Application Request for Operating and Capital Funding Assistance](#)

Adopted **Resolution 19-1264**, approving the FY23 Annual Transportation Plan Grant Application Request for Operating and Capital Funding Assistance.

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

- (10) **ACTION** - Resolution to approve Executive Regulation No. 12-22T, Amendment to the Montgomery County Personnel Regulations, Temporary Extension of the Sunset Date of MCPR

This item was deleted.

**WORKSESSIONS - FY23 OPERATING BUDGET and FY23-28 CIP**

- (11) [Community Grants Non-Departmental Account \(NDA\)](#)

Ms. Chen, Legislative Analyst, reviewed the FY23 Operating budget, as submitted by the County Executive, and noted the staff recommendations, as contained in the staff report.

Approved the Community Grants NDA, as recommended by staff.

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

- (12) [Montgomery County Green Bank NDA](#)

Mr. Hucker, Chair of the T&E Committee, reviewed the Committee's recommendation, as contained in the staff report.

Approved without objection, the Montgomery County Green Bank NDA, as recommended by the joint Government Operations and Fiscal Policy (GO) and T&E Committee.

- (13) [Capital Budget Wrap-Up and CIP \(Capital Improvements Program\) Reconciliation](#)

Participating in the discussion were Ms. McGuire and Mr. Levchenko, Senior Legislative Analysts, and Dr. Orlin, Senior Analyst.

Received an overview of the FY23-28 CIP reconciliation gap and recommended adjustments to fund the approximately \$156 million six-year gap for the CIP, as contained in the staff report.

Ms. Navarro highlighted the need to address the County's overall debt service, which is currently approximately \$3.5 billion, and the need to maintain the spending affordability guidelines.

Approved the CIP Reconciliation list, as recommended by staff.

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

(14) Operating Budget Wrap-Up and Reconciliation

Ms. Michaelson, Council Executive Director, and Mr. Howard, Council Deputy Director, participated in the discussion.

Ms. Michaelson noted that in balancing the proposed FY23 Operating Budget, the Council did not approve the County Executive's proposed funding source of \$20 million from Other Post-Employment Benefits (OPEB) Trust assets, however alternative funds have been identified due to a FY22 third quarter County Government expenditures decrease to provide one-time funding to apply to the FY23 Operating Budget. Additionally, balance has been realized by the Council's actions to reduce the budget, allowing for funds to address the recommended reconciliation list, as contained in the staff report.

Approved the change of language in the FY23 Operating Budget regarding the Silver Spring Business Improvement District (BID) to reflect the following:

“This Resolution appropriates \$200,000 to the Community Grants Non-Developmental Account (NDA) for the Silver Spring Business Improvements District (BID). The Department of Finance must not disperse this funding to the Silver Spring BID until the Corporation's Board is reconstituted to address recent amendments to the Maryland Economic Development Code §12-605, that now requires the Board to include representation from commercial tenants.”

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

Approved the FY23 Operating Budget reconciliation, as amended.

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

(15) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

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

- A. Introduced a supplemental appropriation to the County Government's FY22 Operating Budget, Montgomery County Fire and Rescue Service, Montgomery County Career Fire Fighters Association, International Association of Fire Fighters, Local 1664 - \$26,965 for FY22 General Wage Adjustment (Source of Funds: Undesignated Fire Fund Reserves). A public hearing is scheduled for June 14, 2022, at 1:30 pm.

- B. [Introduced a supplemental appropriation to the County Government's FY22 Capital Budget, and Amendment to the FY21-26 Capital Improvements Program, Montgomery County Fire and Rescue Service - \\$534,000 for Heart Monitor/Defibrillator Replacement; \(Source of Funds: Current Revenue: Fire\).](#)  
A public hearing is scheduled for June 14, 2022, at 1:30 pm.
- C. [Introduced a supplemental appropriation to the County Government's FY22 Operating Budget, Montgomery County Public Schools, \\$1,452,023 for School Safety Grant Program \(Source of Funds: State funds\).](#) A public hearing is scheduled for June 14, 2022, at 1:30 pm.
- D. [Adopted Resolution 19-1265 to amend Council Resolution No. 19-1233 and amendment to FY22 Operating Budget Resolution 19-872, Section G, FY22 Designation of Entities for Non-Competitive Award Status - Minority, Female, and Disabled- Owned Support Programs.](#)
- E. [Adopted Resolution 19-1266, an amendment to the FY21-26 CIP and Supplemental Appropriation #22-72 to the FY22 Capital Budget, Montgomery County Government, Department of Environmental Protection - \\$1,300,000 for Flood Control Study \(No. 802202\) \(Source of Funds: Current Revenue General\).](#)
- F. **Introduction/Suspension of Rules/Action - FY23 System Development Charge (SDC)**  
*Request to suspend Rules of Procedure (Rule 7.(c)) to allow immediate action.*  
  
This item was deleted.
- G. [Adopted Resolution 19-1267, an amendment to the FY21-26 CIP and Supplemental Appropriation #22-74 to the FY22 Capital Budget, Montgomery County Government Department of Housing and Community Affairs - \\$40,000,000 for Preservation of Naturally Occurring Affordable Housing Fund \(No. 762201\) \(Source of Funds: Current Revenue: General\)](#)

The Council recessed at 12:06 P.M. and reconvened at 1:01 P.M.

Mr. Alborno and County Executive Elrich presented a proclamation recognizing Older Americans Month (May 17).

The Council recessed at 1:14 P.M. and reconvened at 1:31 P.M.

- (16) **PUBLIC HEARING/ACTION - [Special Appropriation to the County Government's FY22 Operating Budget, Department of Recreation, Youth](#)**

Development - \$250,000 for After School Youth Support and Engagement Hubs (Source of Funds: Federal Grant); and Amendment to FY22 Operating Budget Resolution 19-872 Section G, FY22 Designation of Entities for Non-Competitive Contract Award Status: Montgomery County Collaboration Council for Children, Youth, and Families

The public hearing was conducted and the record closed.

Adopted **Resolution 19-1268**, approving the subject Special Appropriation and Amendment to the FY22 Operating Budget.

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

- (17) **PUBLIC HEARING/ACTION** - Special Appropriation to the County Government's FY22 Operating Budget, Office of Community Use of Public Facilities, Facility Fee Assistance Program - \$125,000 for Youth Out-of-School Time Initiative (Source of Funds: Federal Grant)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-1269**, approving the subject Special Appropriation.

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

- (18) **PUBLIC HEARING/ACTION** - Special Appropriation #22-86 to the FY22 Operating Budget, Montgomery County Government, Department of Health and Human Services, Maryland Department of Housing and Community Development - Emergency Rental Assistance Program, \$8,800,000 (Source of Funds: State Grant)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-1270**, approving the subject Special Appropriation.

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

- (19) **PUBLIC HEARING/ACTION** - Special Appropriation #22-85 to the FY22 Operating Budget, Montgomery County Government, Department of Health and Human Services, Maryland Department of Housing and Community Development - Emergency Rental Assistance Program 2, \$6,488,000 (Source of Funds: State Grant)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-1271**, approving the subject Special Appropriation.

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

- (20) **PUBLIC HEARING/ACTION** - [Special Appropriation to the County Government's FY22 Operating Budget, WorkSource Montgomery Non-Departmental Account - \\$3,000,000 for COVID-19 workforce support programs \(Source of Funds: Federal Aid\); and amendment to FY22 Operating Budget Resolution 19-872, Section G, FY22 Designation of Entities for Non-Competitive Contract Award Status: WorkSource Montgomery](#)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-1272**, approving the subject Special Appropriation and amendment to FY22 Operating Budget.

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

- (21) **PUBLIC HEARING/ACTION** - [Special Appropriation to the County Government's FY22 Operating Budget, Office of the County Executive, \\$4,690,000 for COVID-19 Business Rental Assistance and Hotel Relief Program \(Source of Funds: Federal Aid\); and amendment to FY22 Operating Budget Resolution 19-872, Section G, FY22 Designation of Entities for Non-Competitive Contract Award Status: Latino Economic Development Corporation of Washington, D.C.](#)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-1273**, approving the subject Special Appropriation and Designation of Entities for Non-Competitive Contract Award Status: Latino Economic Development Corporation of Washington, D.C.

Mr. Friedson made the motion which carried without objection.

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

- A. [Updates from County Government Novel Coronavirus \(COVID-19\) and Health Planning](#)

Participating in the discussion were Dr. Bridgers, Acting Chief Health Officer, and Mr. O'Donnell, Program Administrator, Public Health



Emergency Preparedness and Response, Department of Health and Human Services (DHHS); Mr. Madaleno, Chief Administrative Officer; and Dr. Stoddard, Assistant Chief Administrative Officer.

Received an update on the progress to fill the vacant Public Health Officer position from Mr. Madaleno. Proposed a meeting with the Health and Human Services (HHS) Committee to discuss the changing current requirement that the Public Health officer must be a licensed practicing physician, or separate the Public Health Officer position to be an advisor on healthcare issues and have a licensed physician serve as the Chief of the Public Health department. Mr. Madaleno also recommended reviewing the emergency powers that the Public Health Officer has been assigned. Mr. Alborno requested a joint Government Operations Fiscal Policy (GO) and Health and Human Services (HHS) meeting to discuss this before August.

Dr. Stoddard noted the increase in partner requests and municipalities for additional rapid home test kits for distribution as the case counts increase.

Received an update on the County's COVID-19 case positivity rates, case positivity rates by age groups and race/ethnicity, vaccine administration rates, testing levels, wastewater testing program progress, hospitalization levels, death rates, vaccine and booster recommendations, masking recommendations, testing recommendations, contact tracing procedures, therapeutics and treatment supply and eligibility information, the County's COVID-19 website updates to include where and how to find test to treat locations, updated K-12 school and child-care interim guidance issued by Maryland State Department Education (MSDE) and Maryland Department of Health (MDH) on March 2, 2022, efforts to monitor the variants, pediatric (ages 5-11) booster update, mask and test kit distribution, and the County's framework for managing the endemic. Mr. O'Donnell shared that current community transmission levels is "medium", as classified by the Center for Disease Control (CDC), and noted the reduction of disproportionate case positivity rates in minority populations.

Dr. Bridgers stated that DHHS needs to have conversations with community and minority health partners to collect information on long-term COVID-19 cases and symptoms to understand the future requirements of the healthcare system. Mr. O'Donnell proposed adding information on long-term COVID-19 on the DHHS website's page on treatment options.

(22) **DISTRICT COUNCIL SESSION**

- A. [Resolution to extend time for Council Action on the Thrive Montgomery 2050 Plan from May 19, 2022, to July 18, 2022](#)

Approved **Resolution 19-1274**, approving to extend time for Council action on the Thrive Montgomery 2050 Plan from May 19, 2022, to July 18, 2022.

Mr. Katz made the motion which carried without objection.

**WORKSESSIONS - FY23 OPERATING BUDGET AND FY23-28 CIP**

- (13) [Capital Budget Wrap-Up and CIP Reconciliation](#), continued

Additional time was not required for this item.

- (14) [Operating Budget Wrap-Up and Reconciliation](#), continued

Additional time was not required for this item.

The meeting adjourned at 2:57 P.M.

This is an accurate account of the meeting:



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Judy Rupp  
Clerk of the Council