



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, November 17, 2020

The County Council for Montgomery County, Maryland convened via video conference at 9:30 A.M. on Tuesday, November 17, 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.

PRESENTATIONS

- A. Proclamation was presented by Mr. Friedson, Mr. Alborno and Mr. Rice recognizing Bonnie Fogel's retirement from Imagination Stage.
- B. Proclamation was presented by Mr. Friedson recognizing Dr. Harvey Alter on his 2020 Nobel Prize in Physiology or Medicine.
- C. Proclamation was presented by Mr. Glass honoring Transgender Remembrance Day.

GENERAL BUSINESS

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

Ms. Singleton, Clerk of the Council, announced an addendum to the agenda, adding introduction of a special appropriation to the County Government's FY21 Operating Budget, Department of Health and Human Services (DHHS) - \$312,455 for Children, Youth, and Family Services - Therapeutic Recreation Services for School-Age Youth ; introduction of a special appropriation to the County Government's FY21 Operating

Budget, Department of Recreation - \$406,000 for Youth Development - After School Youth Support and Engagement Hubs, and amendment to FY21 Operating Budget Resolution, Section G, FY21 Designation of Entities for Non-Competitive Contract Award Status: Montgomery County Collaboration Council for Children, Youth, and Families; introduction of a special appropriation to Montgomery County Public Schools' (MCPS) FY21 Operating Budget - \$750,000 for Restorative Justice Training for School Staff; and introduction and action on a resolution to amend Resolution 19-557, COVID-19 Human Services and Community Assistance Non-departmental Account (NDA): COVID-19 Response: Rental Assistance and Eviction and Homelessness Prevention; adding a discussion of the Maryland State Department of Education (MSDE) Rejection of Waiver Request for Relaxed Childcare Teacher-Child Ratios; and changing the public hearing date for **Bill 45-20**, Police - Community Policing- Data, to December 8, 2020, at 1:30 P.M., and the public hearing date for **Bill 46-20**, Police - School Resource Officers - Prohibited, to January 12, 2021, at 7:30 P.M.

(1) [The Council is seeking applicants for a vacancy on the County's Charter Review Commission. The deadline to apply is Wednesday, November 25, 2020, at 5:00 P.M.](#)

(2) [The Council is seeking applicants for a partial term on the Merit System Protection Board. The deadline to apply is Friday, November 27, 2020, at 5:00 P.M.](#)

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

Acknowledged receipt of a petition from residents of Montgomery County supporting **Bill 39-20**, Taxation - Recordation Tax - Amendments.

C. **Action - Approval of Minutes**

Approved the minutes of October 6 and 13, 2020, without objection.

(4) **CONSENT CALENDAR**

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

A. **Introduced** a supplemental appropriation to Montgomery College's FY21 Operating Budget - \$1,361,801 for CARES Act Governor's Emergency Education Relief Fund. A public hearing and action are scheduled for December 1, 2020, at 1:30 P.M.

- B. **Adopted Resolution 19-657**, confirming the County Executive’s appointments to the Criminal Justice Coordinating Commission: Robin Stimson, Carole Brown.
- C. **Introduced** a special appropriation to the County Government’s FY21 Operating Budget, Department of Housing and Community Affairs (DHCA) - \$3,473,228 for COVID-19 Response: Maryland State CDBG-CV HUD CPD Funding. A public hearing and action are scheduled for December 1, 2020, at 1:30 P.M.
- D. **Introduced** a special appropriation to the County Government’s FY21 Operating Budget, DHCA - \$4,227,565 for COVID-19 Response: CDBG-CV HUD CPD Funding. A public hearing and action are scheduled for December 1, 2020, at 1:30 P.M.
- E. **Introduced** a resolution to approve Ride On Title VI Policies, Title VI Implementation Plan 2021-2023, and Title VI Compliance Monitoring Report.
- F. **Introduced** a special appropriation to the County Government’s FY21 Operating Budget - DHHS - \$312,455 for Children, Youth, and Family Services - Therapeutic Recreation Services for School-Age Youth. A public hearing and action are scheduled for December 1, 2020, at 1:30 P.M.
- G. **Introduced** a special appropriation to the County Government’s FY21 Operating Budget - Department of Recreation, \$406,000 for Youth Development - After School Youth Support and Engagement Hubs; and Amendment to FY21 Operating Budget Resolution Section G, FY21 Designation of Entities for Non-Competitive Contract Award Status: Montgomery Collaboration Council for Children, Youth, and Families. A public hearing and action are scheduled for December 1, 2020, at 1:30 P.M.
- H. **Introduced** a special appropriation to MCPS FY21 Operating Budget - \$750,000 for Restorative Justice Training for School Staff. A public hearing and action are scheduled for December 1, 2020, at 1:30 P.M.
- I. **Introduced and Adopted Resolution 19-658**, resolution to Amend Resolution 19-557; COVID-19 Human Services and Community Assistance NDA: COVID-19 Response: Rental Assistance and Eviction and Homelessness Prevention.

(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, and Dr. Crowel, Director, DHHS; and

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

Dr. Gayles stated that today the second-highest daily total of cases, 2,149 cases, was reported to the State, with an average positivity rate of 6.9 percent. In Montgomery County, 361 cases were reported, the positivity rate was 5.4 percent at 22.6 per 100,000 residents. He indicated that the County has reached a suppressive level of testing, averaging 1,500 to 1,800 tests daily at County-sponsored testing sites. He cautioned that hospitalization rates are increasing and wants residents to understand the seriousness of where the County stands with continued and sustained increases in new cases.

Regarding the dissemination of a vaccine, Dr. Gayles said the federal government is providing more specific guidelines, and that nursing homes and assisted living facilities would be partnering with pharmacies for distribution. Community support is needed for education and outreach with community partners on why the vaccine is needed and necessary. Two vaccine candidates so far are from Pfizer and Moderna, which require two doses given approximately one month apart. Dr. Gayles said dissemination of these vaccines could potentially begin in late December.

Dr. Stoddard said guidance for ventilation and filtration of air in buildings was posted on the County's website, noting that most buildings would not be able to meet all the guidelines; more outreach would be done to local businesses; and a webinar was held with the business community to review the guidelines and how best to meet the requirements. A webinar will be held with representatives from houses of worship to review the guidelines. He noted that contact tracing shows an uptick in cases linked to people participating in religious services and visiting houses of worship.

Regarding enforcement of guidelines, the department is getting more inspectors and working with construction site managers to make sites safer. Noted an emphasis on big box stores for more enforcement and education. Dr. Stoddard noted a surge in contact tracing and that there have been 61 investigations involving childcare facilities or private schools.

A1. **Discussion - [MSDE Rejection of Waiver Request for Relaxed Childcare Teacher-Child Ratios](#)**

Ms. Barnes, Chief, Children, Youth, and Family Services; and Dr. Andrews, Chief, Early Childhood Services, DHHS, participated in the discussion.

Dr. Gayles explained that the State relaxed restrictions for childcare facilities to allow them to operate at full capacity with a certain teacher-child ratio. The County requested a waiver from the ratio requirement as the County has not entered into Phase 3 of reopening and will remain at Phase 2 due to higher levels of community transmission. Dr. Andrews said the State is returning to the normal teacher-child ratio based on full enrollment. With County childcare centers operating at less than full capacity, the required ratio cannot be met unless additional staff are present, which is cost prohibitive for most family childcare providers. The State rejected the County's request for a waiver from the ratio requirement. Councilmembers expressed disappointment with the State's decision since the County chose to remain at Phase 2 due to concern about an uptick in the number of cases and community transmission rates.

B. Update - [Coronavirus Relief Fund](#)

Participating in the discussion were Mr. Madaleno, Chief Administrative Officer; Dr. Crowel; Ms. Mora, Director, Latino Health Initiative; and Mr. Gottesman, Manager, CountyStat.

Dr. Crowel and Ms. Mora reviewed efforts by the African American Health Program and Latino Health Initiative for community outreach and to provide increased access to testing and support for residents, as well as logistical support for community partners who are providing services. Dr. Crowel noted that a task force is being established to increase vaccine awareness in partnership with the minority health initiatives.

Mr. Madaleno stated that \$31.1 million was included in the first Federal Emergency Management Agency (FEMA) reimbursement request, the vast majority of which was approved. Another \$55.5 million will be submitted shortly, \$31.5 million of which is mostly for personnel costs and food purchases as the Executive is striving to maximize the use of federal funding for the County's expenses. He noted that the Executive Branch is working with the County's labor unions to develop new agreements with respect to hazard differential pay.

Mr. Friedson expressed frustration with delays in submission of FEMA reimbursements, and said that some items could be covered by federal funding rather than the CARES Act and would free up funds for other needs in the County. He said that it appears some funds are being used for purposes other than originally intended.

Mr. Alborno said emerging organizations have come forward to assist the County and a plan should be in place to continue those relationships in the future. He suggested the Arts and Humanities Council would be helpful in

reaching out to new organizations to connect them with existing organizations, noting the importance of keeping minority initiatives moving forward.

The meeting recessed at 1:08 P.M. and reconvened at 1:42 P.M.

- (7) **PUBLIC HEARING/ACTION** - [Special Appropriation to the County Government's FY21 Operating Budget - \\$35,636,325 for Federal Coronavirus Relief Fund Nondepartmental Account \(NDA\), and Amendment to Resolution 19-498 Special Appropriation to the FY20 Operating Budget, Montgomery County Government, Federal Coronavirus Relief Fund NDA](#)

The public hearing was conducted and the record closed.

Mr. Howard, Deputy Director, reviewed Mr. Riemer's proposed amendment, as contained on ©13 of the staff report, to add the following language:

The Council approves that \$41,000 of this appropriation will be provided to the Montgomery County Economic Development Corporation to fully fund the 3R Initiative at \$500,000.

Mr. Howard reviewed the County Executive's proposed amendment to provide an additional authorized use of CRF funds, as contained on ©2 of the addendum, as follows:

Costs related to implementing the Essential Provider Childcare Supplement Program.

Supported, without objection, Mr. Riemer's motion to approve both amendments.

Adopted **Resolution 19-659**, approving the subject special appropriation and amendment to Resolution 19-498, as amended. Mr. Riemer's made the motion, which carried unanimously.

- (8) **PUBLIC HEARING/ACTION** - [Special appropriation to the County Government's FY21 Operating Budget, Montgomery County Economic Development Corporation \(MCDEC\) NDA - \\$8,230,497 for Restaurant Relief Grant Program](#)

The public hearing was conducted and the record closed.

Discussion of the subject special appropriation followed. Participating in the discussion were Mr. Wu, President and Chief Executive Officer, MCEDC;

Ms. Benjamin, Special Projects Director, Office of the County Executive; and Mr. Smith, Legislative Analyst.

Supported, without objection, Mr. Friedson's motion to add the following language:

10. The Council appropriated \$500,000 for the 3R Initiative on June 16, 2020 to provide technical assistance from industry experts for County retail and restaurant businesses and to provide small financial grants to those businesses. The County partnered with MCEDC to administer the 3R Initiative.
11. The total amount of grants for qualified applicants to the 3R Initiative exceeds the \$500,000 appropriation for the program. Since many of the 3R Initiative applicants are restaurants and are eligible for funding through this State grant, MCEDC proposes to use \$400,000 of this appropriation to fully fund the 3R Initiative. Funding from this appropriation for the 3R Initiative must only be provided to restaurant businesses.
12. Any business that receives a 3R Initiative grant with funding from this appropriation is still eligible to apply and qualify for the maximum \$10,000 award for the Restaurant Relief Grant Program, excluding any eligible expenses that the business funded with the 3R Initiative grant.

Adopted **Resolution 19-660**, approving the subject special appropriation, as amended. Mr. Friedson made the motion, which carried unanimously.

- (9) **BRIEFING - [Inspector General Report - County SharePoint Platform Exposes Sensitive Information of Vulnerable Populations, Office of the Inspector General \(OIG\) Publication #21-003](#)**

Participating in the discussion were Ms. Limarzi, Inspector General (IG); Ms. Kassiri, Deputy Chief Administrative Officer; Ms. Roper, Director, Mr. Young, Enterprise IT Security Office, Department of Technology Services (DTS); Mr. Godfrey, Chief Information Officer, DHHS; Mr. Frethem, Director of Sales, Varonis; Ms. Michaelson, Council Executive Director; and Dr. Toregas, Council IT Adviser.

The IG presented a briefing on the on the subject report and reviewed the five recommendations contained in the report.

The IG's presentation was followed by a discussion of the timeline of actions taken after concerns were raised by the OIG as well as broad level policy issues.

Ms. Navarro noted that the Government Operations and Fiscal Policy (GO) Committee will be following up to address issues in the report as well as other issues that were raised today.

(11) [Semi-Annual Report of the Montgomery County Planning Board](#)

Participating in the discussion were Mr. Anderson, Chair, and Ms. Fani-Gonzalez, Vice Chair, Montgomery County Planning Board; Ms. Wright, Director, Planning Department, and Mr. Riley, Director, Parks Department, Maryland-National Capital Park and Planning Commission (M-NCPPC).

Received an overview of the Planning Department's accomplishments and an update on a number of items, including work on the I-495 and I-270 Managed Lanes Study Draft Environmental Impact Statement, their recent move to new headquarters in Wheaton, noting the building is LEED platinum certified and has a number of green features such as geothermal heating and cooling. Updates were provided on ways they have responded to COVID-19 through increased community outreach with more electronic communications, more virtual meetings, online community chats, and using enhancements such as the Teams breakout feature. Received an update on ongoing work related to racial equity and social justice, including the Street and Parks Facilities Renaming Project, Vision Zero, and community outreach to people not traditionally involved in Planning Board matters. Received an update on next steps for the County Growth Policy, the schedule for Thrive Montgomery 2050, an overview of regulatory projects, and an update of master plans and studies in progress.

Received a briefing on the reopening of Parks in response to Covid-19, as well as other actions the Department has taken to adapt to ongoing circumstances caused by the pandemic, including community collaboration for Covid-19 drive-thru testing and food donations; the open streets initiative; alternative outdoor programming such as drive-in movies, stand-up weddings, and themed 5k activities; reopening of playgrounds, basketball, and tennis courts; virtual programming for nature centers. Parks staff provided an update on several ongoing parks projects and programs, including community outreach for the Wheaton Regional Park Master Plan, update on Maydale Nature Classroom, pickleball courts, Dewey Local Park, Josiah Henson Museum, athletic fields, and the trails program.

Mr. Jawando suggested that The Remembrance and Reconciliation Commission be utilized to assist as well as participate in the work of the Street and Parks Facilities Renaming Project.

Councilmembers thanked the Planning Board and staff for their enhanced outreach and engagement with residents as well as heightened outdoor offerings to help residents maintain their physical and mental health during the pandemic.

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION - Day #36**

(Clerk's note: the legislative day on the agenda was incorrectly listed as #35)

(6) Introduction of Bills:

A. [Bill 45-20, Police - Community Policing - Data](#)

Introduced draft #2 of **Bill 45-20**, sponsored by Councilmembers Jawando, Katz, Hucker and Albornoz. A public hearing is scheduled for December 8, 2020, at 1:30 P.M.

Mr. Riemer, Mr. Rice, Mr. Friedson, Ms. Navarro and Mr. Glass requested to be added as cosponsors of the legislation.

B. [Bill 46-20, Police - School Resource Officers - Prohibited](#)

Introduced draft #3 of **Bill 46-20**, sponsored by Councilmembers Jawando and Riemer. A public hearing is scheduled for February 4, 2021, at 7:30 P.M.

The meeting adjourned at 5:37 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