



## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

**APPROVED**

Tuesday, April 30, 2019

The County Council for Montgomery County, Maryland convened in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland, at 9:32 A.M. on Tuesday, April 30, 2019.

### PRESENT

Councilmember Nancy Navarro, President	Councilmember Sidney Katz, Vice President
Councilmember Gabe Albornoz	Councilmember Andrew Friedson
Councilmember Evan Glass	Councilmember Tom Hucker
Councilmember Will Jawando	Councilmember Craig Rice
Councilmember Hans Riemer	

The Vice President in the Chair.

(1) **INTERVIEWS** - [Applicants to serve on the Committee to Recommend Funding for the Public Election Fund](#)

Interviewed Lee Annis, Nancy McMahan Farrar, Catherine Lowry, David Scull, Sam Statland, Michelle Whittaker, Stephen Whitted, and Tim Willard, applicants for the Committee to Recommend Funding for the Public Election Fund.

The invocation was given by Rabbi Aderet Drucker, Jewish Millennial Engagement Project.

**PRESENTATION** - Proclamation was presented by Mr. Albornoz recognizing the 100<sup>th</sup> anniversary of Easter Seals.

## GENERAL BUSINESS

A. **Announcements** - Agenda and Calendar Changes

There were no agenda or calendar changes.

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

There were no petitions received this week.

C. **Approved** the minutes of April 5, 8, 9, and 10, 2019; and the closed session minutes of April 8, 2019, without objection. Ms. Navarro was temporarily absent.

(3) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

Mr. Rice made the motion, which carried unanimously. Ms. Navarro was temporarily absent.

- A. **Introduced** a resolution authorizing the grant application request for the Annual Transportation Plan and other transit grants. Action is tentatively scheduled for May 14, 2019.
- B. Adopted **Resolution 19-77**, confirming the County Executive's appointments to the Commission on Aging: Arunima Ghosh, Mary Sweeney, Jean Dinwiddie, Richard Jourdenais, Morris Klein, Edgar Rivas, Beverly Rollins, Monica Schaeffer, Barbara Selter, Odessa Shannon, Arthur Williams.
- C. Adopted **Resolution 19-78**, confirming the County Executive's appointments to the District of Columbia Water and Sewer Authority: Adriana Hochberg, Steven Shofar, Fariba Kassiri, Adam Ortiz.
- D. Adopted **Resolution 19-79**, confirming the County Executive's appointment to the Domestic Violence Coordinating Council: Karen Ferretti.
- E. Adopted **Resolution 19-80**, approving the issuance and sale of economic development revenue bonds for St. Andrew's Episcopal School, Inc. in an amount not to exceed \$9,000,000.
- F. **Introduced** a resolution to approve a Declaration of No Further Need: Disposition of Darnestown Telecommunications Tower. A public hearing is scheduled for June 11, 2019, at 1:30 P.M.

- G. Adopted **Resolution 19-81**, appointing the members to the Charter Review Commission: Laura Goddeeris, Susan Miles, Ronald Stubblefield, Christopher Danley, Katherine Gugulis, George Margolies, David Hill, Perry Taylor, A. Lawrence Lauer, Nichole Thomas, and Courtney Walker; and appointing George Margulies as Chair and Laura Goddeeris as Vice Chair.
- H. Adopted **Resolution 19-82**, approving a supplemental appropriation to the FY19 Operating Budget, Montgomery County Fire and Rescue Service - \$1,963,432 to expend the proceeds of the FY19 State of Maryland Senator Amoss Fire, Rescue and Ambulance Fund grant.

(4) **DISTRICT COUNCIL SESSION**

- A. **Action - Hearing Examiner's report and recommendation - Local Map Amendment (LMA) H-129 for Amendment to the Zoning Ordinance Map for the properties located at 9920 Georgia Avenue and 2106 Belvedere Boulevard in Silver Spring**

Senior Legislative Analyst Zyontz and Hearing Examiner Robeson, Office of Zoning and Administrative Hearings (OZAH), participated in the discussion.

Ms. Robeson reviewed the report and recommendation for LMA H-129, as contained in the staff report.

Adopted **Resolution 19-83**, approving LMA H-129.

Mr. Riemer made the motion and the resolution was adopted by a roll call vote:

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

- B. **Worksession/Action - MARC Rail Communities Sector Plan**

Participating in the discussion were Ms. Dunn, Senior Legislative Analyst; Dr. Orlin, Deputy Council Director; and Mr. Anderson, Chair, Montgomery County Planning Board.

Ms. Dunn and Dr. Orlin reviewed the Plan's land use and transportation issues, as contained in the staff report.

Mr. Rice, commenting on the 50 percent building lot termination (BLT) requirement in the Germantown Transit Mixed Use Overlay Zone and acknowledging that it is a zoning code issue, said the inequity in relation to other areas of the County affects development in the area, and expressed the view that the entire County is responsible for the support of the Agricultural

Reserve, not just Germantown. Mr. Riemer indicated that the Planning, Housing, and Economic Development (PHED) Committee would take up the BLT program issue at a future meeting.

Mr. Riemer, noting that the renovation and expansion of Seneca Valley High School would add an additional 1,000 students, queried whether the number of lanes on Middlebrook Road could be reduced from six to four prior to school opening in 2020 and adequately accommodate through traffic. Mr. Rice expressed the view that the safety of students walking to the high school can't be adequately ensured through engineering solutions, and that he planned to support the bussing of all students attending Seneca Valley High School.

Adopted **Resolution 19-84**, approving the MARC Rail Communities Sector Plan, as amended.

The PHED Committee made the motion, which carried unanimously. Ms. Navarro was temporarily absent.

The meeting recessed at 11:23 A.M. and reconvened at 1:51 P.M.

The President in the Chair.

(5) **PUBLIC HEARING - Expedited Bill 9-19, Consolidated Retiree Health Benefits Trust - Delegation of Duties**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on June 17, 2019. A Government Operations and Fiscal Policy (GO) Committee worksession is tentatively scheduled for June 20, 2019.

(6) **PUBLIC HEARING - Special appropriation and amendment to Montgomery County Public Schools (MCPS) FY19-24 Capital Improvements Program (CIP) - \$7,500,000 for Current Replacements/Modernizations (Seneca Valley High School)**

The public hearing was conducted.

Items 7 and 8 were taken up en bloc.

- (7) **WORKSESSION - FY20 Operating Budget - Compensation and benefits for all agencies**
- (8) **WORKSESSION/ACTION - FY19 Operating Budget Savings Plan – Consolidated Retiree Health Benefits (CRHB) Trust**

President Navarro noted that votes would be taken en bloc. Worksessions were held on April 23, 2019. Ms. Navarro commented on the need to have predictability in funding compensation and benefits by formalizing a structure for annually reviewing compensation cost sustainability.

Mr. Howard, Senior Legislative Analyst, reviewed long-term compensation cost sustainability referenced in staff recommendation #1: FY20 Pay Adjustments – County Government, options “a” through “d,” as contained on pages 32-33 of the April 23 staff report. As part of option “c,” recommended adding a request that staff explore options to shift contributions that would otherwise have gone to employee retirement plans to Other Post-Employment Benefits (OPEB) once the retirement plans are fully funded.

Supported, without objection, staff recommendations for options “a” to “d” to formalize a structure for annually reviewing compensation cost sustainability and communicating the findings to the Executive; review of the legal, regulatory, and policy framework related to compensation costs to identify changes that could help address long-term sustainability; review of benefit costs across agencies; and review workforce size. Lastly, explore options to ensure that OPEB is properly funded. Council will address these areas after the budget is finalized.

Mr. Howard reviewed group insurance, as referenced on pages 16-22 of the April 23 staff report.

On Mr. Katz’s motion voted to approve, without objection, staff recommendations to support the agencies’ FY20 tax supported requests for active employee costs; to support the agencies’ FY20 tax supported pay-as-you-go requests for retiree costs; to support the Executive’s recommended FY20 OPEB pre-funding; to support the recommended FY20 projection for the County Government’s Employee Health Benefits Self Insurance Fund (\$272.9 million); and encourage MCPS to take further efforts to move toward aligning the group insurance premium cost share for active employees with the cost share established by County Government.

Mr. Howard reviewed the FY19 OPEB Savings Plan, as referenced on page 21 of the April 23 staff report. On a motion by Mr. Katz, adopted **Resolution 19-85**, Approval of Second FY19 Savings Plan for Montgomery County Government, in support of the Executive’s recommendation to reduce approved OPEB pre-funding

for County Government, MCPS, and Montgomery College by \$89.6 million. Mr. Friedson was opposed.

Voted to approve Mr. Jawando's motion, without objection, supporting staff recommendations for the FY20 allocation for retirement, as referenced on pages 13-15 and 25-28 of the April 23 staff report, to approve the recommended total FY20 County contributions for the County Government's retirement programs: \$72.3 million for the Employees' Retirement System (ERS), \$18.8 million for the Retirement Savings Plan (RSP), and \$6.9 million for the Guaranteed Retirement Income Plan (GRIP); to approve the recommended FY20 administrative and operating budgets of the ERS, the RSP, the Deferred Compensation Plan (DCP), and the Consolidated Retiree Health Benefits Trust (CRHBT); continue to monitor the funded ratio of the agencies' pension funds; and encourage MCPS to achieve savings in retirement costs, as set forth in the Office of Legislative Oversight (OLO) Memorandum Report 2016-5, MCPS Local Pension Plan and Supplement.

Voted to approve Mr. Katz's motion, without objection, on other compensation issues, as referenced on pages 25 and 30 of the April 23 staff report, to approve the Executive's recommended FY20 funding for Compensation and Employee Benefits Adjustment Non-Departmental Account (NDA), Consolidated Retiree Health Benefits Trust NDAs, Group Insurance for Retirees NDA, Montgomery County Employee Retirement Plans NDA, State Positions Supplement NDA, and State Retirement Contribution NDA; and to support the agencies' FY20 funding request for employee awards and tuition assistance programs.

Without objection signified intent to support the staff recommendation for pay adjustments for other agencies, as referenced on pages 8-9 of the April 23 staff report, to support funding within MCPS, Montgomery College, Maryland-National Capital Park and Planning Commission (MNCPPC), and Washington Suburban Sanitary Commission (WSSC) for the requested allocation for compensation. Final decisions on MNCPPC and WSSC pay adjustments will be made at the May 9, 2019, Bi-County meeting with the Prince George's County Council.

Deferred making a decision on a new salary schedule for non-merit employees, as referenced on pages 29-30 of the April 23 staff report, and indicated that the Government Operations and Fiscal Policy (GO) Committee would schedule a future worksession to review the proposal in more detail.

Supported, without objection, the staff recommendation for pay adjustments for County Government non-represented employees, as referenced on page 4 of the April 23 staff report, to support equity in pay adjustments for non-represented employees with other employee groups when final decisions are made, consistent with long-standing County practice.

Items 9, 10, 11, 12 were taken up en bloc.

- (9) **WORKSESSION/ACTION** - Resolution to indicate Council's intent to approve or reject provisions of the Collective Bargaining Agreement with the Fraternal Order of Police (FOP), Lodge 35
- (10) **WORKSESSION/ACTION** - Resolution to indicate Council's intent to approve or reject provisions of the Collective Bargaining Agreements with the Municipal & County Government Employees' Organization (MCGEO), Local 1994
- (11) **WORKSESSION/ACTION** - Resolution to indicate Council's intent to approve or reject provisions of the Collective Bargaining Agreement with the Montgomery County Career Fire Fighters Association of the International Association of Fire Fighters (IAFF), Local 1664
- (12) **WORKSESSION/ACTION** - Resolution to indicate Council's intent to approve or reject provisions of the Collective Bargaining Agreement with the Montgomery County Volunteer Fire and Rescue Association (MCVFRA)

Mr. Riemer made the motion to reject group insurance as submitted by the County Executive in each of three agreements: MCGEO, Fraternal Order of Police (FOP), and International Association of Firefighters (IAFF). This is consistent with Council's previous actions rejecting an 80/20 split and maintaining a 75/25 split in cost sharing. The motion carried unanimously.

Mr. Rice stated that the MCGEO contract negotiated by County Executive Marc Elrich is fiscally unsustainable and recommended that the Executive and MCGEO have an opportunity to modify the contract to reduce the fiscal impact for FY20 and beyond by seeking parity with pay raises similar to those negotiated for employees in other bargaining units, such as the 5.9% negotiated for other employees.

Mr. Rice made the motion that, except for the group insurance for FOP and IAFF bargaining unit members, the Council approve each provision subject to Council review in the Agreements with the FOP, the IAFF, and the Montgomery County Volunteer Fire Rescue Association (MCVFRA) and that the Council reject each of the provisions of the MCGEO contract that are subject to Council review. The motion carried unanimously. Adopted **Resolution 19-86**, Collective Bargaining Agreement with the FOP, **Resolution 19-88**, Collective Bargaining Agreement with Career Fire Fighters Association, and **Resolution 19-89**, Memorandum of Agreement with MCVFRA, indicating the Council's intention regarding the collective bargaining agreements. Unanimously adopted **Resolution 19-87**, Collective Bargaining Agreement with MCGEO, as amended, indicating the Council's intention regarding the rejection of the collective bargaining agreement.

The meeting adjourned at 2:23 P.M.

This is a correct copy of Council action.

*Approved/Signed by the Clerk*

---

Megan Davey Limarzi, Esq.  
Clerk of the Council