

COUNCIL COMING ATTRACTIONS



Week of September 11, 2017

Safety Zone for Archery Hunters, Performance Animals, International Green Construction Code and Mental Health Court



Council Coming Attractions is a summary of some of the issues before the Council. All Council staff reports and additional information on each item scheduled for Council or Committee review can be viewed at:

<http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html> .

The Council meeting schedule may change from time to time. The current Council and Committee agendas can also be viewed at:

<http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html> .

 On September 12, the Council session will begin at 1:15 p.m.

COUNCIL

Expedited Bill 29-17, Domestic Partner Survivor Benefits – LOSAP – Employees’ Retirement System – Eligibility

The Council is scheduled to introduce Bill 29-17. Councilmembers Navarro and Katz and Council Vice President Riemer are the lead sponsors. A public hearing is scheduled for Sept. 26 at 1:30 p.m. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7203&meta_id=142634 .

Expedited Bill 29-17 would clarify the definition of a domestic partner to receive County survivor benefits; limit County survivor benefits for a domestic partner of a local fire and rescue department volunteer to a domestic partner registered with the County on or before June 27, 2016; and limit County

survivor benefits for a domestic partner of a County employee under the County retirement systems to a domestic partner registered with the County on or before June 27, 2016.

- In 2016 the Council enacted Bill 16-16, which, repealed the law providing domestic partner benefits for County employees. The law included a grandfather clause that permitted a County employee receiving domestic partner benefits on June 27, 2016 to retain those benefits.
- Although Bill 16-16 generally repealed the County law authorizing domestic partner benefits, the Bill did not remove references to domestic partner survivor benefits for volunteer firefighters under the Length of Service Awards Program and County employee survivor benefits under the County retirement laws.
- Expedited Bill 29-17 would limit domestic partner survivor benefits to a person who registered a domestic partnership with the County on or before June 27, 2016, making these survivor benefits consistent with the general repeal of domestic partner benefits in Bill 16-16.

Expedited Bill 30-17, Weapons – Discharge of Bows – Amendments

The Council is scheduled to introduce Expedited Bill 30-17. All nine Councilmembers are lead sponsors. A public hearing is scheduled for Sept. 19 at 1:30 p.m. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7203&meta_id=142636 .

Expedited Bill 30-17 would reduce the safety zone for archery hunters in the County. Current County law prohibits bow hunting within 100 yards of a building designed for human occupancy. Bill 30-17 would make the County law consistent with State law. During the last legislative session, the Maryland General Assembly prohibited bow hunting within 100 yards of a building designed for human occupancy without the owner's consent to within 50 yards of a building.

COMMITTEE

Bill 23-17 Animal Control - Performance Animal - Violations

On Sept. 11 at 9:30 a.m. the Public Safety (PS) Committee will review Bill 23-17. The lead sponsors are Councilmembers Rice and Leventhal. Councilmembers Katz, Navarro, Riemer, Elrich and Hucker and Council President Berliner are cosponsors. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7401&meta_id=142514 .

Bill 23-17 would: define the term exhibit and performance animal; prohibit the exhibition of performance animals; authorize the Animal Control Division to take enforcement action for a prohibited act; and amend the provisions concerning animal cruelty. The sponsors of Bill 23-17 want to protect the welfare of wild animals by removing the financial incentives to exhibit such animals.

Emergency Communications Center

The Committee also will receive an update on the Emergency Communications Center (ECC). Assistant chief Luther Reynolds, Montgomery County Police, Captain C. Thomas Jordan, Director of the Emergency Communications Center Consolidation Project, and Bill Ferretti, Director of the Emergency Communications Center, will provide the Committee with an update on the ECC consolidation progress including current staffing and staffing projections, training cycles, quality assurance initiatives and change management. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7401&meta_id=142591 .

Executive Regulation 21-15AMII, Adoption of the 2012 International Green Construction Code (IgCC)

On Sept. 11 at 2 p.m., the Planning, Housing and Economic Development (PHED) Committee will continue its review of Executive Regulation 21-15AM. The staff report can be found at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7402&meta_id=142523 .

The Executive is seeking a repeal of the LEED requirement in anticipation of adopting ER 21-16AM which requires compliance to the International Green Building Code (IgCC) as amended by the regulation.

- The IgCC requires developers to choose, and comply with, provisions of the code called electives. The number of electives varies with the size of the proposed building:
 - ✓ under 10,000 gross floor area (GFA) requires two electives;
 - ✓ between 10,000 and 20,000 GFA requires three electives; and
 - ✓ over 20,000 GFA requires four electives.
- The amended regulation would allow LEED Silver certification to replace the requirement for any electives. The amended regulation also changes the effective date to December 1, 2017.

Bill 19-17, Buildings - Energy Efficiency and Environmental Design—Repeal

The Committee also will review of Bill 19-17. Council President Berliner is the lead sponsor, at the request of the County Executive. The staff report can be found at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=7402&meta_id=142525 .

Bill 19-17 would repeal Article VII of Chapter 8 of the Montgomery County Code and amend the law related to buildings, energy efficiency, and environmental design. The County Code requires private buildings with 10,000 square feet of gross floor area or larger to be LEED certified. Bill 19-17 anticipates the approval of Executive Regulation 21-15AMII as the new standard. Existing tax incentives for LEED-certified buildings would remain in place but may be a topic of future discussion given the strengthened requirements of Executive Regulation 21-15AMII.

Review - Energy and Environmental Design Property Tax Credit

On Sept. 14 at 9:30 a.m. the Transportation, Infrastructure, Energy & Environment (T&E) Committee will meet jointly with the Government Operations and Fiscal Policy (GO) Committee to review the Energy and Environmental Design Property Tax Credit. The staff report will be available on Sept. 12. Since 2004, Maryland has permitted local governments to offer property tax credits for high-performance buildings. In 2007 the Council enacted Bill 37-06, Property Tax Credit—Green Buildings. Montgomery County’s property tax credit is codified in Sec. 52-103 (Property tax credit — energy and environmental design). The Committee will receive an update on the local law and its implementation.

Bill 22-17, Homeowners’ Associations - Roadway Maintenance - Repeal

On Sept. 14 at 10:30 a.m. the T&E Committee will meet to review Bill 22-17. The lead sponsors are Council President Berliner and Councilmembers Floreen and Hucker. The staff report will be available on Sept. 12. Bill 22-17 would repeal County law that provides for assistance to certain homeowners’ associations to maintain certain association roadways or private maintenance roads. This program is supposed to reimburse HOAs for eligible roads at roughly the cost that the County spends to maintain its own roads, subject to the availability of appropriations. For two decades, the Council has limited the reimbursement to around \$1,000 per eligible mile, a fraction of the cost of maintaining a County road.

- For the FY10 budget, the Council reduced the appropriation to only about \$250 per eligible mile, and funding for this program has been suspended from for FY11 through FY18.
- During the FY18 budget deliberations, the T&E Committee recommended legislation be enacted to eliminate this program.

Bill 14-17, Motor Vehicles and Traffic - Off-Street Parking Regulations - Public Parking Facilities

The Committee will review Bill 14-17. Council President Berliner is the lead sponsor, at the request of the Executive. A public hearing is scheduled for June 13 at 1:30 p.m. The staff report will be

available on Sept. 12. Expedited Bill 14-17 would increase the amount of time that a person may continuously park a vehicle in an off-street public parking facility from 24 hours to 14 days.

OLO Report 2017-12, Federal Grant Administration in Montgomery County

On Sept. 14 at 10:30 a.m. the GO Committee will review OLO Report 2017-12. The staff report will be available on Sept. 12. The full OLO report can be viewed at:

http://www.montgomerycountymd.gov/OLO/Resources/Files/2017%20Reports/OLOReport2017_12FederalGrantAdministration.pdf.

This report responds to Council's request to review the processes by which the County makes decisions to pursue federal grant opportunities and how grant applications are subsequently developed. To better understand how departments research, apply for, and manage federal grants, OLO contacted staff from 33 departments from February through May 2017.

- OLO found that departments pursue grants when there is staff capacity, the grant aligns with the department's mission, and the effort is feasible in terms of cost and administrative capabilities. Variation in department practices influence the types of grants pursued and opportunities exist to increase capacity and transparency of grant operations.
- According to OLO, in FY16, the Office of Management and Budget (OMB) reviewed and received 135 grant-related documents for awards, applications and renewals, of which 40 percent were for federal grant programs. Of the 54 federal grant awards, applications, or renewals received, 37 were federal pass-through grants (67 percent). In FY16 the County spent \$98.3 million in federal grant dollars across 15 Executive Branch departments and offices (single and multi-year grant awards).

OLO recommends that the Council ask the following questions of Executive Branch staff:

- What opportunities exist to streamline the internal management of grants and the review process?
- What are the benefits and drawbacks of creating a central grants repository/tracking system?
- What opportunities exist to establish a central grants office or formalized grant network? How would this best serve departments?
- Are there opportunities to evaluate the hiring and procurement processes for grants with short award periods?
- What opportunities exist to research and apply for private grants? Could these methods be shared among departments? How would this be tracked and reported?

Mental Health Court

On September 14 at 1 p.m. the Health and Human Services (HHS) Committee and the Public Safety (PS) Committee will meet jointly to get an update on Mental Health Court. On July 8, 2015, Administrative Judge John W. Debelius III invited stakeholders to the first of several Mental Health Court Planning and Implementation Task Force meetings. The purpose of the Task Force was to establish a Mental Health Court (MHC) in the County to address the challenge of increasing numbers of people committing minor crimes due to mental illness. Like other problem-solving courts, the new MHC provides an alternative to incarceration by steering individuals suffering from mental illness to treatment and community supports. Montgomery County's MHC utilized best practices from similar programs in Baltimore City, Harford County, and Prince George's County, Md. as well as Washington, D.C. Montgomery County's Mental Health Court accepted its first participant in December 2016. The Honorable Gary E. Bair is the presiding judge. The staff report will be available on Sept. 12.

Supervised Visitation Center

The Committees also will get an update on the new supervised visitation center. The staff report will be available on Sept. 12. The Council appropriated funding in the County's Department of Health and Human Services (DHHS) FY18 operating budget to establish a supervised visitation

center for use in child custody cases. The recommendation for such a center was made by Court Watch Montgomery in its May 2014 report. The supervised visitation center will be operated through a contract that DHHS will have with a non-profit organization.