



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, July 28, 2020

The County Council for Montgomery County, Maryland convened via video conference at 9:33 A.M. on Tuesday, July 28, 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

Mr. Katz announced the following changes to the agenda: action on a special appropriation to the Department of Health and Human Services [MCPS'] FY21 Operating Budget - \$250,000 for the Mental Health Program to Support Schools; added introduction/action on a resolution to urge the Governor to extend his Executive Order limiting the eviction of tenants who lost income due to COVID-19; introduction of a special appropriation to the County Government's FY21 Operating Budget Early Care and Education (ECE) Non-Departmental Account (NDA) - \$75,000 for Montgomery Moving Forward - ECE Coordinating Entity Plan and amendment to FY21 Operating Budget Resolution 19-472 Section G, FY21 Designation of Entities for Non-Competitive Contract Award Status: Nonprofit Montgomery; adding introduction of a special appropriation to the County Government's FY21 Operating Budget, Department of Recreation - \$500,000 for Countywide Program - Youth Sports Initiative; and Office of Community Use of Public Facilities - \$500,000 for Facility Fee Assistance Program - Youth Sports Initiative; adding introduction of a special appropriation to the County Government's FY21 Operating Budget COVID-19 Human Services and Community

Assistance NDA Support for COVID-19 Response - \$550,000 for Youth Sports Initiative and amendment to FY21 Operating Budget Resolution 19-472 Section G, FY21 Designation of Entities for Non-Competitive Contract Award Status: Montgomery County Collaboration Council for Children, Youth, and Families; and deleting action on a special appropriation to the Housing Opportunities Commission's FY21 Capital Budget and amendment to the FY21-26 Capital Improvements Program - \$2,800,000 for Housing Production Fund; adding introduction and action on a resolution to amend FY21 Operating Budget Resolution 19-472, Section G, FY21 Designation of Entities for Non-Competitive Contract Award Status: Bethesda Cares; and adding introduction and action on a resolution to amend FY21 Operating Budget 19-472, Section G, FY21 Designation of Entities for Non-Competitive Contract Award Status: Por Nuestra Salud y Bienestar (For Our Health and Wellbeing).

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

Acknowledged receipt of petitions from residents of Montgomery County supporting Zoning Text Amendment (ZTA) 20-01, Solar Collection System - AR Zone Standards; and opposing ZTA 20-01.

C. **Action** - Approval of Minutes

Approved the minutes of May 4, 2020, without objection.

(2) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

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

- A. **Introduced** a supplemental appropriation to Montgomery County Public Schools' (MCPS) FY21 Capital Budget and Amendment to the FY21-26 Capital Improvements Program (CIP) - \$602,651 for Planned Lifecycle Asset Replacement. A public hearing and action are scheduled for September 29, 2020, at 1:30 P.M.
- B. **Introduced** a special appropriation to the County Government's FY21 Operating Budget, Montgomery County Fire and Rescue Service (MCFRS), FY20 Assistance to Firefighters Grant Program - \$357,801 for COVID-19 Supplemental Grant. Public hearing and action are scheduled later in the meeting.
- C. Adopted **Resolution 19-545**, to authorize Montgomery County to procure lines of credit for the purpose of providing funds for the payment of operating expenses.

- D. Adopted **Resolution 19-546**, approving special appropriation to the County Government's FY21 Operating Budget - \$1,500,000 for Conference Center Non-Departmental Account (NDA).
- E. Adopted **Resolution 19-547**, approving a special appropriation to the Department of Health and Human Service's (DHHS) FY21 Operating Budget - \$250,000 for the Mental Health Program to Support Schools.
- F. Adopted **Resolution 19-548**, approving the Office of Legislative Oversight's (OLO) FY21 Work Program.
- G. **Received and Released** OLO's Report 2020-08: Parent Organizations in MCPS.
- H. **Received and Released** OLO's COVID-19 Spotlight paper, COVID-19 and Mental Health.
- I. **Received and Released** OLO's COVID-19 Recovery Outlook papers: Public Use of Facilities.
- J. Adopted **Resolution 19-549**, confirming the County Executive's appointment to the Bethesda Urban Partnership, Inc. Board of Directors: Robert Donohoe, Andrew Jones, Katya Marin.
- K. Adopted **Resolution 19-550**, to Urge the Maryland state lawmakers to change "Maryland, My Maryland" as the state song and urge against the song from being played at official Montgomery County events.
- L. Adopted **Resolution 19-551**, approving a special appropriation to the County Government's FY21 Operating Budget, COVID-19 Human Services and Community Assistance NDA - \$2,025,000 for Short-Term Assistance to Distressed, Affordable Common Ownership Communities.
- M. **Introduced/Adopted Resolution 19-552**, resolution to amend the FY21 Operating Budget Resolution 19-472, Section G, Designation of Entities for Non-Competitive Contract Award Status: Housing Initiative Partnership, Inc.; Latino Economic Development Corporation; Legal Aid Bureau, Inc. (dba Maryland Legal Aid).

- N. **Introduced/Adopted Resolution 19-553**, resolution to amend the FY21 Operating Budget Resolution 19-472, Section G, FY21 Designation of Entities for Non-Competitive Contract Award Status: The Montgomery County Coalition for the Homeless, Inc.; Interfaith Works, Inc.; Maryland Agricultural and Resource-Based Industry Development Corporation Inc. (MARBIDCO); Career Catchers, Inc.; Primary Care Coalition of Montgomery County, Maryland, Inc.; and Montgomery County Collaboration Council for Children Youth and Families, Inc.
- O. **Introduced/Adopted 19-554**, amendment to Resolution 19-498, Special Appropriation to the Fiscal Year 2020 Operating Budget Montgomery County Government Federal Coronavirus Relief Fund Nondepartmental Account.
- P. **Adopted Resolution 19-555**, to Urge the Governor to extend his Executive Order limiting the eviction of tenants who lost income due to COVID-19.
- Q. **Introduced** a special appropriation to the County Government's FY21 Operating Budget Early Care and Education (ECE) NDA - \$75,000 for Montgomery Moving Forward - ECE Coordinating Entity Plan and Amendment to FY21 Operating Budget Resolution 19-472 Section G, FY21 Designation of Entities for Non-Competitive Contract Award Status: Nonprofit Montgomery. A public hearing is scheduled for September 15, 2020, at 1:30 P.M.
- R. **Introduced** a special appropriation to the County Government's FY21 Operating Budget, Department of Recreation - \$500,000 for Countywide Program - Youth Sports Initiative and Office of Community Use of Public Facilities - \$500,000 for Facility Fee Assistance Program - Youth Sports Initiative. A public hearing is scheduled for September 15, 2020, at 1:30 P.M.
- S. **Introduced** a special appropriation to the County Government's FY21 Operating Budget, COVID-19 Human Services and Community Assistance NDA Support for COVID-19 Response - \$550,000 for Youth Sports Initiative and Amendment to Fiscal Year 2021 Operating Budget Resolution 19-472 Section G, FY21 Designation of Entities for Non-Competitive Contract Award Status: Montgomery County Collaboration Council for Children, Youth, and Families. A public hearing is scheduled for September 15, 2020, at 1:30 P.M.

(3) **DISCUSSION - Ethics Commission - Receipt of Proposal to Cure**

Participating in the discussion were Mr. Cobb, Executive Director, and Mr. Goel, Chair, Ethics Commission; and Ms. Michaelson, Council Executive Director.

Mr. Cobb and Mr. Goel presented an overview of the role of the Ethics Commission, the review of potential ethics violations by Mr. Kleine, Chief Administrative Officer (CAO); the resulting Proposal to Cure which was submitted by Mr. Kleine and accepted by the Ethics Commission, and a timeline of events.

Ms. Michaelson said complaints were received about the activities of Mr. Kleine and the Inspector General was asked to investigate. She noted that the Ethics Commission is an independent organization and the Council has no role in issues considered by the Commission, and no authority to reverse or modify the Commission's decisions. She suggested mandatory ethics training for all County employees be conducted and noted that Councilmembers participate in two ethics training sessions. Mr. Goel stated that they want to establish statutory requirements for ethics training.

Councilmembers expressed the view that Mr. Kleine should have known his activities, considered "outside employment," were a conflict of interest and a misuse of public funds, and expressed surprise that Mr. Kleine never approached the Ethics Commission for its opinion about the promotion of his book; that the County Executive should consider the effect this issue has on public trust in local government and that Mr. Kleine's ability to continue to serve as CAO should be considered; that if the employee investigated was a minority, the outcome may have been different; and that the Inspector General provided an excellent report on its investigation of this matter.

Mr. Cobb and Mr. Goel said Mr. Kleine's Proposal to Cure was accepted by the Ethics Commission because he made a full public admission of his ethics violations, he cut ties with the companies involved, and the amount fined was considered appropriate. Mr. Cobb noted that the alternative to accepting the Proposal to Cure would be an adjudicative process, which would have been time consuming and costly.

Mr. Rice requested the Executive Branch provide data on whether offering a Proposal to Cure is open to everyone and statistics on who was allowed to submit a Proposal to Cure and how many were accepted.

Councilmembers requested a follow-up discussion of this issue and a possible closed session to consider any legal ramifications.

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

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

This item was postponed to Wednesday, July 29, 2020.

The meeting recessed at 11:54 A.M. and reconvened at 1:39 P.M.

(5) **PUBLIC HEARING - Bill 6-20, Solid Waste (Trash) - Release of Balloons - Prohibited**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on August 5, 2020.

(6) **PUBLIC HEARING - Bill 28-20, Human Rights and Civil Liberties - Discrimination in Public Accommodations - LGBTQ Bill of Rights**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on September 17, 2020. A Health and Human Services (HHS) Committee worksession is tentatively scheduled for September 24, 2020.

(7) **PUBLIC HEARING - Bill 29-20, Taxation - Payment in Lieu of Taxes - WMATA Property - Established**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on September 11, 2020. A joint Government Operations and Fiscal Policy (GO) Committee and Planning, Housing and Economic Development (PHED) Committee worksession is tentatively scheduled for September 16, 2020.

(8) **PUBLIC HEARING - Special appropriation to the Housing Opportunities Commission's (HOC) FY21 Capital Budget and amendment to the FY21-26 Capital Improvements Program (CIP) - \$2,800,000 for Housing Production Fund**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on August 5, 2020.

(9) **PUBLIC HEARING/ACTION - Special Appropriation to the County Government's FY21 Operating Budget, Department of Health and Human Services (DHHS) - \$355,000 for Permanent Supportive Housing for Veterans and Unsheltered Adults**

The public hearing was conducted and the record closed. Mr. Glass noted that Bethesda Cares provided video testimony but due to technical difficulties, could not be shown.

Adopted **Resolution 19- 556**, approving the subject special appropriation.

Mr. Glass made the motion, which carried unanimously.

- (10) **PUBLIC HEARING/ACTION** - [Special Appropriation to the County Government's FY21 Operating Budget, COVID-19 Human Services and Community Assistance NDA - \\$20,000,000 for COVID-19 Response: Rental Assistance and Eviction and Homelessness Prevention](#)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-557**, approving the subject special appropriation.

Mr. Glass made the motion, which carried unanimously.

- (11) **PUBLIC HEARING/ACTION** - [Special Appropriation to the County Government's FY21 Operating Budget, Department of Police, Department of Correction and Rehabilitation, and Sheriff's Office - FY20 Bureau of Justice Assistance \(BJA\) - \\$431,707 for Byrne Coronavirus Emergency Supplemental Grant Funding](#)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-558**, approving the subject special appropriation.

Mr. Riemer made the motion, which carried unanimously.

- (12) **PUBLIC HEARING/ACTION** - [Supplemental Appropriation to the County Government's FY21 Operating Budget, Office of Racial Equity and Social Justice - \\$260,961 for staffing and operating expenses](#)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-559**, approving the subject supplemental appropriation.

Ms. Navarro made the motion, which carried unanimously.

- (13) **PUBLIC HEARING/ACTION** - [Special Appropriation to the County Government's FY21 Operating Budget, Conference and Visitors Bureau NDA, Support for COVID-19 Response - Hospitality and Tourism Support, \\$200,000](#)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-560**, approving the subject special appropriation.

Mr. Riemer made the motion, which carried unanimously.

- (14) **PUBLIC HEARING/ACTION** - [Special Appropriation to the County Government's FY21 Operating Budget, Community Engagement Cluster, Office of Community Partnerships \(OCP\) - \\$296,436 for 2020 Census Grant Program](#)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-561**, approving the subject special appropriation.

Ms. Navarro made the motion, which carried unanimously.

- (15) **PUBLIC HEARING/ACTION** - [Resolution in support of Mailing Ballots to Voters for the 2020 General Election](#)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-562**, in support of mailing ballots to voters for the 2020 General Election.

Mr. Albornoz made the motion, which carried unanimously.

- (16) **PUBLIC HEARING/ACTION** - [Resolution in support of Indigenous People's Day](#)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-563**, in support of Indigenous People's Day.

Ms. Navarro made the motion, which carried unanimously.

- (17) **PUBLIC HEARING/ACTION** - [Special Appropriation to the County Government's FY21 Operating Budget, DHHS Behavioral Health and Crisis Prevention Crisis Prevention & Intervention Services - \\$395,000 for Montgomery County Hotline and Amendment to Fiscal Year 2021 Operating Budget Resolution 19-472 Section G, FY21 Designation of Entities for Non-Competitive Contract Award Status: EveryMind](#)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-564**, approving the subject special appropriation and amendment to the FY21 Designation of Entities for Non-Competitive Contract Award Status.

Mr. Friedson made the motion, which carried unanimously.

- (18) **PUBLIC HEARING/ACTION** - [Special Appropriation to the County Government's FY21 Operating Budget - for COVID-19 Human Services and Community Assistance NDA - \\$7,545,590 for Por Nuestra Salud y Bienestar \(For Our Health and Wellbeing\)](#)

The public hearing was conducted and the record closed.

Mr. Kleine, Chief Administrative Officer, participated in the discussion.

Ms. McMillan, Senior Legislative Analyst, reviewed amendments to the resolution, as included in the staff report.

Adopted **Resolution 19-565**, approving the subject special appropriation, as amended.

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

- (2B) **PUBLIC HEARING/ACTION** - [Special Appropriation to the County Government's FY21 Operating Budget, Montgomery County Fire and Rescue Service, FY20 Assistance to Firefighters Grant Program - \\$357,801 for COVID-19 Supplemental Grant](#)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-566**, approving the subject special appropriation.

Mr. Rice made the motion, which carried unanimously.

- (20) **PUBLIC HEARING/ACTION** - [County Executive Recommended FY21 Savings Plan - Amendments to the FY21-26 Capital Improvements Program for Montgomery County Government and HOC](#)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-567**, approving the FY21 Savings Plan and subject amendments to the FY21-26 CIP for Montgomery County Government and HOC.

Mr. Rice made the motion, which carried unanimously.

(21) **PUBLIC HEARING** - Proposed Charter Amendments and recommendations of Charter Review Commission

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on August 4, 2020.

(21.5) **INTRODUCTION/ACTION** - Resolution to amend FY21 Operating Budget Resolution 19-472, Section G, FY21 Designation of Entities for Non-Competitive Contract Award Status: Bethesda Cares

Introduced the subject resolution.

Adopted **Resolution 19-568**, approving the amendment to the FY21 Designation of Entities for Non-Competitive Contract Award Status: Bethesda Cares.

Mr. Rice made the motion, which carried unanimously.

(21.6) **INTRODUCTION/ACTION** - Resolution to Amend to FY21 Operating Budget 19-472, Section G, FY21 Designation of Entities for Non-Competitive Contract Award Status: Por Nuestra Salud y Bienestar (For Our Health and Wellbeing)

Introduced the subject resolution.

Adopted **Resolution 19-569**, approving the amendment to the FY21 Designation of Entities for Non-Competitive Contract Award Status: Por Nuestra Salud y Bienestar (For Our Health and Wellbeing).

Ms. Navarro made the motion, which carried unanimously.

(22) **INTRODUCTION/SUSPENSION OF RULES/ACTION** - Resolution to approve FY21 Savings Plan

Introduced the subject resolution. Unanimously approved Mr. Riemer's motion to suspend the rules to allow immediate action.

Adopted **Resolution 19-570**, approving the FY21 Savings Plan.

Mr. Riemer made the motion, which carried unanimously.

(23) **DISTRICT COUNCIL SESSION**

A. **PUBLIC HEARING/ACTION** - [Subdivision Regulation Amendment \(SRA\) 20-01, Rules of Interpretation - Computing Time Periods](#)

The public hearing was conducted and the record closed.

Mr. Riemer said this SRA is a proactive step to allow projects to move forward by extending previously approved deadlines that may be unrealistic given conditions caused by the pandemic.

Senior Legislative Analyst Zyontz directed the Council's attention to his addendum memorandum dated July 27, which includes editorial changes to the draft SRA that went before the Council on July 23, 2020, for the Council's consideration today. He noted that the extension of time would not apply to plans that have expired.

Enacted **Ordinance 19-12**, approving draft #7 of SRA 20-01, as shown at the end of these minutes.

Mr. Riemer made the motion and the Ordinance was enacted by a roll call vote:

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

(24) [Presentations by the Council Fellows](#)

The Council fellows, Upneet Atwal, Julia Bauer, Jonathan Katz, Olivia Raines, and Mira Singhal presented their research papers and responded to questions from Councilmembers. Upneet Atwal presented a research paper on Equitable Education and Engagement of Underrepresented Youth in Montgomery County; Julia Bauer presented a research paper on Community Use of Public Facilities: Best Practices and Case Studies; Jonathan Katz presented a research paper on No Center About Us Without Us: Building Senior Center Plus in Montgomery County; Olivia Raines presented a research paper on A Review of the Proposed County Growth Policy: Exploring Sustainable Solutions to School Overcrowding; and Mira Singhal presented a research paper on An Analysis of Pre-Trial Services and Risk Assessment in Montgomery County: Through the Lens of a Global Pandemic and Systemic Racism

(25) **ACTION** - [Appointment to Montgomery County Planning Board](#)

Adopted **Resolution 19-571**, appointing Mr. Gerald Cichy as a member of the Montgomery County Planning Board. Mr. Rice made the motion, which carried unanimously.

(26) **ACTION** - [Appointments to the Policing Advisory Commission](#)

Adopted **Resolution 19-572**, appointing the following individuals to the Policing Advisory Commission: Cherri Branson, Caroline Fredrickson, Jenn Lynn, Shabab Ahmed Mirza, Jerome Price, Justice Reid, Vernon Ricks, Nadia Salazar Sandi, Eric Sterling; and the County Executive's designees Robin Gaster, Alicia Hudson, Dalbin Osorio (youth member age 26-35), and Jasmine Williams (youth member age 25 or under); and designating Vernon Ricks as Chair and Cherri Branson as Vice-Chair.

Mr. Riemer made the motion, which carried unanimously.

The meeting adjourned at 5:12 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