



## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

**APPROVED**

Tuesday, April 28, 2020

The County Council for Montgomery County, Maryland convened via video conference at 9:37 A.M. on Tuesday, April 28, 2020.

### PRESENT

Councilmember Sidney Katz, President  
Councilmember Gabe Albornoz  
Councilmember Evan Glass  
Councilmember Nancy Navarro

Councilmember Tom Hucker, Vice President  
Councilmember Andrew Friedson  
Councilmember Will Jawando  
Councilmember Craig Rice

Councilmember Hans Riemer

The President in the Chair.

Mr. Albornoz recognized Dr. Mike Greenberg, for his service to those with developmental disabilities and the greater community at large.

### GENERAL BUSINESS

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

Ms. Singleton, Clerk of the Council, announced an addendum to the agenda, adding to the consent calendar introductions of three special appropriations to the County Government's FY20 Operating Budget for COVID-19 Human Services and Community Assistance Nondepartmental Account (NDA): \$750,000 for Support for COVID-19 Response - Food Assistance/Feeding Our Families; for the Department of Finance Economic Development Fund, Support for COVID-19 Response - \$250,000 for Telework Assistance Program; and for the Department of Health and Human Services (DHHS) - \$5,000,000 for COVID-19 Response: Community Assistance NDA.

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

No petitions were received.

C. Approved the minutes of March 3 and 10, 2020, without objection.

Mr. Hucker noted that today is Workers Memorial Day, and remembered Mr. Mike Miller, a County employee who died recently due to COVID-19.

(2) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

Mr. Hucker made the motion, which carried without objection.

A. Adopted **Resolution 19-429**, confirming the County Executive's appointments to the Commission on Aging: Karon Phillips, Ann Marie Serafenas, Katie Smith, Tho Tran, Hillery Tumba, Wayne Berman, Neal Brown, Joyce Dubow, Miriam Kelty, Victress Ruby Moone, Edgar Rivas, Maritza Rivera.

B. Adopted **Resolution 19-430**, confirming the County Executive's appointments to the District of Columbia Water and Sewer Authority: Adriana Hochberg, Fariba Kassiri.

C. Adopted **Resolution 19-431**, confirming the County Executive's appointment to the Workforce Development Board: Beth Lash.  
*Clerk's Note: Appointee name was not included in Resolution 19-385 adopted 3/24/20.*

D. **Introduced** a special appropriation to the County Government's FY20 Operating Budget, COVID-19 Human Services and Community Assistance Nondepartmental Account (NDA): \$750,000 for Support for COVID-19 Response - Food Assistance/Feeding Our Families. A public hearing and action are tentatively scheduled for April 30, 2020 at 1:30 pm.

E. **Introduced** a special appropriation to the County Government's FY20 Operating Budget, Department of Finance, Economic Development Fund, Support for COVID-19 Response - \$250,000 for Telework Assistance Program. A public hearing and action are tentatively scheduled for April 30, 2020 at 1:30 pm.

- F. **Introduced** a special appropriation to the County Government's FY20 Operating Budget, Department of Health and Human Services (DHHS) - \$5,000,000 for COVID-19 Response: Community Assistance Nondepartmental Account (NDA). A public hearing and action are tentatively scheduled for April 30, 2020 at 1:30 pm.

### **WORKSESSION - FY21 Operating Budget**

Mr. Katz stated that today is the first of four scheduled days for the Council to focus on a "continuation of services" budget, with a more detailed review to be conducted later this summer or fall. He noted that budget reductions would be addressed when the County Executive submits his savings plan early in FY21 when more information would be known regarding federal funding and revenues. County departments and agencies are being asked to minimize expenditures for the remainder of FY20, and a hiring freeze is in place. Mr. Katz announced that straw votes would be taken today, with follow-up meetings scheduled during the week of May 11, if needed.

(3) [MNCPPC \(including Park Police\)](#)

Senior Legislative Dunn and Legislative Analyst Farag reviewed the subject budget, as contained in the staff report. Planning Board Chair Anderson and Park Police Chief McSwain participated in the discussion.

Approved the subject budget, as recommended by Council staff.

Mr. Riemer made the motion, which carried without objection.

(4) [Fire and Rescue](#)

Participating in the discussion were Ms. Farag, Fire Chief Goldstein, Ms. Silberman, Office of Management and Budget (OMB); and Ms. Michaelson, Council Executive Director.

Discussed the additional 20 Paramedic training positions included in the County Executive's budget that are not included in the continuity of services budget. Noted staff's recommendation to not fund these training positions. The positions would be used to decrease overtime in the department and staff noted that savings would not be realized until FY22. Chief Goldstein said given current parameters, a new recruit class would not be able to start until January or February 2021. Mr. Albornoz suggested the Council come back to this issue after determining what budget items would be COVID-19 related and eligible for federal funding.

Approved the subject budget, as recommended by Council staff. Mr. Riemer made the motion which carried unanimously.

(5) [Office of Emergency Management and Homeland Security](#)

Participating in the discussion were Mr. Levchenko, Senior Legislative Analyst; Dr. Stoddard, Director, OEMHS, and Ms. Michaelson.

Mr. Levchenko reviewed the staff recommendation for a continuity of services budget.

Discussed Mr. Friedson's motion to amend the staff recommendation to include \$700,000 for security grants to faith-based and ethnic organizations. He later amended his motion with approval from Mr. Albornoz, who seconded the motion, to indicate "will make every effort to recoup the expenditure through federal funding." Mr. Friedson expressed the view that because he identified savings in the budget, it was prudent to move forward with the expenditure. Mr. Katz indicated he supported the intent of the motion but said the Council should adopt a same services budget until further information on revenue and the economic impact of COVID-19 is available.

Ms. Michaelson said the Council as a body must agree on any proposed savings and/or additions. She noted that recent special appropriations approved by the Council are COVID-related and are eligible for reimbursement under the CARES Act. Mr. Katz expressed concern about adding \$700,000 to a continuity of services budget. Mr. Katz called for a recess to allow time for clarification on his memo sent to councilmembers regarding the budget process.

The Council recessed at 12:08 P.M. and reconvened at 1:10 P.M.

**WORKSESSION - FY21 Operating Budget**

5) [Office of Emergency Management and Homeland Security \(continued\)](#)

Approved Mr. Friedson's motion to add \$700,000 for security grants to faith-based and ethnic organizations, with the understanding that every effort would be made to recoup the expenditure through federal funding. Mr. Riemer was temporarily absent.

Approved the subject operating budget, as recommended by Council staff, as amended. Mr. Jawando made the motion, which carried without objection. Mr. Riemer was temporarily absent. Later in the meeting, he indicated had he been present, he would have voted in the affirmative.

(6) [Office of Racial Equity and Social Justice Office](#)

Ms. Ward, Chief Equity Officer, participated in the discussion.

Ms. Navarro, Chair of the Government Operation and Fiscal Policy (GO) Committee, reviewed the recommended budget, as contained in the staff packet. She expressed the hope that this new Office would be proactive in providing information and recommendations to the Council to respond aggressively to racial disparities that exist in the County. Ms. Michaelson noted that the two positions included in this budget were shifted from other offices.

Approved the subject budget, as recommended by Council staff. Ms. Navarro made the motion, which carried unanimously.

(7) [Montgomery College](#)

Dr. Pollard, President, Montgomery College, participated in the discussion.

Council Deputy Director Howard reviewed the staff recommendation, as contained in the staff report. He noted that the College's request did include pay adjustments. Mr. Rice said the Council will have to come back to pay issues, to make sure treatment of the County's unions remains even.

Mr. Friedson suggested the College partner with the KID Museum for the Montgomery Can Code program.

Approved the subject operating budget, as recommended by Council staff. Mr. Rice made the motion, which carried unanimously.

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

(8) [Montgomery College](#)

Mr. Howard reviewed the five recommendations of the Education and Culture (E&C) Committee that were completed prior to the shutdown, as contained in the staff report; and items that were not reviewed by the Committee.

Approved without objection Mr. Rice's motion to not take the reduction for Information Technology (\$765,000) and Network Infrastructure and Server Operations (\$543,000).

Approved without objection Ms. Navarro's motion to add \$500,000 in FY21 current revenue to Facility Planning to support a feasibility study for expanding College facilities into the eastern part of the County.

Approved the subject CIP, as recommended by Council staff, as amended.  
Mr. Rice made the motion, which carried unanimously.

- (10) **PUBLIC HEARING/ACTION** - [Special Appropriation to the County Government's FY20 Operating Budget - \\$2,000,000 for COVID-19 Human Services Response and Community Assistance Non-Departmental Account \(NDA\) for housing stabilization and rental assistance](#)

The public hearing was held and the record closed.

Adopted **Resolution 19-432**, approving the subject special appropriation.

Mr. Glass made the motion, which carried unanimously.

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

- (9) [County Offices and Other Improvements/Other General Government](#)

Ms. Navarro, Chair of the Government Operations and Fiscal Policy (GO) Committee, noted that the Committee had met on some of the items. Mr. Dorfman, Director, Alcohol and Beverage Service (ABS); and Ms. Beck, OMB, participated in the discussion.

Mr. Friedson requested that funding for the ABS Retail Store Refresh be considered separately, as it was not discussed by the GO Committee.

Approved Mr. Jawando's motion to fund the ABS Retail Store Refresh in the amount of \$6.832 million. Mr. Friedson, Mr. Riemer, and Mr. Glass were opposed.

Approved the subject CIP budget, as recommended by Council staff.  
Ms. Navarro made the motion, which carried unanimously.

- (9.1) [Police: Master Lease Program for Body Armor](#)

Legislative Analyst Farag stated that this item was included in the County Executive's March 16 amendments, and that the Department would own the equipment.

Approved the subject CIP, as recommended by Council staff. Mr. Rice made the motion, which carried unanimously.

(9.2) [Fire and Rescue: apparatus replacement and Rockville Fire Station #3 Renovation](#)

Ms. Farag stated that these items were included in the County Executive's March 16 amendments.

Approved the subject CIP amendments, as recommended by Council staff. Mr. Rice made the motion, which carried unanimously.

**WORKSESSION - FY21 Operating Budget** *(continued)*

(11) [Sheriff](#)

Ms. Farag reviewed the staff recommendation for a continuity of services budget. Sheriff Popkin participated in the discussion.

Approved the subject budget, as recommended by Council staff. Mr. Rice made the motion, which carried unanimously.

(12) [Circuit Court](#)

Ms. Farag reviewed the staff recommendation for a continuity of services budget. Ms. Rupp, Court Administrator, participated in the discussion.

Noted that when the courts reopen, the Circuit Court may require additional staff and resources to address the case backlog due to the COVID-19 emergency.

Approved the subject budget, as recommended by Council staff. Ms. Navarro made the motion, which carried unanimously.

(13) [State's Attorney](#)

Ms. Farag reviewed the staff recommendation for a continuity of services budget. Mr. McCarthy, State's Attorney, participated in the discussion.

Mr. Katz noted that the State's Attorney's budget will be revisited when necessary to address backlog issues caused by the COVID-19 emergency.

Approved the subject budget, as recommended by Council staff. Mr. Friedson made the motion, which carried unanimously.

(14) [Department of Technology Services \(DTS\)](#)

Ms. Navarro reviewed the staff recommendations for a continuity of services budget, as contained in the staff report, and noted the heightened importance of DTS's infrastructure responsibility during the health crisis. Ms. Roper, Director, Chief Information Officer, and Dr. Toregas participated in the discussion.

Ms. Navarro noted that the increases in costs to migrate public services on digital platforms related to the COVID-19 emergency need to be identified and tracked.

Approved the subject budget, as recommended by Council staff. Ms. Navarro made the motion, which carried unanimously.

(15) [NDA: Interagency Technology Policy and Coordination Committee \(ITPCC\)](#)

Ms. Navarro reviewed the staff recommendations for a continuity of services budget, as contained in the staff report.

Approved the subject budget, as recommended by Council staff. Ms. Navarro made the motion, which carried unanimously.

(16) [Cable Television and Communications Plan](#)

Dr. Toregas reviewed the staff recommendations for a continuity of services budget, as contained in the staff report.

Approved the subject budget, as recommended by Council staff. Ms. Navarro made the motion, which carried unanimously.

(17) [NDA: Device Client Management](#)

Dr. Toregas and Ms. Farag reviewed the staff recommendations for a continuity of services budget, as contained in the staff report.

Approved the subject budget, as recommended by Council staff. Ms. Navarro made the motion, which carried unanimously.

(18) [NDA: Telecommunications](#)

Dr. Toregas reviewed the staff recommendations for a continuity of services budget, as contained in the staff report.



Approved the subject budget, as recommended by Council staff. Ms. Navarro made the motion, which carried unanimously.

(19) [Office of Procurement](#)

Participating in the discussion were Mr. Shetty, Director, Office of Procurement; Ms. Beck; and Dr. Toregas.

Ms. Navarro reviewed the staff recommendations for a continuity of services budget, as contained in the staff report.

Approved the subject budget, as recommended by Council staff. Ms. Navarro made the motion, which carried unanimously.

(20) [Community Engagement Cluster](#)

Ms. Chen reviewed the staff recommendations for a continuity of services budget, as contained in the staff report.

Approved the subject budget, as recommended by Council staff. Ms. Navarro made the motion, which carried unanimously.

(21) [County Attorney](#)

Participating in the discussion were Mr. Hansen, County Attorney and Mr. Drummer.

Ms. Navarro reviewed the staff recommendations for a continuity of services budget, as contained in the staff report. Mr. Drummer pointed out two technical corrections: \$603 for printing and mail adjustment, and \$89,922, rather than \$133,484, for .5 FTE Deputy Privacy Officer.

Approved the subject budget recommended by Council staff, as amended with technical corrections. Ms. Navarro made the motion, which carried unanimously.

Because of the length of the meeting, the Council President called a 5-minute break. The Council recessed at 4:09 P.M. and reconvened at 4:15 P.M.

(22) [Office of Human Rights](#)

Participating in the discussion were Mr. Stowe, Director, Office of Human Rights; and Ms. McMillan, Senior Legislative Analyst.

Mr. Albornoz, Chair of the Health and Human Services (HHS) Committee reviewed the staff recommendations for a continuity of services budget, as contained in the staff report, and noted that there was one item he disagreed with in that he supported the County Executive's recommendation to add 1.0 FTE for an Investigator II position to the Fair Housing Program.

After discussing the need for the position, especially in light of increased workload due to COVID-19 issues related to evictions and inspections, Mr. Albornoz made a motion that the Investigator II position be added to the list that the Council will take up at a later date and that staff check on the eligibility of the position for COVID-19 federal funding reimbursement. The motion passed unanimously.

Approved the subject budget recommended by Council staff, as amended. Mr. Albornoz made the motion, which carried unanimously.

(23) [Inspector General](#)

Participating in the discussion were Ms. Limarzi, Inspector General; and Mr. Smith, Legislative Analyst.

Mr. Smith reviewed the staff recommendations for a continuity of services budget, as contained in the staff report.

Ms. Navarro noted the need to come back in the fall to review the two auditing positions that were not included in the continuity of services budget, especially in light of needed oversight of emergency regulations and programs that were created to assist with the COVID-19 emergency.

Approved the subject budget, as recommended by Council staff. Ms. Navarro made the motion, which passed unanimously.

(24) [Office of Management and Budget](#)

Participating in the discussion were Mr. Madaleno, Director, Office of Management and Budget (OMB); and Mr. DeFazio, Senior Legislative Analyst, Office of Legislative Oversight (OLO).

Mr. DeFazio reviewed the staff recommendations for a continuity of services budget, as contained in the staff report.

Rejected Mr. Friedson motion to remove funding for two vacant positions (Program Specialist from the Ethics Commission, and Budget Specialist from Consumer Protection) to be shifted to OMB's Shared Administrative Resources Team.

YEAS: Friedson, Riemer

NAYS: Alborno, Glass, Jawando, Navarro, Rice, Hucker, Katz.

Approved the subject budget, as recommended by Council staff. Ms. Navarro made the motion, which passed unanimously.

(25) [Finance, Risk Management, and NDA for Risk Management](#)

Mr. DeFazio reviewed the staff recommendations for a continuity of services budget, as contained in the staff report.

Approved the subject budget, as recommended by Council staff. Ms. Navarro made the motion, which passed unanimously.

(26) [Office of Legislative Oversight and Independent Audit](#)

Mr. Cihlar, Director of OLO, reviewed the staff recommendations for a continuity of services budget, as contained in the staff report.

Approved the subject budget, as recommended by Council staff. Ms. Navarro made the motion, which passed unanimously.

(27) [Utilities](#)

Participating in the discussion were Mr. Dise, Director, Department of General Services (DGS); and Mr. Levchenko.

Mr. Hucker, Chair of the Transportation and Environment (T&E) Committee, suggested that staff work with OMB to determine current and future savings.

Mr. Levchenko reviewed the staff recommendations for a continuity of services budget, as contained in the staff report.

Mr. Friedson made a motion to reduce the Utilities budget based on OMB's 3<sup>rd</sup> Quarter Analysis, which assumes a year-end surplus of \$1,598,435. Noted that

DGS staff attribute most of the projected savings to energy savings measures over the past several years and not to the COVID-19 emergency. DGS is working to calculate changes in building energy usage related to the COVID-19 emergency, but has noted that many County buildings, are still operating. Later in the meeting Mr. Friedson withdrew his motion citing that it was no longer necessary.

Supported Mr. Hucker's motion to defer action on the Utilities budget until Council and OMB staff can provide more accurate budget figures.

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

(28) [Charter Review Commission \(CRC\)](#)

Ms. Wellons, Legislative Attorney, reviewed the staff recommendations for a continuity of services budget, as contained in the staff report.

Noted that due to the COVID-19 emergency, the CRC likely will be unable to complete its 2020 report in FY20, but plans to complete the report and submit it to the Council as expeditiously as possible once the CRC is able to reconvene.

Approved the subject budget, as recommended by Council staff. Ms. Navarro made the motion, which passed unanimously.

(29) [NDA: County Associations, Public Technology, Inc., Council of Governments, and Boards, Committees, Commissions](#)

Mr. Howard reviewed the staff recommendations for a continuity of services budget, as contained in the staff report.

Approved the subject budget, as recommended by Council staff. Ms. Navarro made the motion, which passed unanimously.

(30) [Public Information Office \(including 311\)](#)

Ms. Michaelson and Dr. Toregas reviewed the staff recommendations for a continuity of services budget, as contained in the staff report.

Approved the subject budget, as recommended by Council staff. Ms. Navarro made the motion, which passed unanimously.

The meeting adjourned at 5:57 P.M.

This is a correct copy of Council action.

*Approved/Signed by Clerk of the Council*

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Selena Mendy Singleton, Esq.  
Clerk of the Council