



**Committee: Directly to Council**

**Staff:** Susan J. Farag, Legislative Analyst

**Purpose:** To receive testimony/final action - vote expected

**Keywords:** #DOCR; #Corrections; #CIPAmendment  
#SupplementalAppropriation

AGENDA ITEM #11

November 29, 2022

**Public Hearing/Action**

## SUBJECT

**Public Hearing/Action:** Amendment to the FY23-28 Capital Improvements Program and Supplemental Appropriation #23-21 to the FY23 Capital Budget  
Montgomery County Government  
Department of Correction and Rehabilitation  
Montgomery County Correctional Facility Sewer (No. 422303), \$500,000

## EXPECTED ATTENDEES

None.

## DESCRIPTION/ISSUE

This supplemental appropriation and CIP amendment were introduced on November 1, 2022. If approved, it will fund the design and installation of an Automatic Self-Cleaning Bar Screen System at the Montgomery County Correctional Facility. The Executive advises that this increase is needed to prevent excess trash from entering the sanitary sewer system. The new equipment will reduce sanitary sewer overflow at the Whelan Lane pump station, decrease maintenance repairs to WSSC Water equipment, and eliminate sewer overflow cleanup costs and penalties from WSSC Water. The recommended amendment is consistent with the criteria for amending the CIP because the project is needed to address urgent health and safety concerns. The source of funds is General Obligation Bonds.

MCCF is responsible for the custody and care of male and female offenders who are either in a pre-trial status or serving sentences of up to 18 months. The facility's current capacity is 1,028 inmates. The most recent daily inmate population count was 689.

Over the several years, the sewer system at MCCF (Boyd's) has experienced improper obstructed flow of its sewer system, primarily from inmate disposal of inappropriate items in the system. At one point last year, a "slug of solids" bypassed the jail's on-site grinder and caused a sanitary sewer overflow at the WSSC Whelan Lane pump station.

While the jail's sewer system has two industrial pre-treatment grinders, these are not fail-safe, and the county has both paid for expensive repairs, and been fined by WSSC for damage to the sewer system. After repeated repairs, attempts to remediate inmate behavior, and continued failed pretreatment systems, the Department of General Services has recommended the development of a custom-built install a fully automatic Self-Cleaning Bar Screen System to catch larger debris. This system will supplement, not replace, the existing grinder system. Implementation is expected to begin in winter of 2023 and construction will be complete in late spring 2024.

## COUNCIL DECISION POINTS & COUNCIL STAFF RECOMMENDATION

This item was not referred to Committee. Council staff recommends approval as submitted.


<b>This Staff Report Contains:</b>	<b>©</b>
Transmittal Memo	©1-2
Draft Resolution	©3-4
MCCF Sewer Project PDF	©5
Racial Equity Impact Assessment for Supplemental Appropriation #23-21	©6-7

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MEMORANDUM

October 27, 2022

TO: Gabe Albornoz, President  
Montgomery County Council

FROM: Marc Elrich, County Executive 

SUBJECT: Amendment to the FY23-28 Capital Improvements Program and  
Supplemental Appropriation #23-21 to the FY23 Capital Budget  
Montgomery County Government  
Department of Correction and Rehabilitation  
Montgomery County Correctional Facility Sewer (No. 422303), \$500,000

I am recommending a supplemental appropriation to the FY23 Capital Budget and an amendment to the FY23-28 Capital Improvements Program in the amount of \$500,000 for the Montgomery County Correctional Facility Sewer (No. 422303). Appropriation for this project will fund the design and installation of an Automatic Self-Cleaning Bar Screen System at the Montgomery County Correctional Facility.

This increase is needed to prevent excess trash from entering the sanitary sewer system. The new equipment will reduce sanitary sewer overflow at the Whelan Lane pump station, decrease maintenance repairs to WSSC Water equipment, and eliminate sewer overflow cleanup costs and penalties from WSSC Water. The recommended amendment is consistent with the criteria for amending the CIP because the project is needed to address urgent health and safety concerns.

I recommend that the County Council approve this supplemental appropriation and amendment to the FY23-28 Capital Improvements Program in the amount of \$500,000 and specify the source of funds as General Obligation bonds.

I appreciate your prompt consideration of this action.

ME:rs

Enclosure

cc: Jennifer R. Bryant, Director, Office of Management and Budget  
Gregory Boykin, Division Chief, Facilities Management, Department of General Services  
Jamie Cookie, Deputy Director and Chief Operating Officer, Department of General Services  
David Dise, Director, Department of General Services  
Angela Talley, Director, Department of Correction and Rehabilitation

Resolution: \_\_\_\_\_  
Introduced: \_\_\_\_\_  
Adopted: \_\_\_\_\_

COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND

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By: Council President at the Request of the County Executive

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SUBJECT: Amendment to the FY23-28 Capital Improvements Program and Supplemental Appropriation #23-21 to the FY23 Capital Budget  
Montgomery County Government  
Department of Correction and Rehabilitation  
Montgomery County Correctional Facility Sewer (No. 422303), \$500,000

Background

1. Section 307 of the Montgomery County Charter provides that any supplemental appropriation shall be recommended by the County Executive who shall specify the source of funds to finance it. The Council shall hold a public hearing on each proposed supplemental appropriation after at least one week's notice. A supplemental appropriation that would comply with, avail the County of, or put into effect a grant or a Federal, State or County law or regulation, or one that is approved after January 1 of any fiscal year, requires an affirmative vote of five Councilmembers. A supplemental appropriation for any other purpose that is approved before January 1 of any fiscal year requires an affirmative vote of six Councilmembers. The Council may, in a single action, approve more than one supplemental appropriation. The Executive may disapprove or reduce a supplemental appropriation, and the Council may reapprove the appropriation, as if it were an item in the annual budget.
2. Section 302 of the Montgomery County Charter provides that the Council may amend an approved capital improvements program at any time by an affirmative vote of no fewer than six members of the Council.
3. The County Executive recommends the following capital project appropriation increases:

<u>Project Name</u>	<u>Project Number</u>	<u>Cost Element</u>	<u>Amount</u>	<u>Source of Funds</u>
Montgomery County Correctional Facility Sewer	422303	Planning	\$100,000	GO Bonds
		Construction	<u>400,000</u>	GO Bonds
TOTAL			\$500,000	GO Bonds

4. This increase is needed to prevent excess trash from entering the sanitary sewer system. The new equipment will reduce sanitary sewer overflow at the Whelan Lane pump station, decrease maintenance repairs to WSSC Water equipment, and eliminate sewer overflow cleanup costs and penalties from WSSC Water. The recommended amendment is consistent with the criteria for amending the CIP because the project is needed to address an urgent health or safety concern.
5. The County Executive recommends an amendment to the FY23-28 Capital Improvements Program and a supplemental appropriation in the amount of \$500,000 for Montgomery County Correctional Facility Sewer (No. 422303) and specifies that the source of funds will be General Obligation Bonds.
6. Notice of public hearing was given and a public hearing was held.

Action

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

The FY23-28 Capital Improvements Program of the Montgomery County Government is amended as reflected on the attached project description form and a supplemental appropriation is approved as follows:

<u>Project Name</u>	<u>Project Number</u>	<u>Cost Element</u>	<u>Amount</u>	<u>Source of Funds</u>
Montgomery County Correctional Facility Sewer	422303	Planning	\$100,000	GO Bonds
		Construction	<u>400,000</u>	GO Bonds
TOTAL			\$500,000	GO Bonds

This is a correct copy of Council action.

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Judy Rupp  
Clerk of the Council



# Montgomery County Correctional Facility Sewer (P422303)

Category	Public Safety	Date Last Modified	09/29/22
SubCategory	Correction and Rehabilitation	Administering Agency	General Services
Planning Area	Clarksburg and Vicinity	Status	Planning Stage

Total	Thru FY21	Est FY22	Total 6 Years	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28	Beyond 6 Years
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### EXPENDITURE SCHEDULE (\$000s)

	Total	Thru FY21	Est FY22	Total 6 Years	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28	Beyond 6 Years
Planning, Design and Supervision	100	-	-	100	100	-	-	-	-	-	-
Construction	400	-	-	400	-	400	-	-	-	-	-
<b>TOTAL EXPENDITURES</b>	<b>500</b>	<b>-</b>	<b>-</b>	<b>500</b>	<b>100</b>	<b>400</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

### FUNDING SCHEDULE (\$000s)

	Total	Thru FY21	Est FY22	Total 6 Years	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28	Beyond 6 Years
G.O. Bonds	500	-	-	500	100	400	-	-	-	-	-
<b>TOTAL FUNDING SOURCES</b>	<b>500</b>	<b>-</b>	<b>-</b>	<b>500</b>	<b>100</b>	<b>400</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

### APPROPRIATION AND EXPENDITURE DATA (\$000s)

Appropriation FY 23 Request	-	Year First Appropriation	-
Appropriation FY 24 Request	-	Last FY's Cost Estimate	-
Supplemental Appropriation Request	500		
Cumulative Appropriation	-		
Expenditure / Encumbrances	-		
Unencumbered Balance	-		

### PROJECT DESCRIPTION

This project supports design and installation of an Automatic Self-Cleaning Bar Screen System at the Montgomery County Correctional Facility to prevent excessive trash from entering the sanitary sewer system. The new equipment will reduce sanitary sewer overflow at the Whelan Lane pump station and decrease maintenance repairs to the Washington Suburban Sanitary Commission (WSSC) equipment. The project will also eliminate sewer overflow cleanup costs and penalties from WSSC.

### LOCATION

22880 Whelan Lane, Boyds, Maryland, 20841

### ESTIMATED SCHEDULE

Implementation is expected to begin in winter of 2023 and complete in late spring 2024.

### PROJECT JUSTIFICATION

This project is needed to prevent trash and debris entering the sanitary sewer system from the Montgomery County Correctional facility causing excessive maintenance for WSSC and equipment damage at the WSSC Seneca Correctional Facility Wastewater Pumping Station at Whelan Lane.

### FISCAL NOTE

FY23 supplemental in G.O. Bonds for the amount of \$500,000.


### COORDINATION

Department of Correction and Rehabilitation, Department of General Services, Washington Suburban Sanitary Commission.

## MEMORANDUM

November 14, 2022

To: Jennifer Bryant, Director  
Office of Management and Budget

From: Tiffany Ward, Director  
Office of Racial Equity and Social Justice 

Re: Racial Equity Impact Assessment for Supplemental Appropriation #23-21 Sewer Project at Montgomery County Correctional Facility (MCCF)

- I. **FINDING:** The Office of Racial Equity and Social Justice (ORESJ) finds that Supplemental Appropriation #23-21 *Sewer Project at Montgomery County Correctional Facility (MCCF)* may help advance racial equity and social justice in the County, though the benefit is modest in scope. The proposed sewer project will address Sanitary Sewer Overflow (SSO) at Montgomery County Correctional Facility (MCCF), which houses a disproportionately Black population compared to County overall. Addressing issues in the sewer system could improve livability at MCCF, which is a strength, but the project is unlikely to substantively alter an incarcerated person's experience with the criminal legal system. For these reasons, ORESJ concludes that the projects' ability to advance racial equity and social justice in the County is modest.
- II. **BACKGROUND:** The purpose of Supplemental Appropriation #23-21 Sewer Project at Montgomery County Correctional Facility (MCCF) is to create a new CIP project for the design and implementation of a system to prevent excessive trash from entering the sanitary sewer system from MCCF to the wastewater system and to reduce sanitary sewer overflow at the Whelan Lane pump station.

There is a long history of racial disparities and disproportionalities across the criminal legal system—in policing; case processing and incarceration; parole and community



supervision; and algorithms, assessments, and technology<sup>1</sup>. ORESJ has written about some of these issues in its REIA of Supplemental Appropriation # 22-25 NCR-LInX. In addition, ORESJ offers the following research on prison conditions and their role in exacerbating the harms of over-incarceration of Black and Latino people in the US:

- Equal Justice Initiative. “Prison Conditions”. Available at: <https://eji.org/issues/prison-conditions/>
- Brennan Center for Justice. Shon Hopwood. “How Atrocious Prisons Conditions Make Us All Less Safe”. Available at: <https://www.brennancenter.org/our-work/analysis-opinion/how-atrocious-prisons-conditions-make-us-all-less-safe>
- Vera Institute. “Living Conditions in Prison”. Available at: <https://www.vera.org/dignity-behind-bars/living-conditions-in-prison>

While a full analysis of the County’s criminal legal systems’ policies and practices is beyond the scope of this assessment, available data confirms the overrepresentation of Black people in the population of those housed at MCCF. Based on data from the site “Prison Roster”<sup>2</sup>, the facility’s population consists of 1,176 individuals—35 are female and 1,141 are male. Of the 1,176 residents, 34% are White, 62% are Black, and 4% are other. Of note is an absence of data about Latino people, which may be the result of this data source’s methodology.

At the time of this analysis, ORESJ did not have access to specific circumstances leading to this proposal, such as how incarcerated people and residents in the surrounding area have been affected. So, it’s unclear to what extent residents of MCCF may have been directly impacted by SSO.

Presuming this new system improves the facilities and livability of MCCF, this supplemental appropriation could help improve the experiences of those who are incarcerated—at MCCF the incarcerated population is disproportionately Black compared to the overall population. It’s unclear, however, how such changes would substantively alter an incarcerated person’s interactions with the criminal legal system (before incarceration or after community reentry).

cc: Angela Talley, Director, Department of Corrections and Rehabilitation  
Ken Hartman, Director, Strategic Partnerships, Office of the County Executive

<sup>1</sup> <https://www.urban.org/sites/default/files/publication/104687/racial-and-ethnic-disparities-throughout-the-criminal-legal-system.pdf>

<sup>2</sup> <https://prisonroster.com/prisons/maryland/county-jail/montgomery-county-correctional-facility/>