



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, June 23, 2020

The County Council for Montgomery County, Maryland convened via video conference at 9:32 A.M. on Tuesday, June 23, 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.

GENERAL BUSINESS

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

Ms. Singleton, Clerk of the Council, announced an addendum to the agenda, adding introduction of special appropriations to the County Government's FY21 Operating Budget, for Arts and Humanities Council of Montgomery County Non-Departmental Account (NDA) - \$3,250,000 for Arts COVID-19 Relief Fund; and for the Economic Development Fund - \$14,000,000 for Support for COVID-19 Response Reopen Montgomery; adding Mr. Hucker as a co-sponsor of Subdivision Regulation 20-01 concerning Rules of Interpretation - Computing Time Periods; and correcting **Bill 25-19** to show as expedited.

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

There were no petitions received this week.

C. **Action** - Approval of Minutes

Approved the Closed Session minutes of June 9, 2020, without objection.

(2) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

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

- A. **Introduced and Adopted Resolution 19-501**, approving the County Executive's appointment of Municipal and County Government Employees' Organization (MCGEO) Labor Relations Administrator: Andrew Strongin.
- B. Adopted **Resolution 19-502**, confirming the County Executive's appointments to the Citizens Review Panel for Children: Wilma Brier, Kathleen Dunn, Stacey McNeely, Laura Brown, Marci McCoy-Roth.
- C. Adopted **Resolution 19-503**, confirming the County Executive's appointments to the Early Childhood Coordinating Council: Jody Burghardt, Kimberly Rusnak.
- D. Adopted **Resolution 19-504**, confirming the County Executive's appointment to the Library Board: Suzette Spencer.
- E. Adopted **Resolution 19-505**, approving the Tax Supported Fiscal Plan Summary for FY21-26 Public Services Program.
- F. **Introduced** a special appropriation to the County Government's FY21 Operating Budget, Department of Health and Human Services (DHHS) - \$592,202 for Mobile Crisis Response. A public hearing is tentatively scheduled for July 7, 2020 at 1:30 pm.
- G. **Approved** recommendation to the County Executive for appointment of Council representative to the Racial Equity and Social Justice Advisory Committee: Ms. Selena Mendy Singleton.
- H. **Received and Released** the Office of Legislative Oversight (OLO) COVID-19 Recovery Outlook papers:
 - 5. Small Businesses
 - 6. Rental Housing Evictions
- I. **Introduced** a special appropriation to the County Government's FY21 Operating Budget, Arts and Humanities Council of Montgomery County NDA - \$3,250,000 for Arts COVID-19 Relief Fund. A public hearing is tentatively scheduled for July 7, 2020 at 1:30 P.M.

- J. **Introduced** a special appropriation to the County Government's FY21 Operating Budget, Economic Development Fund - \$14,000,000 for Support for COVID-19 Response Reopen Montgomery. A public hearing is tentatively scheduled for July 7, 2020 at 1:30 P.M.

(3) **PRESENTATION** - [Report of the Charter Review Commission \(CRC\)](#)

Participating in the discussion were Mr. Margolies, Chair, and Mr. Danley, Member, CRC; and Ms. Wellons, Legislative Attorney.

Mr. Margolies presented the 2020 report of the CRC, stating that the structure of the County Council was the only issue studied this year. The CRC majority recommended against changes to the size and composition of the Council.

Mr. Danley presented the minority recommendation that there should be a Charter amendment that would create a Council comprised of nine district seats.

A public hearing on the CRC recommendations is scheduled for July 7, 2020 at 1:30 P.M.

(4) **DISTRICT COUNCIL SESSION**

- A. **Introduction** - [Subdivision Regulation Amendment 20-01 concerning Rules of Interpretation - Computing Time Periods](#)

Postponed to the afternoon.

- B. **Worksession** - [Germantown Plan for the Town Sector Zone](#)

Postponed to the afternoon.

(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, DHHS; and Dr. Stoddard, Director, Office of Emergency Management and Homeland Security (OEMHS).

Dr. Gayles reviewed current cases and positivity rate (6.6%) noting that to date, 7.9% of the County population has been tested. The State is providing test kits directly to nursing homes for residents and staff to be tested on a bi-weekly basis until no cases remain in those facilities, and the County will continue to provide support. The County is undertaking extensive outreach to

the most impacted communities and working with organizations within those communities, such as churches and non-profits groups, to provide testing. Testing will be available on June 25 at the Takoma Park Recreation Center, and DHHS staff will be onsite to provide linkages to social services. Volunteers with Project Hope will be assisting with mobile testing at nursing facilities and group homes. Site selection for placement of mobile units is being finalized and testing of first responders and County employees is being expanded. More contact tracers are being hired and Dr. Gayles noted that 100% of new cases were traced within 24 hours. The Department is working with the State and Prince George's County to discuss partnering to obtain increased epidemiology support from the Centers for Disease Control (CDC). Dr. Gayles and Dr. Stoddard reviewed the reopening criteria for parks and playgrounds and responded to questions from Councilmembers.

The meeting recessed at 12:05 P.M. and reconvened at 1:37 P.M.

- (6) **PUBLIC HEARING/ACTION** - [Special appropriation to the County Government's FY20 Operating Budget, COVID-19 Human Services and Community Assistance NDA, Support for COVID-19 Response - \\$10,500,000 for Montgomery County Food Security Fund and amendment to FY20 Operating Budget Resolution 19-128, Section G, FY20 Designation of Entities for Non-Competitive Award Status: Greater Washington Community Foundation](#)

The public hearing was conducted, and the record closed.

Unanimously supported Mr. Jawando's motion to reduce funding from \$10.5 to \$10.3 million in the draft resolution, as contained in the staff report, as follows:

The County will enter into a public/private partnership with the Greater Washington Community Foundation to establish the Montgomery County Food Security Fund to support the implementation of the food security strategy. The County will provide seed funding of up to \$300,000 ~~[[\$500,000]]~~ to the Community Foundation to initiate the fund. The County will commit \$10,000,000 appropriated through this resolution to implement the COVID-19 Pandemic Food Security Response Strategy with the goal of raising \$5,000,000 in private donations in the Montgomery County Food Security Fund.

Adopted **Resolution 19-506**, as amended, approving the subject special appropriation.

Mr. Jawando made the motion, which carried unanimously.

- (7) **PUBLIC HEARING/ACTION** - Special appropriation to the County Government's FY20 Operating Budget, Department of Health and Human Services (DHHS) - \$565,706 for Positive Youth Development Program

The public hearing was conducted, and the record closed.

Adopted **Resolution 19-507**, approving the subject special appropriation.

Ms. Navarro made the motion, which carried unanimously.

- (8) **PUBLIC HEARING/ACTION** - Supplemental appropriation to Montgomery College's FY20 Operating Budget - \$1,000,000 for CARES Act Higher Education Emergency Relief Funding

The public hearing was conducted ,and the record closed.

Adopted **Resolution 19-508**, approving the subject supplemental appropriation.

Mr. Rice made the motion, which carried unanimously.

- (9) **PUBLIC HEARING/ACTION** - Special Appropriation to the FY20 Operating Budget, Montgomery County Public Schools' (MCPS) FY20 Operating Budget - \$123,000 for the Verizon Innovative Learning Program Grant

The public hearing was conducted, and the record closed.

Adopted **Resolution 19-509**, approving the subject special appropriation.

Mr. Rice made the motion, which carried unanimously.

- (10) **PUBLIC HEARING/ACTION** - Special Appropriation to MCPS' FY20 Operating Budget - \$125,000 for the Individuals with Disabilities Education Act-Part B Grant

The public hearing was conducted, and the record closed.

Adopted **Resolution 19-510**, approving the subject special appropriation.

Mr. Rice made the motion, which carried unanimously.

- (11) **PUBLIC HEARING/ACTION** - Special Appropriation to MCPS' FY20 Operating Budget - \$202,805 for the Head Start State Supplemental Continuation Grant

The public hearing was conducted, and the record closed.

Adopted **Resolution 19-511**, approving the subject special appropriation.

Mr. Rice made the motion, which carried unanimously.

- (12) **PUBLIC HEARING/ACTION** - Special Appropriation to MCPS' FY20 Capital Budget and Amendment to the FY19-24 Capital Improvements Program (CIP) - \$1,281,117 for the Technology Modernization Project

The public hearing was conducted, and the record closed.

Adopted **Resolution 19-512**, approving the subject special appropriation.

Mr. Rice made the motion, which carried unanimously.

- (13) **PUBLIC HEARING/ACTION** - Special appropriation to MCPS' FY20 Operating Budget - \$24,768,196 for CARES Act Elementary and Secondary School Emergency Relief Fund

The public hearing was conducted, and the record closed.

Adopted **Resolution 19-513**, approving the subject special appropriation.

Mr. Rice made the motion, which carried unanimously.

- (14) **PUBLIC HEARING/ACTION** - Special appropriation to the County Government's FY20 Operating Budget, DHHS - \$2,622,961 for Federal Older Americans CARES and Families First Coronavirus Response Act (FFCRA) Grants

The public hearing was conducted, and the record closed.

Adopted **Resolution 19-514**, approving the subject special appropriation.

Ms. Navarro made the motion, which carried unanimously.

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION - Day #20**

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

A. [Expedited Bill 25-19, Contracts and Procurement - Local Business Preference Program - Established](#)

Participating in the discussion were Mr. Shetty, Director, Office of Procurement; and Mr. Drummer, Senior Legislative Attorney.

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

Approved, without objection, Ms. Navarro's amendment to change the effective date from July 1, 2002, to August 1, 2020, to give the Office of Procurement more time to prepare for this change in the procurement procedures.

Enacted draft #3 of **Expedited Bill 25-19**, as amended and contained at the end of these minutes.

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

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

(16) **DISCUSSION/PRESENTATION: [Economic Recovery Committees](#)**

Participating in the discussion were Ms. Kassiri, Deputy Chief Administrative Officer, Mr. Fletcher, Assistant Chief Administrative Officer, Ms. Benjamin, Director, Special Projects, Office of the County Executive; Dr. Crowel, Director, DHHS; Dr. Stoddard, Director, OEMHS; Mr. Nigam, Director, Department of Housing and Community Affairs (DHCA); and Dr. Pollard, President, Montgomery College.

Dr. Stoddard, as Recovery Manager, updated the Council on recovery efforts related to Racial Equity, Public Health, Economic, and Community Advisory Groups, the Q&A Team, Phase 2 County Reopening, Reconstitution of County Worksites, and Childcare.

Received a briefing and status update on the County's recovery efforts related to COVID-19 from the five mission area recovery teams and their subgroups, including: Government Operations and Services, Economic Revitalization, Health and Human Services, Housing, and Education, as contained in the Recovery Situation Report that is included in the staff report. Noted that the Recovery Situation Report will be updated weekly.

(4) **DISTRICT COUNCIL SESSION**

A. **Introduction** - [Subdivision Regulation Amendment \(SRA\) 20-01 concerning Rules of Interpretation - Computing Time Periods](#)

Introduced draft #5 of SRA 20-01, sponsored by Councilmember Riemer, and co-sponsored by Councilmembers Friedson, Navarro and Hucker. A public hearing is scheduled for July 28, 2020, at 1:30 P.M.

B. **Worksession** - [Germantown Plan for the Town Sector Zone](#)

Participating in the discussion were Chair Anderson, Montgomery County Planning Board; Ms. Wright, Director, Planning Department, Maryland-National Capital Park and Planning Commission (M-NCPPC); and Ms. Dunn, Senior Legislative Analyst.

Ms. Katz stated that this is a worksession for the Germantown Plan for the Town Sector Zone and that action is scheduled for July 21, 2020.

Mr. Riemer, Chair of the Planning, Housing and Economic Development (PHED) Committee, noted that the purpose of the Plan is to replace the existing Town Sector zoning with current classifications for the Churchill Village community of Germantown.

Ms. Dunn reviewed the methodology for proposed zoning translation and the Committee's recommendation for the proposed change in zoning for properties in the four districts of the Plan area, as contained in the staff report.

Staff noted that an issue has been addressed by the Committee where the proposed zoning was non-conforming and that the properties have been translated to conforming zones, as reflected in the tables in the staff report.

The Plan recommended new zones based on three community goals: maintain the residential core; protect open space and recreation areas; and support neighborhood-serving commercial uses. Councilmembers had no objections to the Committee recommendations and stated that they were impressed with the Plan.

The meeting adjourned at 4:04 P.M.

This is a correct copy of Council action.

Approved/Signed by Clerk of the Council

Selena Mendy Singleton, Esq.
Clerk of the Council

Expedited Bill No. 25-19
 Concerning: Contracts and Procurement
- Local Business Preference
Program - Established
 Revised: June 23, 2020 Draft No. 4
 Introduced: September 17, 2019
 Enacted: June 23, 2020
 Executive: _____
 Effective: _____
 Sunset Date: None
 Ch. _____, Laws of Mont. Co. _____

**COUNTY COUNCIL
 FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Council President at the Request of the County Executive

AN EXPEDITED ACT to:

- (1) increase the number of local businesses awarded County contracts;
- (2) establish a Local Business Preference Program for certain County contracts; and
- (3) generally amend the law governing County procurement.

By adding

Montgomery County Code
 Chapter 11B, Contracts and Procurement
 Article XXI. Local Preference Program
 Sections 11B-92, 11B-93, 11B-94, 11B-95, 11B-96, 11B-97, and 11B-98

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<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. Sections 11B-92, 11B-93, 11B-94, 11B-95, 11B-96, 11B-97, and 11B-**
2 **98 are added as follows:**

3 **ARTICLE XXI. Local Business Preference Program.**

4 **11B-92. Purpose.**

5 This Article is intended to bolster the County's economic growth and support the
6 creation and retention of employment opportunities within the County by establishing a ten
7 percent (10%) preference for the award of a County contract to a County-based business.

8 **11B-93. Definitions.**

9 In this Article, the following words have the meanings indicated.

10 Broker means a person that provides goods or services (other than real estate,
11 investment, or insurance sales) on a pass-through basis as:

12 (a) a supplier of goods who:

13 (1) does not own, operate, or maintain a place of business in which goods
14 of the general character required under the contract are kept in stock in
15 the regular course of business;

16 (2) does not regularly assume physical custody or possession of goods of
17 comparable character to those offered to the County; or

18 (3) exclusively acts as a middleman in the sale of goods to the County; or

19 (b) a supplier of services who does not regularly maintain the capability, capacity,
20 training, experience, and applicable regulatory licensing to directly perform
21 the principal tasks of a contract with the County and must provide the
22 principal tasks through a subcontract with a third party.

23 Director means the Director of the Office of Procurement or the Director's designee.

24 Local Business means a business, other than a broker, that:

25 (a) has its principal place of business in the County;

26 (b) meets criteria established by method 2 regulations; and

27 (c) is certified by the Director as a Local Business under the provisions of this
28 Article.

29 **11B-94. Applicability.**

30 This Article applies to all procurement purchases solicited under Sections 11B-9 or
31 11B-10.

32 **11B-95. Procedures.**

33 (a) Eligibility. To be eligible for local business preference points, a business
34 must affirm and provide supporting documentation to the Director to show
35 that it is a local business as defined in Section 11B-93. The Director may
36 investigate and verify the information provided on the application, as
37 necessary, and must certify a business as a local business for the purposes of
38 this Article.

39 (b) Certification. Preference points must be applied only to a business:

40 (1) that has a valid local business certification when the business submits a
41 bid or proposal; or

42 (2) who has applied for local business certification before the time to
43 submit a bid or proposal has passed.

44 (c) Notice. The Director must publicly notify businesses of prospective
45 procurement opportunities.

46 (d) Competitive sealed bids. The Director must adjust the bid of a Local Business
47 who submits a bid in response to an Invitation for Bid issued under Section
48 11B-9:

49 (1) by reducing the bid price(s) by a factor of 10%, but not to exceed
50 \$200,000, for the purposes of evaluation and award only; or

51 (2) if a Local Business is eligible for a reciprocal preference pursuant to
52 Section 11B-9(j), the bid of the Local Business must be adjusted by
53 that reciprocal preference if it exceeds the 10% preference factor.

54 The Local Business preference points authorized under this Article must not
55 be combined with reciprocal preference points authorized under Section 11B-
56 9(j).

57 (e) Competitive sealed proposals. The Director must include an evaluation factor
58 awarding additional points for a proposal from a Local Business worth 10% of

59 the total available points in a Request for Proposals issued under Section 11B-
60 10.

61 (f) Waiver. The Director may waive a bid or proposal preference under this
62 Section in a solicitation if the Director finds that a preference would result in
63 the loss to the County of Federal or State funds.

64 **11B-96. Regulations.**

65 The Executive must adopt regulations, by Method 2, to implement this Article. The
66 regulations must include:

- 67 (a) Certification requirements for a business to qualify as a Local Business;
- 68 (b) Procedures to certify, re-certify, or decertify a Local Business; and
- 69 (c) Procedures that will enable the Director to monitor compliance with the Local
70 Business Preference Program.

71 **11B-97. Reports.**

72 By October 31st of each year, the Director must report to the Council on the Local
73 Business Preference Program. This report must include the number, solicitation type and
74 dollar amount of contracts that were awarded pursuant to the Program.

75 **11B-98. Penalty.**

- 76 (a) A person must not:
 - 77 (1) fraudulently obtain or retain, attempt to obtain or retain, or aid another
78 person in fraudulently obtaining or retaining, or attempting to obtain or
79 retain, certification as a Local Business;
 - 80 (2) willfully make a false statement to a County official or employee for
81 the purpose of influencing the certification of an entity as a Local
82 Business; or
 - 83 (3) fraudulently obtain, attempt to obtain, or aid another person in
84 fraudulently obtaining, or attempting to obtain, public monies to which
85 the person is not entitled under this Article.
- 86 (b) A violation of this Article:
 - 87 (1) is a class A violation; and

88 (2) may disqualify the violator from doing business with the County for up
89 to 2 years.

90 **Sec. 2. Expedited Effective Date**

91 The Council declares that this legislation is necessary for the immediate
92 protection of the public interest. This Act takes effect on ~~[[January 1, 2020]]~~ ~~[[July 1,~~
93 ~~2020]]~~ August 1, 2020 and must apply to a solicitation issued under Section 11B-9 or
94 Section 11B-10 on or after ~~[[January 1, 2020]]~~ ~~[[July 1, 2020]]~~ August 1, 2020.

