



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, February 2, 2021

The County Council for Montgomery County, Maryland convened via video conference at 9:05 A.M. on Tuesday, February 2, 2021.

PRESENT

Councilmember Tom Hucker, President
Councilmember Andrew Friedson
Councilmember Will Jawando
Councilmember Nancy Navarro

Councilmember Gabe Albornoz, Vice President
Councilmember Evan Glass
Councilmember Sidney Katz
Councilmember Craig Rice
Councilmember Hans Riemer

The President in the Chair.

PRESENTATIONS

- A. Proclamation was presented by Mr. Rice and County Executive Marc Elrich recognizing Radon Awareness Month.
- B. Proclamation was presented by Mr. Hucker, Mr. Albornoz, Ms. Navarro, Chief Marcus Jones and County Executive Marc Elrich - "Blanca Kling: Honoring a Life of Service".

GENERAL BUSINESS

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

Ms. Singleton, Clerk of the Council, announced an addendum to the agenda, adding the proclamation recognizing Blanca King, and adding action on approval of the November 5, 2020, minutes.

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

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

C. **Action - Approval of Minutes**

Approved the minutes of November 5, 2020, without objection.
Mr. Albornoz was temporarily absent.

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

Dr. Gayles expressed thanks to healthcare professionals working tirelessly during the pandemic, reminding the Council that pandemic management is still ongoing. He noted that the number of cases is trending downward in the County and in the State, with improvement in the test positivity rate, stating that he wants to see sustained positive trends before making changes to the current policies in place. Dr. Gayles said the variant strains of the virus are more contagious, and the State has increased its capability to test for these variant strains. They are continuing to increase testing, including point-of-care testing, and are working with Montgomery County Public Schools (MCPS) to integrate testing of staff and students. Regarding vaccine distribution, they are striving for equitable distribution and focusing on highly impacted areas, and have connected with Johns Hopkins to expand the allotment of doses to vaccinate educators in both public and non-public schools. They have identified, through DHHS' Children, Youth, and Family Services, 100 childcare workers to receive the 100 doses allocated by the State. They are working to identify independent living facilities not covered by pharmacies and developing strategies to get the vaccine to those facilities. Dr. Gayles said there has been no engagement with the State concerning a mass vaccination site in the County, but they have suggested several possible sites for consideration.

Dr. Crowel commented on disparities evident in preregistration and stressed the need to continue to allocate doses to highly impacted areas based on race and ethnicity, to work to increase access to preregistration and scheduling of appointments as part of the equity plan, and to address the hesitancy issues. He noted that workgroups are continuing to address access issues and to identify ways to engage hard to reach communities. A call-in line was established to provide assistance for residents with limited computer access, and information was provided to churches and the minority health care initiatives. Dr. Crowel said due to safety concerns, door-to-door canvassing would not be done at this time.

Dr. Stoddard said they are focusing on seniors over age 75 who need transportation to clinics and are developing a strategy to provide the vaccine to homebound seniors. He indicated that it would take four to five weeks to vaccinate most of the over-75 population in the County. Regarding indoor dining, Dr. Stoddard expressed the view that it is not a safe activity, but that he understands the need to balance public health issues with economic concerns.

Mr. Katz suggested the criteria for opening up indoor dining be repeated widely and noted that residents should call 311 to file a complaint regarding a business' failure to follow the guidelines.

Ms. Navarro commented on disparities in preregistration and that they need to double down on approaches taken to reach those groups. She requested a Council session be scheduled to focus on equity issues. Dr. Crowel noted that they are meeting with a group within MCPS that wants to help with the preregistration effort, and would share the outcome with Councilmembers.

Mr. Friedson said the registration system is inadequate and he would push for improvements. He requested a timeline for when to expect a plan for the independent living facilities and for housebound seniors to receive the vaccine. He noted that there is confusion among non-profit providers regarding preregistration prioritization.

Mr. Rice expressed concern that private providers are not required to follow the equity framework for distribution of the vaccine, and that the system has failed to prioritize those residents most at risk.

Mr. Glass supported using the Census team to go into underserved communities to help with preregistration and noted that Regional Services Centers and faith-based groups are also working to target those communities. He expressed the view that it may be necessary to go door-to-door when it is possible to do so.

Mr. Riemer expressed the view that the State failed to build a rational registration system, and that a unified database would make it easier for private providers to use the equity framework. He noted the need for a plan to reach homebound residents and independent living facilities and requested an update of the status of those facilities. Mr. Riemer suggested guidance be provided on double-masking, and expressed concern that Superbowl gatherings could serve as super spreaders. Dr. Stoddard commented that there are 61 independent living facilities in the County, that some have been covered through other hospitals and clinics, and that the question is how the remaining facilities should be prioritized due to limited amounts of the vaccine.

Mr. Jawando questioned the appropriateness of allowing indoor dining when the County is trying to provide vaccinations to seniors and teachers and with the increase of variant strains of the virus and suggested restaurants should be limited to serving food for take-out.

(3) **INTERVIEWS - [Merit System Protection Board \(MSPB\)](#)**

Interviewed Barbara Fredericks, C. Scott Maravilla, and Amit Sharma, applicants to fill the remaining term of Angela Franco, which expired in December 2020.

(4) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

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

- A. **Adopted Resolution 19-719**, Spending Affordability Guidelines for the FY22 Capital Budget and other general CIP assumptions.
- B. **Adopted Resolution 19-720**, confirming the County Executive's appointment as Director, Office of Management and Budget: Jennifer Bryant.
- C. **Adopted Resolution 19-721**, confirming the County Executive's appointment as Chief Labor Relations Officer: Jennifer Harling.
- D. **Adopted Resolution 19-722**, confirming the County Executive's appointment to the Commission on Common Ownership Communities: Cheryl Walker.
- E. **Adopted Resolution 19-723**, confirming the County Executive's appointment to the County-Wide Recreation and Parks Advisory Board: Ramona Bell-Pearson.
- F. **Adopted Resolution 19-724**, confirming the County Executive's appointment to the Criminal Justice Coordinating Commission: Carole Brown.

- G. Adopted **Resolution 19-725**, confirming the County Executive's appointments to the Board of Social Services: Derek Flake, Marcy Frosh, Asha Isable, Chante Leverette, Michael Lipsitz, Geethani Liyanage, Pamela Marquez, Marquette Rogers.
- H. Adopted **Resolution 19-726**, confirming the County Executive's appointments to the UpCounty Citizens Advisory Board: Susan Baldeh, Robert Bartlett, Hassan Dixon, Yamil Hernandez, Kimberly Kempa, Tangela Nichols, Andrew Saundry, Amanda Franklin.
- I. Adopted **Resolution 19-727**, confirming the County Executive's appointment to the Workforce Development Board: Courtney Hall.

The meeting recessed at 11:42 A.M. and reconvened at 1:34 P.M.

- (5) **PUBLIC HEARING** - Supplemental appropriation to the County Government's FY21 Capital Budget and Amendment to the FY21-26 Capital Improvements Program (CIP), Department of Technology Services (DTS) - \$1,434,000 for County Radio Replacement and Related Equipment

The public hearing was conducted. Mr. Jawando was temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on February 2, 2021. A Government Operations and Fiscal Policy (GO) committee worksession will be scheduled at a later date.

- (6) **PUBLIC HEARING - Expedited Bill 1-21, Growth and Infrastructure Policy - Renamed - Expedited Development Approval Excise Tax - Repealed**

The public hearing was conducted. Mr. Jawando was temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on February 16, 2021. Action is tentatively scheduled for Tuesday, February 23, 2021

- (7) **PUBLIC HEARING/ACTION** - Special appropriation to the County Government's FY21 Operating Budget, Children's Opportunity Fund Non-Departmental Account (NDA) - \$3,600,000 for COVID-19 Educational Enrichment and Equity Hubs and Amendment to FY21 Operating Budget Resolution 19-472, Section G, FY21 Designation of Entities for Non-Competitive Contract Award Status: Greater Washington Community Foundation

The public hearing was conducted.

Adopted **Resolution 19-728**, approving the subject special appropriation and amendment to Resolution 19-472, Section G, FY21 Designation of Entities for Non-Competitive Contract Award Status: Greater Washington Community Foundation.

The joint Education and Culture (E&C) and Health and Human Services (HHS) Committee made the motion, which carried without objection.

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION - Day #4**

(8) Introduction of Bills:

A. [Bill 6-21, Finance - Revenue Estimating Group - Established](#)

Introduced draft #5 of **Bill 6-21**, sponsored by Mr. Friedson and co-sponsored by Ms. Navarro and Mr. Katz. A public hearing is scheduled for February 23, 2021, at 1:30 P.M.

B. [Bill 7-21, Building Positive Law Enforcement Relationships Within Schools \(B-PLERS\)](#)

Introduced draft #5 of **Bill 7-21**, sponsored by Mr. Rice and Mr. Katz. A public hearing is scheduled for February 23, 2021, at 1:30 P.M.

(9) Call of Bills for Final Reading:

A. [Expedited Bill 2-21, Taxation - Development Impact Taxes for Transportation and Public School Improvements - Amendments - Effective Date](#)

Senior Legislative Attorney Drummer participated in the discussion.

Enacted draft #1 of **Expedited Bill 2-21**, as introduced.

Ms. Navarro made the motion and the Expedited Bill was enacted by a roll call vote:

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

B. [Expedited Bill 36-20, Forest Conservation - Amendments](#)

Mr. Hucker, Chair of the Transportation and Environment (T&E) Committee, stated that this bill would implement changes and updates to the Forest Conservation Law that are needed to conform to changes in state law. A discussion on additional conservation measures will be scheduled at a future date.

Enacted draft #3 of **Expedited Bill 36-20**, as shown at the end of these minutes.

The T&E Committee made the motion and the Expedited Bill was enacted by a roll call vote:

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

C. [Planning Board Regulation - Proposed 2018-2020 Changes to Forest Conservation - Trees Regulation](#)

This item was postponed.

(10) **BRIEFING** - [Office of Legislative Oversight \(OLO\) Report 2021-1, Labor Agreements with Montgomery County Police Officers](#)

Participating in the discussion were Senior Legislative Analysts Rubin and Trombka, OLO.

Mr. Hucker stated that today's briefing is an overview of OLO's report and that a full in-depth discussion would be held during a joint Public Safety (PS) and Government Operations and Fiscal Policy (GO) Committee meeting, to be scheduled at a future date.

Received an overview of OLO's report that describes the terms and conditions of the County Government's collective bargaining agreement (CBA) with County police officers. The report includes a summary of the provisions included in the County's CBA with the Fraternal Order of Police, Montgomery County Lodge 35, Inc. (FOP), and extent to which the documents are accessible and comprehensible by a third-party reader.

Mr. Jawando commented on the importance of transparency, critical for community-police relations. He requested that rather than at a joint committee meeting, this report be discussed at a full Council meeting.

Mr. Rice commented that the responsibilities, rights, and restrictions of police officers should be very clear and available to the public.

The meeting adjourned at 2:44 P.M.

This is an accurate account of the meeting:



Selena Mendy Singleton, Esq.
Clerk of the Council