



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, January 17, 2023

The County Council for Montgomery County, Maryland convened in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland at 10:02 a.m. on Tuesday, January 17, 2023.

PRESENT

Councilmember Evan Glass, President	Councilmember Andrew Friedson, Vice President
Councilmember Gabe Albornoz	Councilmember Marilyn Balcombe
Councilmember Natali Fani-González	Councilmember Will Jawando
Councilmember Sidney Katz	Councilmember Dawn Luedtke
Councilmember Kristin Mink (<i>virtually</i>)	Councilmember Laurie-Anne Sayles
Councilmember Kate Stewart	

The President in the Chair.

PRESENTATIONS

- A. Proclamation presented by Councilmember Mink, Council President Glass, and the County Executive celebrating Lunar New Year.

The Council recessed at 10:18 a.m. and reconvened at 10:30 a.m.

GENERAL BUSINESS

- A. Agenda and Calendar Changes

Ms. Rupp, Clerk of the Council, announced that the introduction of a resolution to recognize the exiled Kashmiri Pandit refugee and asylee population in Montgomery County Maryland on January 19, 2023, was deleted from the agenda.

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

No petitions were received this week.

C. **Action** – Approval of Minutes

Approved the minutes of October 3, 20, November 1, 15, 28, 29, December 6, and 13, 2022, without objection. Ms. Mink was temporarily absent.

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION - Day #2**

(2) **Introduction of Bills:**

A. [Bill 1-23, Property Tax Credit - Elderly Individuals and Retired Military Services Members - Amendments](#)

Introduced draft #1 of **Bill 1-23**, sponsored by Mr. Katz and co-sponsored by Councilmembers Luedtke, Balcombe, Friedson, Fani-González, and Albornoz. A public hearing is scheduled for February 7, 2023, at 1:30 p.m.

Councilmembers Jawando, Glass, Sayles, Mink, and Stewart requested to be added as co-sponsors of the subject Bill.

B. [Expedited Bill 2-23, Board of Investment Trustees - Membership - Amendments](#)

Introduced draft #1 of **Expedited Bill 2-23**, sponsored by the Council President at the request of the County Executive. A public hearing is scheduled for February 7, 2023, at 1:30 p.m.

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

A. [Expedited Bill 32-22, Department of Health and Human Services - Structure and Positions](#)

Senior Legislative Attorney Wellons and Chief Administrative Officer Stoddard participated in the discussion.

Ms. Wellons reviewed the purpose of **Expedited Bill 32-22**, as contained in the staff report.

Supported without objection Mr. Friedson's motion to amend the Expedited Bill by inserting after line 11 the following language: The Chief of Public Health Services also serves as the Deputy Health Officer. Ms. Wellons noted that Executive Regulation 22-22 would be updated to reflect this additional language.

Supported without objection Mr. Friedson's motion to amend the Expedited Bill by adding language to reflect that the County Health Officer must be a licensed physician.

Enacted draft #1 of **Expedited Bill 32-22**, as amended and shown at the end of these minutes.

Mr. Friedson made the motion and the Expedited Bill was enacted by a roll call vote:

YEAS: Luedtke, Mink, Sayles, Albornoz, Jawando, Katz, Stewart, Fani- González, Balcombe, Friedson, and Glass.

(4) **ACTION** - [Resolution to approve Executive Regulation 18-22, Performance-Based Pay](#)

Ms. Wellons, Ms. Kassiri, Deputy Chief Administrative Officer, and Mr. Martin, Executive Director, Merit System Protection Board (MSPB), participated in the discussion.

Ms. Wellons reviewed the purpose of the Executive Regulation which would allow the Executive Director of the Montgomery County Employee Retirement Plans (MCERP) to receive enhanced performance-based pay.

Ms. Stewart, Chair of the Government Operations and Fiscal Policy (GO) Committee, noted the difficulty in recruiting qualified applicants for the position of MCERP Executive Director due to the current pay scale, and expressed support for moving forward with the Executive Regulation.

Ms. Balcombe expressed concern that the creation of a bonus structure for one position sets a bad precedent and encouraged staff to consider restructuring the position to bring its pay scale up to market rate.

Mr. Jawando requested and received confirmation that Executive Branch staff would review the MCERP Executive Director position holistically to develop options for possible future consideration by the Council.

Mr. Friedson suggested a broader look at the merit system performance measures is needed as well as a review of how bonuses are handled within County government to ensure they are distributed equitably.

Mr. Alborno suggested that salary reviews of appointed officials may be needed to ensure the County remains competitive in recruiting qualified candidates and that such reviews may need to be conducted by an outside contractor.

Adopted **Resolution 20-16**, approving Executive Regulation 18-22 as submitted by the County Executive. Ms. Stewart 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** Proposed Amendments to the Comprehensive Water Supply and Sewerage Systems Plan: Water and Sewer Category Changes
- B. **Introduction:** Resolution to recognize the exiled Kashmiri Pandit refugee and asylee population in Montgomery County, Maryland on January 19, 2023
This item was deleted.
- C. **Received and Released** - Office of Legislative Oversight Report 2023-1, Transferable Development Rights and Building Lot Termination Programs in Montgomery County
- D. **Acknowledged Receipt** - The Council acknowledges receipt of the following Inspector General Reports: 1) Inventory Internal Controls Follow Up Review - Alcohol Beverage Services, OIG Publication #23-005; 2) Report of Investigation - Abuse of Purchase Cards by Montgomery County Public Schools Department of Transportation Employees, OIG Publication #23-006
- E. Adopted **Resolution 20-17**, approving Executive Regulation No. 22-22, Position Description for Chief of Public Health Services

The Council recessed at 11:30 a.m. and reconvened at 1:31 p.m.

PRESENTATIONS

- B. Proclamation presented by Councilmember Luedtke and the County Executive recognizing Human Trafficking Awareness Month.
- A. Proclamation presented by Councilmember Stewart and Council President Glass recognizing the retirement of Chuck Bean, Executive Director of the Metropolitan Washington Council of Governments (COG).

The Council recessed at 1:23 p.m. and reconvened at 1:31 p.m.

(6) **PUBLIC HEARING - [Zoning Text Amendment \(ZTA\) 22-11, Technical Corrections](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business January 22, 2023. A Planning, Housing and Parks (PH) Committee worksession will be scheduled at a later date.

(7) **PUBLIC HEARING - [ZTA 22-12, Overlay Zones Clarksburg East & West Environmental Overlay - Exemptions](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business January 30, 2023. A PH Committee worksession will be scheduled at a later date.

(8) **PUBLIC HEARING - [Bill 33-22, Capital Improvements Program - Affordable Housing Feasibility Study - Required](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business January 18, 2023. A Planning, Housing & Parks (PH) Committee worksession is scheduled for January 23, 2023.

(10) **PUBLIC HEARING/ACTION - [Supplemental Appropriation to the County Government's FY23 Operating Budget, Department of Health and Human Services -988 Lifeline Call Center, \\$720,038 \(Source of Funds: State Grant\) and \\$257,219 \(Source of Funds: Federal Grant\); and Amendment to the FY23 Operating Budget, Resolution 19-1285, Section G, FY23 Designation of Entities for Non-Competitive Contract Award Status: EveryMind, Inc.](#)**

The public hearing was conducted and the record closed.

Adopted **Resolution 20-18**, approving the subject supplemental appropriation and Designation of Entities for Non-Competitive Contract Award Status: EveryMind, Inc. Mr. Friedson made the motion, which carried without objection.

- (9) **PUBLIC HEARING/ACTION** - Supplemental Appropriation to the County Government's FY23 Operating Budget, Department of Environmental Protection - Tree Canopy Conservation, \$750,000 (Source of Funds: Tree Canopy Conservation Fund)

The public hearing was conducted and the record closed.

Adopted **Resolution 20-19**, approving the subject supplemental appropriation as submitted by the County Executive. Mr. Albornoz made the motion, which carried without objection.

- (11) **PUBLIC HEARING/ACTION** - Supplemental Appropriation #23-26 to the County Government's FY23 Operating Budget, Department of Transportation, The Chesapeake Bay Trust - Urban Trees Grant award, \$148,233 (Source of Funds: The Chesapeake Bay Trust Fund Urban Trees Grant)

The public hearing was conducted and the record closed.

Adopted **Resolution 20-20**, approving the subject supplemental appropriation as submitted by the County Executive. Mr. Albornoz made the motion, which carried without objection.

- (12) **INTERVIEW** - Chief of Public Health Services in the Department of Health and Human Services: James Bridgers

Interviewed Dr. James Bridgers for the position of Chief of Public Health Services, Department of Health and Human Services (DHHS).

The meeting adjourned at 3:20 p.m.

This is a correct copy of Council action:



Judy Rupp
Clerk of the Council

Expedited Bill No. 32-22
Concerning: Department of Health and Human Services – Structure and Positions

Revised: 01/17/2023 Draft No. 2
Introduced: November 15, 2022
Enacted: January 17, 2023
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsors: Council President at the request of the County Executive

AN EXPEDITED ACT to:

- (1) add the Chief of Public Health Services as a non-merit position in the Department of Health and Human Services;
- (2) eliminate the Chief Operating Officer as a non-merit position in the Department of Health and Human Services; ~~[[and]]~~
- (3) delete the requirement that the County Health Officer also serve as the Chief of the Direct Service Division for Public Health Services in the Department of Health and Human Services; and
- (4) generally amend the law regarding the structure of public health positions in the County.

By amending
Montgomery County Code
Chapter 2, Administration
[[Section]] Sections 2-42 and 2-42A

The County Council for Montgomery County, Maryland approves the following Act:

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

1 **Sec. 1. [[Section]] Sections 2-42 and 2-42A [[is]] are amended as follows:**

2 **2-42. Health officer.**

3 The County Health Officer:

4 (1) has the functions assigned by State law; and

5 (2) must be a licensed physician.

6 **2-42A. Functions, powers, and duties.**

7 * * *

8 (b) *Non-merit positions.* The Department has 5 senior level management
9 positions that are non-merit positions. These positions consist of a chief
10 [operating officer] of Public Health Services; a chief of Services to End
11 and Prevent Homelessness; a chief of Aging and Disability Services; a
12 chief of Behavioral Health and Crisis Services; and a chief of Children,
13 Youth, and Family Services. [In addition, the Health Officer referred
14 to in Section 2-42 serves as the chief of the Direct Service Division for
15 Public Health Services.] The chief of Public Health Services also
16 serves as the Deputy Health Officer.

17 * * *

18 **Sec. 2. Expedited effective date.** The Council declares that this legislation
19 is necessary for the immediate protection of the public interest. This Act takes
20 effect on the date on which it becomes law.

Approved:

/s/ 1/18/2023

Evan Glass, President, County Council

Date

Approved:

Marc Elrich, County Executive

Date

This is a correct copy of Council action.

Judy Rupp, Clerk of the Council

Date