



## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

**APPROVED**

Tuesday, March 10, 2020

The County Council for Montgomery County, Maryland convened in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland, at 9:33 A.M. on Tuesday, March 10, 2020.

### PRESENT

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

The President in the Chair.

The invocation was given by Reverend Lyn Cox, Unitarian Universalist Church of Silver Spring.

### PRESENTATIONS

- A. Proclamation was presented by Mr. Katz and Mr. Elrich recognizing Multiple Sclerosis Awareness Week.
- B. Proclamation was presented by Ms. Navarro and Mr. Elrich recognizing Women's History Month.
- C. Proclamation was presented by Mr. Hucker recognizing the Maryland Bobcats soccer team on their national championship.

### GENERAL BUSINESS

- A. **Announcements** - Agenda and Calendar Changes
  - (1) Ms. Singleton, Clerk of the Council, announced that the Council is seeking applicants for the Planning Board, the deadline is March 18, 2020, at

5 P.M.; and that the Council will hold public hearings on the FY21 Operating Budget on April 13, 14, and 15 at 7:00 P.M., and April 14 and 15 at 1:30 P.M. She also announced an addendum to the agenda, deleting action on approval of Executive Regulation 1-20, extending the Sunset Date for the Montgomery County Personnel Regulations to March 1, 2021; and correcting the public hearing date to March 24, 2020, at 1:30 P.M. for the supplemental appropriation to the County Government's FY20 Operating Budget, Department of Health and Human Services (DHHS) - \$300,000 for Kresge Foundation Integrating Health and Human Services: System for Equitable and Thriving Communities; and adding to the Call of Bills for Final Reading **Bill 33-19**, Police - Community Policing.

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

No petitions were received this week.

C. **Approved** the minutes of February 4, 10, and 11, 2020, without objection.

(3) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

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

A. **Introduced** a supplemental appropriation to the County Government's FY20 Operating Budget, Montgomery County Fire and Rescue Service (MCFRS) - \$1,962,542 for FY20 Senator Aross Fire, Rescue and Ambulance Fund (State 508) Grant. A public hearing is tentatively scheduled for March 24, 2020, at 1:30 P.M.

B. **Received and Released** the Office of Legislative Oversight (OLO) Report (OLO) 2020-5: Contract Monitoring in Montgomery County Government.

C. **Approval of Executive Regulation 1-20, Extending the Sunset Date for the Montgomery County Personnel Regulations to March 1, 2021.**

This item was deleted from the agenda.

D. **Introduced** a special appropriation to Montgomery County Public School's (MCPS) FY20 Capital Budget and amendment to the FY19-24 Capital Improvements Program (CIP) - \$6,000,000 for Relocatable Classrooms. A public hearing is tentatively scheduled for March 31, 2020, at 1:30 P.M.

- E. **Introduced** a resolution to Designate the Montgomery County Collaboration Council for Children, Youth, and Families as the County's Local Management Board for Children, Youth, and Families. A Health and Human Services (HHS) Committee worksession is tentatively scheduled for March 23, 2020, at 1:30 P.M.
- F. **Introduced** a supplemental appropriation to the County Government's FY20 Operating Budget, Department of Health and Human Services (DHHS) - \$300,000 for Kresge Foundation Integrating Health and Human Services: System for Equitable and Thriving Communities. An HHS Committee worksession is tentatively scheduled for March 23, 2020, at 1:30 P.M. A public hearing and action is tentatively scheduled for March 24, 2020, at 1:30 P.M.
- G. **Introduced** a supplemental appropriation to the County Government's FY20 Operating Budget, DHHS - \$358,331 to increase somatic and Mental Health Services at MCPS. A public hearing is scheduled for March 24, 2020, at 1:30 P.M.
- H. **Received and Released** the OLO Report 2020-4: Youth Sports in Montgomery County.

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND  
IN LEGISLATIVE SESSION - Day #8**

(4) **Introduction of Bills**

C. **Bill 13-20**, County Property - Disposition - Affordable Housing

Introduced draft #2 of **Bill 13-20**, sponsored by Mr. Jawando. A public hearing is scheduled for March 31, 2020, at 1:30 P.M.

(4.5) **Call of Bills for Final Reading**

A. **Bill 33-19**, Police - Community Policing

Approved, without objection, Mr. Rice's motion to remove **Bill 33-19** from the table and present it for consideration by the Council.

Ms. Navarro, who was Council President when the subject bill was introduced, acknowledged the significant community input and said the purpose of the bill was to establish a framework for community policing in the County.

Mr. Jawando commented on the need for accurate data concerning police actions and noted the forthcoming Office of Legislative Oversight (OLO) reports on the collection and tracking of police data.

Approved without objection Mr. Jawando's motion to amend the bill to add a new paragraph under Reporting requirements as follows:

- (2) The Department must also provide the information reported under paragraph (1) to the Policing Advisory Commission established under Section 35-6.

Enacted draft #4 of **Bill 33-19**, as amended and shown at the end of these minutes.

The Public Safety Committee made the motion and the bill was enacted by a roll call vote:

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

#### **WORKSESSION - FY21-26 Capital Improvements Program (CIP)**

Straw votes were taken on the FY21-26 CIP budgets; final action is scheduled in May.

(6) **Recreation**

Mr. Rice, Chair of the Planning, Housing, and Economic Development (PHED) Committee, reviewed the Committee's recommendations as contained in the staff report.

Mr. Abornoz requested a Council discussion on youth sports in the County be scheduled.

Approved the subject CIP, as recommended by the PHED Committee.

(7) **General Government Projects**

Ms. Navarro, Chair of the Government Operations and Fiscal Policy (GO) Committee, reviewed the Committee's recommendation, as contained in the staff report.

Mr. Riemer requested the Department of General Services (DGS) look into establishing an electric bus fleet, citing the County's need to find additional space

for buses and noting that the lack of diesel emissions and quiet starting and running would reduce the impact on local neighborhoods.

Approved the subject CIP, as recommended by the GO Committee.

(9) [Health and Human Services](#)

Mr. Albornoz, Chair of the Health and Human Services (HHS) Committee, and Mr. Rice, Chair of the Education and Culture (E&C) Committee, reviewed the recommendations of the HHS and joint HHS/E&C Committees, as contained in the staff report. Ms. Barnes, Chief, Children, Youth, and Family Services, DHHS, participated in the discussion.

Mr. Glass expressed concern that the Progress Place building, which is relatively new, requires a \$1 million investment for renovation of the building.

Ms. Navarro commented on the importance of the Early Care and Education initiative, and that the County may need to consider subsidizing childcare in the schools.

Mr. Jawando requested a strategic plan be developed for all schools for the provision of academic, non-academic, and social and emotional support for all students in need of assistance.

Mr. Hucker suggested the Council receive a briefing on the status of the Kirwan Commission's recommendations.

Approved the subject CIP, as recommended by the HHS and HHS/E&C Committees.

(10) [Fire and Rescue](#)

Mr. Katz, Chair of the Public Safety (PS) Committee, reviewed the Committee's recommendations, as contained in the staff report. Fire Chief Goldstein, and Mr. Ossont, Deputy Director, DGS, and Ms. Silberman, Office of Management and Budget (OMB), participated in the discussion.

Noted that full time equivalent work hours (FTEs) were shown in error in the project description form (PDF) for White Flint Station 23 and would be removed until such time as funding is reflected in the operating budget statement.

Approved the subject CIP, as submitted by the County Executive.

(11) [Parks](#)

Mr. Riemer reviewed the recommendation of the PHED Committee, as contained in the staff report. Mr. Anderson, Chair, Montgomery County Planning Board, participated in the discussion.

Agreed to continue discussion of this item later in the afternoon.

The Council recessed at 12:09 P.M. and reconvened in the Council Hearing Room at 1:33 P.M.

(12) **PUBLIC HEARING/ACTION** - [Supplemental appropriation to the County Government's FY20 Operating Budget, Community Engagement Cluster, Office of Community Partnerships - \\$581,700 for 2020 Census Grant Program](#)

The public hearing was held and the record closed.

Adopted **Resolution 19-376**, approving the subject supplemental appropriation.

The Government Operations and Fiscal Policy (GO) Committee made the motion, which carried unanimously.

Ms. Navarro requested that the matter of repurposing of funds for this supplemental appropriation be taken up at a future GO meeting.

(13) **PUBLIC HEARING/ACTION** - [Supplemental appropriation to MCPS' FY20 Operating Budget, \\$351,050 for Alfred Noyes Pilot Project grant](#)

The public hearing was held and the record closed.

Adopted **Resolution 19-377**, approving the subject supplemental appropriation.

Mr. Rice made the motion, which carried unanimously.

(14) **INTERVIEWS** - [Applicants for Board of Investment Trustees for the Montgomery County Employee Retirement Plans and the Board of Trustees for the Consolidated Retiree Health Benefits Trust](#)

Interviewed Mr. Barry Kaplan and Mr. James McGee, applicants for appointment to the Montgomery County Employee Retirement Plans and the Board of Trustees for the Consolidated Retiree Health Benefits Trust.

**WORKSESSION - FY21-26 Capital Improvements Program** *(continued)*

(11) **Parks**

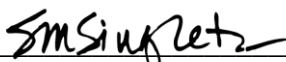
Participating in the discussion were Chair Anderson and Ms. Dunn, Senior Legislative Analyst.

Mr. Riemer and Ms. Dunn reviewed the Committee recommendations for new and ongoing Park projects, as contained in the staff report. He noted that a revised page 25 of the staff report was distributed showing the Affordability Reconciliation target (GO Bonds and Current Revenue) as \$10,028,000, which had been accepted by the Committee, and noted an added page 26 was distributed showing the net change of Committee recommendations on M-NCPPC's requested CIP, along with a chart showing FY21-26 versus Amended FY19-24 Expenditures. Mr. Riemer also noted that he expects the description for the Legacy Urban Space project to be revised to include a reference to the need for housing.

Approved the subject CIP, as recommended by the PHED Committee, without objection. Mr. Hucker was temporarily absent.

The meeting adjourned at 4:15 P.M.

This is a correct copy of Council action.

  
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Selena Mendy Singleton, Esq.  
Clerk of the Council

Bill No. 33-19  
 Concerning: Police – Community Policing  
 Revised: 3/10/2020 Draft No. 5  
 Introduced: October 15, 2019  
 Enacted: March 10, 2020  
 Executive: \_\_\_\_\_  
 Effective: \_\_\_\_\_  
 Sunset Date: None  
 Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

**COUNTY COUNCIL  
 FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsors: Council President Navarro and Councilmember Rice  
 Co-Sponsors: Councilmembers Hucker, Alborno, Jawando, Friedson, Glass, Council Vice President Katz and  
 Councilmember Riemer

**AN ACT** to:

- (1) set certain community policing guidelines;
- (2) require the Montgomery County Police Department to make certain reports;
- (3) make certain legislative findings; and
- (4) generally amend the law governing policing.

By ~~[[amending]]~~ adding

Montgomery County Code  
 Chapter 35, Police  
 Section ~~[[35-6]]~~ 35-6A

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

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



1 **Sec. 1. Section ~~[[35-6]] 35-6A~~ is ~~[[amended]]~~ **added** as follows:**

2 **35-6A. Community Policing.**

3 (a) Legislative findings.

4 (1) The United States Department of Justice advises that:

5 (A) [[Strong]] strong relationships of mutual trust between police agencies and the  
6 communities they serve are critical to maintaining public safety and effective  
7 policing[[.]]; and

8 (B) [[Police]] police officials rely on the cooperation of community members to  
9 provide information about crime in their neighborhoods, and to work with the  
10 police to devise solutions to crime and disorder problems[[.]]; and

11 (C) [[Community]] community members' willingness to trust the police depends on  
12 whether they believe that police actions reflect community values and  
13 incorporate the principles of procedural justice and legitimacy.

14 (2) The Police Executive Research Forum hosted a national meeting of police and  
15 community leaders. The following key issues and recommendations were determined to  
16 be useful to help police departments and their communities to develop collaborative  
17 strategies for moving forward. Police departments should:

18 (A) acknowledge and discuss with communities the challenges local police  
19 departments face;

20 (B) be transparent and accountable;

21 (C) take steps to reduce bias and improve cultural competency;

22 (D) maintain focus on the importance of collaboration and be visible in the  
23 community; and

24 (E) promote internal diversity and ensure professional growth opportunities.

25 (b) Community policing guidelines. To further community policing objectives:

26 (1) officers must strive to regularly initiate and engage in positive nonenforcement activities  
27 with their communities;

28 (2) the Department must ensure cultural competency throughout the Department and increase  
29 officer knowledge of the County's diverse population;

30 (3) the Department must emphasize the recruitment of candidates with ties to the County;

31 (4) the Department must increase community outreach initiatives and officers must attend  
32 community events on behalf of the Department;

33 (5) the Department must provide adequate training in de-escalation tactics; [[and]]

34 (6) [[the Department must maintain and expand the School Resource Officer Program, in  
35 recognition of its value to the community.]] the Police Chief must designate a liaison to  
36 each population that is disproportionately impacted by inequities, as appropriate; and

37 (7) the Department must incorporate mental health and positive youth development  
38 initiatives in partnership with County departments, agencies, and community-based  
39 organizations.

40 (c) Reporting requirements.

41 [[ (1) ] (1) By February 1 each year, the Montgomery County Department of Police must report the  
42 following information to the Executive and Council for the prior calendar year:

43 [[ (A) ] (1) ] (A) information about the demographic makeup of the Department,  
44 including:

45 [[ (A) ] (i) the total number of sworn police officers in the Department;

46 [[ (B) ] (ii) the total number of sworn racial minority police officers in the  
47 Department by race and ethnicity;

48 [[ (C) ] (iii) the total number of sworn female police officers in the Department;

49 [[ (D) ] (iv) the number of sworn police officers in the Department that reside in  
50 the County; and

51 [[ (E) ] (v) any other demographic information voluntarily provided by sworn  
52 police officers;

53 [[ (E) ] (2) ] (B) the number of recruiting events the Department sponsored or  
54 participated in the County;

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- [[F]] [[3]] (C) the number of instances of use of force that resulted in [the transport of a civilian to a hospital by an emergency vehicle.] an injury when the injury occurred as a direct result of an officer's actions;
- [[G]] [[4]] (D) the number of civilian complaints about the use of force by an officer;
- [[5]] (E) the number of civilian complaints regarding discrimination and harassment;
- [[H]] [[6]] (F) the number of officers who were suspended with pay;
- [[I]] [[7]] (G) the number of officers who were suspended without pay;
- [[J]] [[8]] (H) the percentage of patrol officers who were assigned to neighborhood patrols;
- [[K]] [[9]] (I) the number of youth under the age of 18 years referred to intervention programs by officers; [and]
- [[10]] (J) the number of calls for service involving substance abuse;
- [[11]] (K) the number of calls for service involving mental health issues;
- [[12]] (L) demographic information regarding individuals detained by the Department, including
  - [[A]] (i) race;
  - [[B]] (ii) ethnicity;
  - [[C]] (iii) gender; and
  - [[D]] (iv) any other demographic information voluntarily provided by the detainee;
- [[13]] (M) a description of the Department's training standards and practices, including training and practices related to de-escalation; and
- [[L]] [[14]] (N) a description of the Department's community policing efforts, including community policing programs, participation in town hall meetings, and efforts to engage with schools, recreation centers, community centers, and senior centers.

(2) The Department must also provide the information reported under paragraph (1) to the Policing Advisory Commission established under Section 35-6.



