



## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

**APPROVED**

Tuesday, August 4, 2020

The County Council for Montgomery County, Maryland convened via video conference at 9:34 A.M. on Tuesday, August 4, 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

- (1) [The Council is seeking applicants for a representative on the Nominating Committee for the Montgomery College Board of Trustees. The deadline is August 19, 2020, at 5:00 p.m.](#)

Ms. Singleton, Clerk of the Council, announced an addendum to the agenda, changing the title of a resolution for introduction and action to: Proposed Charter Amendment [Amendments Regarding Composition of the County Council] - County Council - Alter to 9 District Members and No At-Large Members; adding introduction and action on a resolution for a Proposed Amendment to County Charter - County Council - Expand Council to 7 District Members and 4 At-Large Members; adding introduction/suspension of rules/action on a resolution for a Proposed Amendment to County Charter - County Council - Election of Council President; adding introduction and action on a special appropriation to the County Government's FY21 Operating Budget, COVID-19 Human Services Community Assistance Non-Departmental Account (NDA) - \$3,354,084 for African American Health Program Executive Committee Targeted COVID Response; and Resolution to Amend the County Government's FY21 Operating Budget Resolution 19-472, Section G, Designation of Entities for Non-Competitive

Contract Award Status: The National Center for Children and Families, Inc.; adding introduction/suspension of rules/action on a Proposed Amendment to County Charter - County Council - Residency Requirement for At-Large Members; adding introduction of Approval of Executive Order No. 087-20, COVID-19 Local Order - Amending and Restating Order dated June 19, 2020, as the County Council; adding the Council sitting as Board of Health introduction, public hearing, and action on a Board of Health Regulation to adopt Executive Order 087-20, COVID-19 Local Order - Phase 2; adding action on a Resolution to adopt Executive Order 087-20, COVID-19 Local Order - Phase 2, as a Board of Health Regulation.

(2) **INTRODUCTION/ACTION, RESOLUTION, [Proposed Charter Amendment - County Council - Alter to 9 District Members and No At-Large Members](#)**

Senior Legislative Attorney Drummer explained that this proposed Charter Amendment came to the Council by petition, and that the Board of Elections must certify that there are 10,000 valid signatures.

Mr. Rice said that some upcounty residents were concerned regarding a lack of representation. He expressed the view that this is the wrong approach and suggested the Charter Review Commission look at this issue. Councilmembers noted that this proposal would allow residents to vote for only one Councilmember instead of four.

Later in the meeting, the Council voted to suspend the rules to allow immediate action and adopted the subject Resolution, as reflected below in these minutes.

(3) **INTRODUCTION/ACTION, RESOLUTION, [Proposed Amendment to County Charter - County Council - Expand Council to 7 District Members and 4 At-Large Members](#)**

Mr. Glass, Lead Sponsor of the resolution, reviewed the history of the Council, noting that the Council expanded to nine members in 1986, and that since that time, the population of the County has increased by 50 percent. He said this proposal would allow residents to vote for more than one Councilmember rather than just one District Council representative.

Ms. Navarro expressed concern about the additional expense associated with having two more Councilmembers, especially during the current pandemic, but noted that today's action is about what is placed on the general election ballot to allow voters to decide.

Later in the meeting, the Council voted to suspend the rules to allow immediate action and adopted the subject Resolution, as reflected below in these minutes.

(4) **INTRODUCTION/SUSPENSION OF THE RULES/ACTION - [Resolution, Proposed Amendment to the County Charter - County Council - Election of Council President](#)**

Ms. Mihill, Legislative Attorney, explained that this proposal would place the proposal for direct election of the Council president on the general election ballot and specify that Councilmembers would be separate officers.

Mr. Riemer, sponsor of the proposal, expressed the view that direct election of the Council president would be beneficial to the Council by allowing a person with greater knowledge of the institution to serve for a separate three-term limit. Mr. Riemer made a motion, seconded for discussion by Mr. Jawando, to place the proposed amendment to the County Charter regarding election of the Council President on the 2020 general election ballot.

Councilmembers expressed concern about the length of time this would allow one individual to serve on the Council, and that this proposal has not been fully analyzed. Mr. Katz suggested the Charter Review Commission be tasked with reviewing this proposal; Ms. Navarro suggested the Office of Legislative Oversight also review this proposal.

Mr. Riemer withdrew his motion to place this proposal on the 2020 general election ballot, with approval from Mr. Jawando, the seconder of the motion.

(6) **INTRODUCTION/SUSPENSION OF THE RULES/ACTION - [Resolution, Proposed Amendment to County Charter - County Council - Residency Requirement for At-Large Members](#)**

Ms. Mihill explained that this resolution would place on the 2020 general election ballot a proposal to require At-Large members to reside in certain At-Large districts, similar to the practice of the Board of Education.

Mr. Rice suggested the Charter Review Commission review this proposal.

Approved without objection Mr. Rice's motion to suspend the rules to allow immediate action on the subject resolution.

Defeated Ms. Navarro's motion to approve the subject resolution by a vote of 4 to 5:

YEAS: Friedson, Rice, Navarro, Katz

NAYS: Hucker, Jawando, Riemer, Glass, Albornoz.

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

- A. **Introduced** Board of Health Regulation to adopt Executive Order 087-20, COVID-19 Local Order, Phase 2 and **Public Hearing** - Board of Health Regulation to adopt Executive Order 087-20, COVID-19 Local Order -Phase 2

Senior Legislative Attorney Drummer stated that the agenda inaccurately reflected the title of the subject Executive Order, which should be Executive Order 087-20, COVID-19 Local Order, [Phase 2], amending and restating the order dated June 19, 2020.

Mr. Katz stated that today the Council is introducing the resolution to adopt Executive Order 087-20, COVID-19 Local Order, amending and restating the order dated June 19, 2020, as the County Council and, as sitting as the Board of Health, as a Board of Health regulation.

The public hearing was conducted, and the record closed.

Mr. Drummer explained that the County Executive's Executive Order is based on the Governor's Executive Order that permits local jurisdictions to provide for greater restrictions than the State's, based on local conditions, and that the local governing body can make those decisions. The governing body is both the County Executive and the County Council. To be adopted, the Executive Order must be approved by both the County Executive, who has already signed it, and the County Council. The Board of health regulation is something the Council does as the Board of Health, so that the Executive Order is effective within each of the municipalities. This is why there are two resolutions and two votes before the Council today.

Mr. Jawando acknowledged the concern raised by restaurant/bar owners that the required 10:00 P.M. closing time significantly impacts their businesses, and suggested this time be reconsidered at some point if the data shows improving conditions related to COVID-19. He noted that the Council does not have the authority to change the Executive Order before the Council today.

Mr. Riemer questioned why youth soccer was considered a high-risk activity. 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), said this order addresses practices that needed to be modified, either forward or a step back, based on current data, and indicated they could look at the risk designation related to youth soccer at a future time.

County Attorney Hansen said the governing body can impose stricter restrictions in certain areas. If the County Executive were to loosen restrictions but still be more restrictive than the Governor's order, it would require approval by the Council.

Responding to a question from Mr. Glass concerning the Governor's action to allow independent schools to reopen, Dr. Gayles stated he looks forward to working with independent schools and clarified the process to be followed should cases be reported in those schools. Dr. Stoddard added that local authorities retain the authority to close a particular facility should there be an outbreak.

- (8) **Introduced** approval of Executive Order No. 087-20, COVID-19 Local Order - Amending and Restating Order dated June 19, 2020, as the County Council.

Introduced the subject Executive Order.

- (10) **ACTION** - Resolution to adopt Executive Order 087-20, COVID 19 Local Order - Amending and Restating Order dated June 19, 2020, as the County Council

Adopted **Resolution 19-579**, approving Executive Order 087-20, COVID 10 Local Order - Amending and Restating Order dated June 19,2020, as the County Council.

Ms. Navarro made the motion, which carried unanimously.

- (9) **COUNCIL SITTING AS BOARD OF HEALTH**

- B. **Action** - Resolution to adopt Executive Order 087-20, COVID 19 Local Order - amending and restating the Order dated June 19, 2020, as a Board of Health Regulation

Adopted **Resolution 19-578**, approving Executive Order 087-20 as a Board of Health Regulation.

Ms. Navarro made the motion and the Resolution was adopted by a roll call vote:

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

- (2) **INTRODUCTION/ACTION, RESOLUTION, [Proposed Charter Amendment \[Amendments Regarding Composition of the County Council\] - County Council - Alter to 9 District Members and No At-Large Members](#)**

Introduced the subject resolution.

Approved Ms. Navarro's motion to suspend the rules to allow immediate action, without objection.

Adopted **Resolution 19-580**, approving placement of the proposed amendment to the County Charter on the 2020 general election ballot.

Mr. Friedson made the motion, which carried unanimously.

- (3) **INTRODUCTION/ACTION, RESOLUTION, [Proposed Amendment to County Charter - County Council - Expand Council to 7 District Members and 4 At-Large Members](#)**

Introduced the subject resolution.

Approved Mr. Glass's motion to suspend the rules to allow immediate action on the subject resolution, without objection.

Adopted **Resolution 19-581**, approving placement of the proposed amendment to the County Charter on the 2020 general election ballot by a vote of 8 to 1. Mr. Friedson was opposed, expressing the view that it takes away a voter's right to vote for a majority of the Council.

- (5) **Introduced and Adopted Resolution 19-582- a special appropriation to the County Government's FY21 Operating Budget, COVID-19 Human Services and Community Assistance NDA - \$3,354,084 for African American Health Program Executive Committee Targeted COVID Response; and Resolution to Amend the County Government's FY21 Operating Budget Resolution 19-472, Section G, Designation of Entities for Non-Competitive Contract Award Status: The National Center for Children Families, Inc.**

Dr. Crowel, Director, DHHS, participated in the discussion. Senior Legislative Analyst McMillan reviewed the purpose of the subject special appropriation. Mr. Rice and Mr. Jawando discussed the urgent need to address health disparities within the African American community.

Adopted **Resolution 19-582**, approving the subject special appropriation and amendment to the County Government's FY21 Budget Resolution 19-472, Section G, Designation of Entities for Non-Competitive Contract Award Status: The National Center for Children and Families, Inc.

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

The meeting adjourned at 2:27 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