



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, September 22, 2020

The County Council for Montgomery County, Maryland convened via video conference at 9:33 A.M. on Tuesday, September 22, 2020.

PRESENT

Councilmember Sidney Katz, President
Councilmember Gabe Albornoz
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.

PRESENTATIONS

- A. Proclamation was presented by Mr. Albornoz, and County Executive Elrich recognizing Direct Support Professional Recognition Week.
- B. Proclamation was presented by Mr. Jawando recognizing National Adult Education and Family Literacy Week.

GENERAL BUSINESS

Announcements - Agenda and Calendar Changes

Ms. Singleton, Clerk of the Council, announced an addendum to the agenda, correcting the announcement on a public hearing on the Community Development Block Grant - Coronavirus Funds (CDBG-CV) Round 2 Funds and State CDBG-CV Funds that is scheduled for September 29, 2020, at 1:30 P.M.; correcting the amount on the introduction of a special appropriation to the County Government's FY21 Operating Budget - Early Care and Education Non-Departmental Account (NDA) COVID-19 - \$7,687,000 for School-Age Child Care During Distance Learning, and adding the County Council as the Lead Sponsor; noting the new time of 10:15 A.M. for the Council Sitting as the Board of Health; adding introduction, public hearing, and action on a Board of Health Regulation to adopt

Executive Order 114-20, COVID-19 Local Order - Amending and Restating Order dated August 24, 2020; and adding introduction and action on a resolution to approve Executive Order 114-20, COVID-19 Local Order - Amending and Restating Order dated August 24, 2020, as the County Council. Also announced a public hearing on WSSC Water's FY22 Spending Control Limits is scheduled for September 29, 2020, at 1:30 P.M.

(1) B. **Acknowledgement -**

Acknowledged receipt of a petition from residents of Montgomery County opposing Bill 29-20, Taxation - Payment in Lieu of Taxes - WMATA Property - Established.

C. **Action -** Approval of Minutes

Approved the minutes of May 6, 7, 11, 12, 13, 14, 15, and 19, 2020; and the May 7, 2020, Bi-County Meeting, without objection.

(2) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

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

- A. **Introduced** a special appropriation to the County Government's FY21 Operating Budget - Early Care and Education NDA COVID-19 - \$7,687,000 for School-Age Child Care During Distance Learning. A public hearing and action are scheduled for September 29, 2020 at 1:30 P.M.
- B. Adopted **Resolution 19-594**, confirming the County Executive's appointments to the Pedestrian, Bicycle and Traffic Safety Advisory Committee: Sonia Moore-Williams, Sanjida Rangwala, Heidi Coleman.
- C. Adopted **Resolution 19-595**, confirming the County Executive's appointments to the Board of Registration for Building Contractors: Lee Boyle, Kunal Sakhuja.
- D. Adopted **Resolution 19-596**, confirming the County Executive's appointments to the Strathmore Hall Foundation Board of Directors: Joseph Judge, William Kirwan.
- E. **Introduced** a supplemental appropriation to the County Government's FY21 Operating Budget, Montgomery County Fire and Rescue Service (MCFRS) - \$273,482 for FY19 Assistance to Firefighters Grant. A public hearing and action are scheduled for October 6, 2020 at 1:30 pm.

- F. **Introduced** a supplemental appropriation to the County Government's FY21 Operating Budget, Department of Health and Human Services (DHHS) - \$864,029 to Increase Somatic and Mental Health Services at Montgomery County Public Schools (MCPS). A public hearing and action are scheduled for October 6, 2020 at 1:30 pm.
- G. Adopted **Resolution 19-597**, extending time for Council action to December 31, 2020, on Planning Board Regulation - Proposed 2018-2020 Changes to Forest Conservation Trees Regulation.

Ms. Michaelson stated that remote Council and Committee meetings would continue through October, and beginning October 6, a pilot program allowing the public to provide testimony via video will commence.

(3) **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 indicated that he met with non-public school representatives to review required actions if a student or employee test positive for COVID-19 or a COVID-like illness, noting that per State guidelines all cases must be reported. Two schools met the definition of an "outbreak", and reminders were sent out to schools and families regarding quarantine requirements. He said complaints were received regarding some schools' lack of compliance with State guidelines, particularly the lack of face coverings. Dr. Gayles stated that the reopening of schools and businesses is dependent on the level of transmission of the virus.

Regarding testing, 54 new cases were recently reported, and they are continuing to look at strategies to break "testing fatigue" as testing capability has increased but they are not seeing the volume of residents expected seeking tests. New messaging is being developed to encourage people to get tested. They are participating in a multi-state collaboration to prioritize testing in nursing homes. A vaccine dissemination plan is being finalized with federal guidance, and gives priority to those with pre-existing conditions, and healthcare and front-line workers. Updated guidance was received from the CDC regarding the reopening of schools related to the risk of transmission, test positivity rates, level of hospitalizations and outbreaks in the community. Contact tracing has shown that family and large gatherings, indoor dining, and

religious services have contributed to the number of cases. Dr. Gayles said the County is not moving forward at this time to increase indoor dining capacity. He cautioned that with flu season ramping up, it more important than ever to continue to take precautionary measures, and that they will see where the County stands at the beginning of 2021.

Dr. Stoddard indicated they are updating guidelines and recommendations for houses of worship, which will be available on the County's website. They are drafting a proposal to allow some restaurants to extend time for alcohol sales past 10:00 P.M. but cautioned that site visits have shown that some businesses are currently not enforcing face covering requirements. He noted that the new proposal would include strict enforcement guidelines. They met with representatives from MCPS to discuss allowing limited in-school activities, particularly for ESOL and special education students, and regarding student and employee COVID testing. They also met with Board of Elections staff to discuss preparations for the upcoming election and public health measures for in-person voting. Dr. Stoddard noted that the CDC released new guidelines regarding the risk of aerosol transmission of the virus, noting that indoor spaces are at greater risk. Residents can report violations by calling 311 or on the County's COVID website page.

Ms. Navarro noted the continued challenge of providing bi-lingual therapists, and that residents need increased communication outreach to know what is reopening in the County. She commented on the spike of cases in Europe and said that reopening safely remains a concern.

Mr. Riemer requested that a presentation be provided at a future meeting regarding the vaccine dissemination strategy and prioritization of certain groups.

Mr. Friedson commented on the lack of clarity with respect to adult indoor sports activity. Dr. Gayles stated that State guidelines require face indoors where physical distancing cannot be maintained.

Mr. Rice commented on the need for clear, concise guidance from the CDC on how to control community spread of the virus, noting that schools cannot reopen until this is accomplished.

(3.1) COUNCIL SITTING AS BOARD OF HEALTH

- A. **Introduced** a Board of Health Regulation to adopt an Executive Order 114-20, COVID-19 Local Order - Amending and Restating Order dated August 24, 2020;

and **Public Hearing** - Board of Health Regulation to adopt an Executive Order 114-20 COVID-19 Local Order - Amending and Restating Order dated August 24, 2020.

Introduced the subject Board of Health Regulation. The public hearing was held and the record closed.

- (3.2) **Introduced and Adopted Resolution 19-598**, approving Executive Order 114-20, COVID-19 Local Order - Amending and Restating Order dated August 24, 2020, as the County Council.

Mr. Albornoz made the motion, which carried unanimously.

- (3.1) **COUNCIL SITTING AS BOARD OF HEALTH** (*continued*)

B. Adopted **Resolution 19-599**, resolution to adopt an Executive Order 114-20, Amending and Restating Order dated August 24, 2020, as a Board of Health Regulation.

Mr. Albornoz made the motion and the resolution was adopted by a roll call vote:

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

The meeting recessed at 11:10 A.M. and reconvened at 1:33 P.M.

- (4) **PUBLIC HEARING - Expedited Bill 36-20, Forest Conservation - Amendments**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on September 24, 2020. A Transportation and Environment (T&E) Committee worksession is tentatively scheduled for October 12, 2020.

- (5) **PUBLIC HEARING - Expedited Bill 40-20, Uniform Trader's License Fee**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on September 22, 2020. A Government Operations and Fiscal Policy (GO) Committee worksession is tentatively scheduled for September 22, 2020.

(6) **PUBLIC HEARING - [Expedited Bill 34-20, Police - Disciplinary Procedures - Police Labor Relations - Duty to Bargain - Amendments](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on September 23, 2020. A Public Safety (PS) Committee worksession is tentatively scheduled for October 1, 2020.

(7) **INTERVIEW - [County Executive's appointee as Chief Administrative Officer \(CAO\): Richard Madaleno](#)**

Interviewed Mr. Richard Madaleno, the County Executive's appointee for the position of CAO.

The meeting adjourned at 3:47 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