



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, July 7, 2020

The County Council for Montgomery County, Maryland convened via video conference at 9:30 A.M. on Tuesday, July 7, 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.

The Council held a moment of silence for Sidney Randolph, victim of a lynching in Rockville on July 4, 1896.

GENERAL BUSINESS

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

Ms. Singleton, Clerk of the Council, announced an addendum to the agenda, correcting the introduction of a special appropriation to the Housing Opportunities Commission's [County Government's] FY21 Capital Budget and amendment to the FY21-26 Capital Improvements Program (CIP) - \$2,800,000 for Housing Production Fund; adding introduction of the County Executive Recommended FY21 Savings Plan - Amendments to the FY21-26 CIP; adding a rescheduled public hearing on **Bill 13-20**, County Property - Disposition - Affordable Housing, at 1:30 P.M.; and a public hearing on **Expedited Bill 27-20**, Police - Regulations - Use of Force Policy, at 7:30 P.M.

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

Acknowledged receipt of a petition from residents of Montgomery County supporting relocating the Confederate statue from White's Ferry, Maryland to an educational setting.

C. **Action - Approval of Minutes**

There were no minutes for approval.

(2) **CONSENT CALENDAR**

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

A. **Introduced** a special appropriation to the County Government's FY21 Operating Budget, Department of Health and Human Services (DHHS) - \$371,761 for Support Payment to Organizations Directly Serving Developmentally Disabled Persons. A public hearing is scheduled for July 14, 2020 at 1:30 P.M.

B. **Introduced** a resolution to authorize Montgomery County to procure lines of credit for the purpose of providing funds for the payment of operating expenses. A public hearing is scheduled for July 14, 2020 at 1:30 P.M.

C. **Introduced** a special appropriation to the County Government's FY21 Operating Budget - \$1,500,000 for Conference Center Non-Departmental Account (NDA). A public hearing is scheduled for July 14, 2020 at 1:30 P.M.

D. **Introduced** a special appropriation to the County Government's FY21 Operating Budget, COVID-19 Human Services and Community Assistance NDA - \$3,000,000 for Assistance to Community Clinics, Medical and Dental Practices. A public hearing is scheduled for July 14, 2020 at 1:30 P.M.

E. **Introduced** a special appropriation to the **Housing Opportunities Commission's** (HOC) [County Government's FY21] Capital Budget and amendment to the FY21-26 Capital Improvements Program (CIP), HOC - \$2,800,000 for Housing Production Fund. A public hearing and action are tentatively scheduled for July 28, 2020.

- F. **Introduced** a special appropriation to the County Government's FY21 Operating Budget, Department of Housing and Community Affairs (DHCA) - \$4,847,976 for Emergency Solutions Grant COVID-19 (ESG-CV). A public hearing is scheduled for July 14, 2020.
- G. Adopted **Resolution 19-515**, confirming the County Executive's appointments to the Montgomery County Economic Development Corporation Board: Kevin Beverly, Terry Forde, Elana Fine, Sanjai Rai.
- H. Adopted **Resolution 19-516**, confirming the County Executive's appointment to the Commission on Children and Youth: Renae McPherson.
- I. Adopted **Resolution 19-517**, confirming the County Executive's appointment to the Domestic Violence Coordinating Council: Assistant Chief Ronald Smith.
- J. Adopted **Resolution 19-518**, confirming the County Executive appointment to the Board of Trustees for The Consolidated Retiree Health Benefits Trust: Judy Ackerman.
- K. Adopted **Resolution 19-519**, Montgomery County Fire Rescue Services (MCFRS) Executive Regulation 6-20, Adoption Schedule of Fees for Emergency Medical Services Transport Reimbursement Program.
- L. Adopted **Resolution 19-520**, amendment to Resolution 19-472, Section G, FY21 Non-Competitive Contract Designation: Family Services, Inc. (Healthy Mothers Healthy Babies Program).
- M. **Introduced** County Executive's Recommended FY21 Savings Plan - Amendments to the FY21-26 Capital Improvements Program. A public hearing and action are tentatively scheduled for July 28, 2020.

(3) **WORKSESSION/ACTION** - [Amendments to Ten-Year Comprehensive Water Supply and Sewerage Systems Plan: water and sewer category changes](#)

Mr. Hucker, Chair of the Transportation and Environment (T&E) Committee, and Mr. Levchenko, Senior Legislative Analyst, reviewed the Committee's recommendations for the three category change requests.

Adopted **Resolution 19-521**, approving the amendments to the Ten-Year Comprehensive Water Supply and Sewerage System Plan.

The T&E Committee made the motion, which carried without objection.

Because it was ahead of schedule, the Council recessed at 10:13 A.M. and reconvened at 11:03 A.M.

(4) **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, Department of Health and Human Services (DHHS); and Dr. Stoddard, Director, Office of Emergency Management and Homeland Security (OEMHS).

Dr. Gayles updated the Council on reported cases of COVID-19, the number of residents tested to date (102,000, approximately 9.2% of the County's population), positivity rate (5.2%), testing sites and the number of tests performed daily (2,000). He commented that the increase in the number of cases in the Hispanic community underscores the need for additional outreach and that they are working to expand testing in the most impacted communities. Discussions are underway regarding the use of County recreation centers as testing sites, they are working with the State on contact tracing, and contact tracers are being embedded within community organizations.

Ms. Navarro questioned why the Wheaton Library/Recreation Center is no longer a testing site and commented on the need to ensure the community knows where to go for testing and for increased testing capacity in the most impacted Zip codes. Dr. Gayles said they are working to identify multiple venues and would ensure Councilmembers are notified.

Mr. Riemer commented on the need for a testing strategy to be adopted by the Council, difficulties with private testing providers, the need for employers to test employees, and suggested fire stations be opened as walk-up testing sites.

Mr. Albornoz expressed the view that not enough people are available to coordinate testing, given the logistical challenges, and asked if DHHS needs more support to increase staffing infrastructure. Dr. Gayles indicated that they are reviewing staffing models and that monetary appropriations are being utilized.

Mr. Hucker suggested the Silver Spring Civic Center be used as a testing site. Dr. Gayles indicated they are working toward that goal.

Mr. Friedson requested information on the status of nursing home admissions. Dr. Gayles said the Action Team and the State are working

with nursing facilities to increase availability of serial testing in nursing homes, group homes, and other facilities to help mitigate transmission of the virus.

Dr. Stoddard provided an update on vaccination trials, noting that Novavax, located in Gaithersburg, was awarded a \$1.6 billion federal grant; 311 calls; distribution of personal protective equipment (PPEs) and cleaning supplies to childcare facilities and group homes; recovery activities; submissions to FEMA for reimbursement of expenses related to COVID-19; and enforcement of public health orders. He stated that the vast majority of businesses are in compliance with public health orders and most violations are due to lack of knowledge or a mistake, not a wonton disregard for the rules. Business violation complaints through 311 are referred to License and Regulatory staff. Most reported concerns are related to the late-night operation of restaurants and bars.

Mr. Rice expressed concern that some Montgomery County Public Schools (MCPS) HVAC systems are antiquated and don't provide adequate ventilation and filtration. Dr. Stoddard indicated that MCPS is aware of this and that the draft plan for opening schools would address this issue.

Mr. Jawando commented on the importance of testing residents in multi-family residences and the provision of assistance to that population.

Dr. Gayles said his team is working on a strategy for distribution of a COVID-19 vaccine when it becomes available.

The meeting recessed at 12:30 P.M and reconvened at 12:36 P.M.

(5) [Virtual Brown Bag Lunch with Regional Services Center \(RSC\) Directors](#)

Participating in the discussion were Mr. Bandeh, Ms. Matthews, Mr. Hartman, Mr. Rodriguez and Ms. Montero-Diaz, RSC Directors; and Ms. Kassiri, Deputy Chief Administrative Officer. Mr. Hucker was temporarily absent.

Received an update from each Director on activities and strategies to address COVID-19-related issues, including working with community advisory groups, non-profit organizations, and the faith community; the "hub" approach for the delivery of services; the availability of COVID testing; the creation of "streeteries" to provide space for outdoor dining; food distribution efforts, particularly in highly impacted and high-density neighborhoods; health initiatives; assistance for the business community; and the need for rent assistance for both residents and businesses.

Mr. Friedson requested Councilmembers be included in communications regarding events and activities in the RSCs.

Ms. Navarro requested Executive Branch staff follow-up on the Germantown “hub” model for distribution of services, and a timeline for implementation in other areas of the County, modified if necessary, to meet specific needs of the various communities.

Mr. Albornoz said practices and models are being developed that should run beyond the pandemic, and suggested staff keep a running tab of successful programs. He expressed concern that DHHS does not have enough staff to administer all the testing and other programs needed during the pandemic.

Mr. Rice noted that the Germantown “hub” model leverages funding from local businesses, and that a philanthropy needs to be encouraged in other areas of the County.

The meeting recessed at 1:30 P.M. and reconvened at 1:38 P.M.

(6) **PUBLIC HEARING - [Bill 25-20, Rental Assistance - Amendments](#)**

The public hearing was conducted. Mr. Huckler and Mr. Riemer were temporarily absent. Additional material for the Council’s consideration should be submitted by the close of business on July 10, 2020. A Health & Human Services (HHS) Committee worksession is tentatively scheduled for July 16, 2020.

(7) **PUBLIC HEARING - [Bill 24-20, Administration - Police - Assistant Chiefs of Police](#)**

The public hearing was conducted. Additional material for the Council’s consideration should be submitted by the close of business on July 17, 2020. A Public Safety (PS) Committee worksession is tentatively scheduled for July 23, 2020.

(8) **PUBLIC HEARING - [Bill 26-20, Environmental Sustainability - Energy and Air Quality Advisory Committee - Amendments](#)**

The public hearing was conducted. Additional material for the Council’s consideration should be submitted by the close of business on July 14, 2020.

- (9) **PUBLIC HEARING** - Special appropriation to the County Government's FY21 Operating Budget, Department of Health and Human Services (DHHS) - \$592,202 for Mobile Crisis Response

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on July 7, 2020. A joint PS/HHS Committee worksession is tentatively scheduled for July 9, 2020.

- (10) **PUBLIC HEARING/ACTION** - Special appropriation to the County Government's FY21 Operating Budget, Arts and Humanities Council of Montgomery County Non-Departmental Account (NDA) - \$3,250,000 for Arts COVID-19 Relief Fund

The public hearing was held and the record closed.

Adopted **Resolution 19-522**, approving the subject special appropriation.

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

- (11) **PUBLIC HEARING/ACTION** - Special Appropriation to the County Government's FY21 Operating Budget, Economic Development Fund - \$14,000,000 for Support for COVID-19 Response Reopen Montgomery

The public hearing was held and the record closed.

Mr. Coveyou, Director, Department of Finance; Mr. Fletcher, Assistant Chief Administrative Officer, Ms. Benjamin, Special Projects Director, Office of the County Executive; and Mr. Smith, Legislative Analyst, participated in the discussion.

Discussed the recommendation of the Planning, Housing, and Economic Development (PHED) Committee to specifically state that businesses that received funding from the Arts COVID-19 Relief Fund, COVID-19 Early Care and Education Initiative Recovery Fund, or 3R Initiative are not eligible for funding from Reopen Montgomery.

Majority supported Mr. Rice's motion to amend the resolution by removing the restriction on businesses that received funding from the Arts COVID-19 Relief Fund, COVID-19 Early Care and Education Initiative Recovery Fund, or 3R Initiative from receiving Reopen Montgomery funds. Mr. Friedson, Mr. Jawando, and Mr. Riemer were opposed.

Adopted **Resolution 19-523**, approving the subject special appropriation, as amended.

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

(12) **PUBLIC HEARING - [Bill 13-20, County Property - Disposition - Affordable Housing](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on July 13, 2020. A Government Operations and Fiscal Policy (GO) Committee worksession will be scheduled at a later date.

(13) **PUBLIC HEARING/ACTION - [Special appropriation to the County Government's FY21 Operating Budget, Office of the County Executive, Non-competitive award for Maryland Technology Council, Support for COVID-19 Response, \\$250,000 for Business Continuity Task Force](#)**

The public hearing was held and the record closed.

Adopted **Resolution 19-524**, approving the subject special appropriation.

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

(14) **INTERVIEWS - [Planning Board](#)**

Interviewed Mr. Gerald Cichy, Mr. Anthony Falcone, and Mr. Roberto Pinero, applicants for appointment to the Montgomery County Planning Board.

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION - Day #21**

(15) **Introduction of Bills**

A. **[Bill 28-20, Human Rights and Civil Liberties - Discrimination in Public Accommodations - LGBTQ Bill of Rights](#)**

Introduced draft #5 of **Bill 28-20**, sponsored by Councilmembers Glass, Katz, Jawando, Hucker, Riemer, Albornoz, Friedson, Navarro and Rice. A public hearing is scheduled for July 28, 2020, at 1:30 P.M.

B. [Bill 29-20, Taxation - Payments in Lieu of Taxes - WMATA property - Established](#)

Introduced draft #5 of **Bill 29-20**, sponsored by Councilmembers Riemer, Friedson, Glass, Navarro, Katz, Albornoz, and Hucker. Councilmember Rice requested to be added as a co-sponsor. A public hearing is scheduled for July 28, 2020, at 1:30 P.M.

C. [Expedited Bill 30-20, Administration - Executive Branch - Chief Digital Officer](#)

Introduced draft #1 of Expedited Bill 30-20, sponsored by the Council President at the request of the County Executive. A public hearing is scheduled for July 21, 2020, at 1:30 P.M.

PROPOSED CLOSED SESSION - To discuss, before a contract is awarded or bids are opened, a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process, pursuant to Maryland Code, General Provisions Article §3-305(b)(14). Topic is contract negotiations with banks for line of credit.

The closed session was postponed.

The meeting recessed at 5:23 P.M. and reconvened at 7:38 P.M.

(16) **PUBLIC HEARING** - [Expedited Bill 27-20, Police - Regulations - Use of Force Policy](#)

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business today, 2020. A Public Safety (PS) Committee worksession will be scheduled for July 9, 2020.

The meeting adjourned at 9:03 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