



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, June 9, 2020

The County Council for Montgomery County, Maryland convened via video conference at 10:02 A.M. on Tuesday, June 9, 2020.

PRESENT

Councilmember Sidney Katz, President
Councilmember Gabe Alborno
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.

Held a moment of silence for 8 minutes and 46 seconds in remembrance of George Floyd and how he was murdered, and the need for social and racial justice.

Mr. Glass said yesterday, he and the County Executive raised the Pride flag in Rockville to express support for members of the LGBTQ+ community. He also recognized Dr. Travis Gayles, County Health Officer, for his leadership and service to the County during the pandemic.

GENERAL BUSINESS

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

Ms. Singleton, Clerk of the Council, announced that the Report and Recommendations of the Charter Review Commission will be presented to the Council on June 23, 2020. The Council will conduct a public hearing on these recommendations and other proposed Charter Amendments on July 7, 2020, at 1:30 P.M.; and that the Council will hold a public hearing on **Bill 7-20**, Interagency Commission on Homelessness - Membership and Duties, on June 16, 2020, at 1:30 P.M.

Ms. Singleton also announced an addendum to the agenda, correcting the lead sponsors for the special appropriation to the County Government's

FY20 Operating Budget, Maryland Tech Council, Support for COVID-19 Response - \$250,000 for Business Continuity Task Force: Lead Sponsors are Councilmembers Riemer, Katz, Albornoz, Friedson, Glass, and Navarro; adding introduction of a special appropriation to the County Government's FY20 Operating Budget, Montgomery County Economic Development Corporation Nondepartmental Account (NDA), Support for COVID-19 Response - \$500,000 for 3R Initiative; introduction of a special appropriation to the County Government's FY20 Operating Budget, Early Care and Education Initiative (ECEI) Recovery Fund, \$10,000; and adding a proposed closed session immediately following the Council session to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom it has jurisdiction, pursuant to Maryland Code, General Provisions Article §3-305(b)(1)(i). The topic is a personnel matter concerning one or more specific employees.

- (1) [The Council is seeking applicants for the Policing Advisory Commission. The deadline is June 19, 2020, at 5:00 P.M.](#)

- (2) B. **Acknowledgement - [Receipt of Petitions](#)**

Acknowledged receipt of a petition from residents of Montgomery County supporting reallocation of the Montgomery County Police Department budget and the need for police reform.

- C. **Approved** the closed session minutes of May 6, 2020, without objection.

- (3) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.
Mr. Rice made the motion, which carried without objection.

- A. **Introduced** a supplemental appropriation to Montgomery College's FY20 Operating Budget - \$1,000,000 for CARES Act Higher Education Emergency Relief Funding. A public hearing and action are tentatively scheduled for June 23, 2020, at 1:30 P.M.
- B. **Introduced** a special appropriation to the County Government's FY20 Operating Budget - \$80,000,000 for Federal Coronavirus Relief Fund NDA. A public hearing and action are tentatively scheduled for June 16, 2020, at 1:30 P.M.

- C. **Introduced/Suspended Rules and Adopted Resolution 19-486**, acknowledging election returns from Village of Drummond.
Approved Mr. Friedson's motion to suspend the rules to allow immediate action, without objection.
- D. **Approved** the appointment of special counsel to assist the Office of the County Attorney to conduct investigations and provide legal advice in connection with implementation of Section 5, Equal Employment Opportunity, of the Montgomery County Personnel Regulations (Whiteford Taylor and Preston, LLP and Miles and Stockbridge).
- E. Adopted **Resolution 19-487**, confirming the County Executive appointment to the Commission on Aging: Nanine Meiklejohn.
- F. Adopted **Resolution 19-488**, confirming the County Executive appointment to the Early Childhood Coordinating Council: Stephanie D. Brant.
- G. Adopted **Resolution 19-489**, confirming the County Executive appointment to the Board of Investment Trustees and Consolidated Retiree Health Benefits Trust Board of Trustees: Barry Kaplan.
- H. **Received and Released** the Office of Legislative Oversight (OLO) COVID-19 Recovery Outlook papers:
 - 1. Office & Industrial Commercial Real Estate
 - 2. Telework and Economic Development
 - 3. Public Transit in a Pandemic Environment
 - 4. Commercial Real Estate - Hospitality Sector
- I. **Introduced** a special appropriation to the County Government's FY20 Operating Budget, Maryland Tech Council, Support for COVID-19 Response - \$250,000 for Business Continuity Task Force. A public hearing and action will be scheduled for a future date. Mr. Rice and Mr. Hucker requested to be added as co-sponsors.
- J. **Introduced** a special appropriation to the County Government's FY20 Operating Budget, Montgomery County Economic Development Corporation NDA, Support for COVID-19 Response - \$500,000 for 3R Initiative. A public hearing and action are scheduled for a future date.
- K. **Introduced** a special appropriation to the County Government's FY20 Operating Budget, Early Care and Education NDA, COVID-19 Early Care and Education Initiative (ECEI) Recovery Fund, \$10,000,000. A public hearing and action are tentatively scheduled for June 16, 2020, at 1:30 P.M. Councilmembers Rice, Hucker, Alborno and Glass requested to be added as co-sponsors.

(3.5) **INTRODUCTION - Resolution to Declare Racism as a Public Health Crisis**

Introduced the subject resolution, sponsored by the County Council.

Councilmembers spoke to the need to address systemic racism, which is at the heart of inequitable outcomes for African Americans and people of color. Action is scheduled for June 16, 2020.

(5) **COUNCIL SITTING AS BOARD OF HEALTH**

A. Update - Novel Coronavirus (COVID-19) and County Public Health Planning

Participating in the discussion were Dr. Gayles, County Health Officer and Chief, Public Health Services, Dr. Crowel, Director, Department of Health and Human Services (DHHS); and Dr. Stoddard, Director, Office of Emergency Management and Homeland Security (OEMHS).

Dr. Gayles reviewed current State and local case statistics, noting the current State total of 58,904 with 12,958 in Montgomery County. Over 74,000 County residents have been tested (6.3%) with a 9.6% positivity rate. The number of new cases is dropping, and Dr. Gayles indicated he is looking for a sustained significant decrease in daily case counts. The number of patients in intensive care remains high, and 75 intensive care unit beds have been added by the State. The Department is looking at best practices from other jurisdictions and is working with all agencies to strategically address the surveillance component and is working to support outreach efforts regarding virus transmission prevention. The nursing homes with the highest number of cases have been identified and are conducting remediation work.

Dr. Gayles responded to questions from Councilmembers, pointing out that even though hospitalization rates are dropping, patients are staying in the hospital longer. He stated that asymptomatic carriers can transmit the virus, that they are working to increase testing and tracing, particularly in highly impacted areas; they are waiting for high-throughput testing to become available and there will be a soft launch of testing County employees; and that religious-type activities are very high on the risk factor for transmission of the virus. Dr. Gayles reviewed the metrics needed to move the County into Phase 2 of reopening.

Dr. Stoddard commented that discussions have taken place regarding faith-based activities and how to best mitigate associated risks; that distribution of personal protective equipment (PPEs) and cleaning supplies to childcare facilities, group homes and private facilities is ongoing, Ride On bus service has increased, and that the majority of calls to 311 have concerned the Emergency Assistance Relief Payment (EARP) and rental assistance programs. He is working with Ms. Ward, Racial Equity Officer, on how to ensure racial equity is included in all programs. Dr. Stoddard said 282

businesses were visited and most are complying with County protocols. He stated the goal is to provide businesses with information to allow them to operate safely, not to take punitive measures.

Dr. Crowel thanked the Council for introducing the resolution on racial equity as a public health crisis and commented on systemic racial issues. He said DHHS is working to increase contact tracing and to assist in the most impacted areas of the County.

The Council recessed at 12:26 P.M. and reconvened at 1:34 P.M.

(6) **PUBLIC HEARING - Amendments to the Comprehensive Water Supply and Sewerage Systems Plan**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on June 9, 2020. A Transportation and Environment (T&E) Committee is tentatively scheduled for June 15, 2020.

(7) **PUBLIC HEARING - Supplemental appropriation to the County Government's FY20 Operating Budget, Department of Police, Governor's Office of Crime Control and Prevention (GOCCP) - \$549,709 for Sex Assault Kit Testing (SAKT) Award**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on June 10, 2020. Action is scheduled for June 16, 2020.

(8) **PUBLIC HEARING - Bill 8-20, Bicycles and E-Scooters - Operating Requirements and Registration**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on June 10, 2020. A joint Public Safety (PS) and T&E Committee is tentatively scheduled for June 25, 2020.

(9) **PUBLIC HEARING/ACTION - Special Appropriation to the FY20 Operating Budget WorkSource Montgomery NDA, Support for COVID-19 Response - Unemployment Insurance Outreach, \$40,000**

The public hearing was conducted, and the record closed.

Adopted **Resolution 19-490**, approving the subject special appropriation.

Mr. Reimer made the motion, which carried unanimously.

(10) **PUBLIC HEARING/ACTION** - [Special Appropriation to the Montgomery County Public Schools’\(MCPS\) FY20 Capital Budget, and Amendment to the FY19-24 Capital Improvements Program \(CIP\) - \\$446,075 for Technology Modernization Project](#)

The public hearing was conducted, and the record closed.

Adopted **Resolution 19-491**, approving the subject special appropriation and amendment to the FY19-24 CIP.

Mr. Rice made the motion, which carried unanimously.

(4) **DISTRICT COUNCIL SESSION**

A. **Action** - [Hearing Examiner’s report and recommendation - Local Map Amendment \(LMA\) H-135; an Amendment to the Zoning Ordinance Map to rezone 33.64 acres of property located at 10400 Fernwood Road, Bethesda, MD from CR \(Commercial/Residential Zone\) - 1.5, C-0.75, R-0.75, H-150 to the CRF \(Commercial/Residential Floating Zone\) - 1.5, C-0.75, R-1.5, H-150](#)

Mr. Zyontz, Senior Legislative Analyst, reviewed the key points regarding LMA H-135, as contained in the staff report. Ms. Hannan, Hearing Examiner, Office of Zoning and Administrative Hearings (OZAH), presented her report and recommendation.

Adopted **Resolution 19-492**, approving LMA H-135. Mr. Riemer made the motion and the resolution was adopted by a roll call vote:

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

(11) **UPDATE:** [Food Security Issues During COVID](#)

Participating in the discussion were Dr. Stoddard, Director, and Ms. Squires and Ms. Davis, Food Security Task Force Leads, OEMHS; Mr. Hodge, Food Security Task Force Lead, DHHS; Ms. Bruskin, Executive Director, Montgomery County Food Council and Food Security Task Force Lead; Ms. DeCarlo, Executive Director, Manna Food Center; Ms. Muthiah, CEO, Capital Area Food Bank; Ms. Dawson, Director, Department of Material Management, MCPS; and Ms. Yao, Legislative Analyst.

Received an update on the implementation of the Montgomery County Food Security Task Force report “COVID19 Pandemic Food Security Response Strategy” (FSRS). The Task Force, jointly led by DHHS, OEMHS and the Montgomery County Food Council, submitted its initial strategy to the County

Executive on May 1 to respond to food security challenges caused by the pandemic. Noted that there has been a dramatic increase in demand compared to the previous year, for example, at the end of May there was an 82% increase in food distributed. Over 1.57 million pounds of food and 2.82 million prepared meals have been provided to residents since the pandemic began.

Received an operational update on FSRS, including logistics and coordination among over 150 food assistance providers and community partners, transportation and distributions hubs, top served Zip codes, County resources supporting food assistance, bulk food purchases, increase in demand for shelf-stable pantry items, response to supply chain disruptions, prepared meal delivery to seniors, Food Access Call Center and translations services, and outreach for food assistance.

Discussed planned next steps and improvements: technology enhancements to facilitate residents' requests for assistance, fresh food from local sources, community-level engagement and coordination, Supplemental Nutrition Assistance Program (SNAP) outreach and community resources navigator initiatives, increasing communication and referral tools, building partnerships, expanding community-level food production, fostering public-private partnerships and private sector investment, federal and state program implementation advocacy, and regional engagement.

Discussed budgetary needs, noting that the six-month budget to execute the food security strategy was estimated at \$41,550,000 and that there will be a need to extend funding for operations beyond December 2020 due to the anticipated long-term economic recovery.

Councilmembers followed-up with questions on racial equity in top served Zip codes, technology enhancements, tracking funding appropriations, increasing participation in SNAP and the use of benefits at farmers markets, the Farm to Food Bank program, connecting volunteers, hub models, outreach to nonprofits that did not receive grant funding to utilize those nonprofits' connectivity with hard to reach community groups, culturally appropriate food, and meals for school students over the summer.

Mr. Riemer stated that an increase in the maximum amount currently refundable to residents under the Working Families Income Supplement should be explored in light of the extended IRS tax filing deadline to July 15, 2020. Noted that more eligible residents should be aware of the Earned Income Tax Credit (EITC) and take advantage of the tax credit.

Announced that the Health and Human Services (HHS) Committee will continue the discussion on food security issues during COVID-19 on June 11, 2020.

Motion to Close

Agreed to meet in closed session to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom it has jurisdiction, pursuant to Maryland Code, General Provisions Article §3-305(b)(1)(i). The topic was a personnel matter concerning one or more specific employees.

Mr. Riemer made the motion which carried unanimously.

The Council adjourned the open session at 4:18 P.M. and reconvened in closed session via video conference at 4:20 P.M.

The meeting adjourned at 5:58 P.M.

Report of Closed Session of June 9, 2020

In compliance with §3-306(c)(2), General Provisions Article, Maryland Code, the following is a report of the County Council's closed session of Tuesday, June 9, 2020. The Council convened in closed session at 4:20 P.M. via video conference call to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom it has jurisdiction, pursuant to Maryland Code, General Provisions Article §3-305(b)(1)(i). The topic was a personnel matter concerning one or more specific employees.

The meeting was closed on a motion by Mr. Riemer, which carried without objection. The following persons were present: Councilmembers Katz, Hucker, Alborno, Friedson, Glass, Jawando, Navarro, Rice and Riemer; Chiefs of Staff Mandel-Trupp, Carranza, Gibson, Ikheloa, Kunes, Ledner, Nurmi, Silverman and Thorne; Ms. Michaelson, Council Executive Director; Mr. Howard, Deputy Director; Ms. Marin, Administrative Services Manager; Mr. Drummer, Senior Legislative Attorney; Mr. Jones, Human Resource Specialist, Office of Human Resources; and Ms. Singleton, Clerk of the Council.

Action: None

This is a correct copy of Council action.

Approved/Signed by Clerk of the Council

Selena Mendy Singleton, Esq.
Clerk of the Council