



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, March 16, 2021

The County Council for Montgomery County, Maryland convened via video conference at 9:00 A.M. on Tuesday, March 16, 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. Riemer recognizing Vaccine Hunters.
- B. Proclamation was presented by Mr. Friedson celebrating Bethesda's 150th Birthday.

GENERAL BUSINESS

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

Ms. Singleton, Clerk of the Council, announced an addendum to the agenda, correcting an announcement that the Council will hold public hearings on the FY22 Operating Budget and additional Amendments to the FY21-26 Capital Improvements Program (CIP) on April 6 [and 7] at 1:30 P.M. and on April 6, 7, and 8 at 7:00 P.M.; postponing introduction of a Resolution to renew Council contract for audit services; and adding introduction of a supplemental appropriation to Montgomery County Public Schools' (MCPS) FY21 Capital Budget - \$5,000,000 for Relocatable Classrooms.

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

No petitions were received this week.

C. **Action** – Approved the minutes of November 23 and 30, 2020, without objection. Mr. Jawando and Mr. Rice were temporarily absent.

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

C. **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. Bridgers, Deputy County Health Officer, Department of Health and Human Services (DHHS); and Dr. Stoddard, Director, Office of Emergency Management and Homeland Security (OEMHS).

Dr. Gayles reviewed current statistics related to COVID-19, noting that they are monitoring trends to see the impacts associated with reopening, and that the County is still at a level for high risk of transmission of the virus, even with over 11 percent of the population fully vaccinated. He indicated the State is increasing the County's weekly allotment of doses to 6,500, and they are developing ways to work with community partners for distribution of the vaccine. Regarding youth sports, he stated it is within the purview of the Board of Health to determine what is allowed, and that decisions are based on clinical data. He recommended that face coverings be worn during sport activities. Dr. Gayles said they are hoping to prevent a situation where another wave of lockdowns is deemed necessary, as was recently done in Europe, and to allow the continued reopening of schools.

Dr. Stoddard reported that the State would help build out a mass vaccination site in Germantown at Montgomery College, which would be able to distribute 3,000 doses daily. He noted that the capacity could be higher, dependent upon the number of available doses.

Councilmembers commented that all sports should be treated equitably, with an emphasis on safety, noting the need for a carefully managed approach to include testing and contact tracing to help prevent transmission of the virus. Dr. Gayles stressed that students, coaches, and families need to be upfront about possible exposure and share that information, and that it must be ensured that kids and parents are adhering to the guidelines to avoid large-scale quarantines.

(4) **CONSENT CALENDAR**

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

- A. **Introduction** - Resolution to renew Council contract for audit services.

This item was postponed. Introduction will be scheduled for a future date.

- B. **Introduced** a supplemental appropriation to the County Government's FY21 Operating Budget, DHHS - \$508,853 for Medication Assisted Treatment Program. A public hearing and action are scheduled for March 23, 2021, at 1:30 P.M.
- C. **Introduced** a supplemental appropriation to the County Government's FY21 Operating Budget, Montgomery County Fire and Rescue Service - \$2,041,846 for FY21 Senator Amoss Fire, Rescue, and Ambulance Fund (State 508) Grant. A public hearing and action are scheduled for April 6, 2021, at 1:30 P.M.
- D. **Adopted Resolution 19-761**, supplemental appropriation to the County Government's Capital Budget and Amendment to the FY21-26 Capital Improvement Program (CIP), Department of General Services (DGS) - \$92,000 for Council Office Building Renovation.
- E. **Adopted Resolution 19-762**, confirming the County Executive's appointment to the Community Action Board: Timothy Robinson.
- F. **Introduced/Adopted Resolution 19-763**, amendment to Resolution 19-590, COVID-19 Human Services and Community Assistance Non-Departmental Account (NDA); Support for COVID-19 Response - Youth Sports Initiative.
- G. **Introduced** a supplemental appropriation to MCPS FY21 Capital Budget - \$5,000,000 for Relocatable Classrooms \$5,000,000. A public hearing and action are scheduled for March 23, 2021, at 1:30 P.M.

The meeting recessed at 11:11 A.M. and reconvened at 1:30 P.M.

(5) **PUBLIC HEARING - Expedited Bill 8-21, Administration - Department of Technology Services - Renamed**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on March 23, 2021. A Government Operations and Fiscal Policy (GO) Committee worksession will be scheduled for a future date.

(6) **PUBLIC HEARING - [Bill 9-21, Streets and Roads - Sidewalk Snow Removal - Amendments](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on March 23, 2021. A Transportation and Environment (T&E) Committee worksession will be scheduled for a future date.

(7) **PUBLIC HEARING - [Adoption of the Comprehensive Solid Waste Management Plan 2020-2029](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on March 17, 2021. A T&E Committee worksession is scheduled for March 22, 2021.

(8) **PUBLIC HEARING - [Declaration of No Further Need - Disposition of Halpine View Real Property](#)**

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business on March 25, 2021. A GO/Planning, Housing and Economic Development (PHED) Committee worksession is tentatively scheduled for March 25, 2021.

(9) **PUBLIC HEARING/ACTION - [Transfer of Unexpended Project Balance within the FY21 Capital Budget and Amendment to the FY21-26 CIP, MCPS - \\$3,182,226 to MCPS Local Unliquidated Surplus](#)**

The public hearing was conducted and the record closed.

Adopted **Resolution 19-764**, approving the subject transfer of unexpended project balance within the FY21 Capital Budget and amendment to the FY21-26 CIP for MCPS to Local Unliquidated Surplus.

Mr. Rice made the motion, which carried unanimously.

(10) **PUBLIC HEARING/ACTION - [Transfer of Unexpended Project Balance within the FY21 Capital Budget and Amendments to the FY21-26 CIP, MCPS - \\$3,182,226 to Gaithersburg Cluster Elementary School #8](#)**

The public hearing was conducted and the record closed.

Adopted **Resolution 19-765**, approving the subject transfer of unexpended project balance within the FY21 Capital Budget and amendments to the FY21-26 CIP for MCPS to Gaithersburg Cluster Elementary School #8.

Mr. Rice made the motion, which carried unanimously.

- (11) **PUBLIC HEARING/ACTION** - [Supplemental Appropriation to the County Government's FY21 Operating Budget, Department of Police, Department of Correction and Rehabilitation, Sheriff's Office, and the State's Attorney's Office - \\$264,568 for Governor's Office of Crime Control and Prevention, \(GOCCP\) Bureau of Justice Assistance, \(BJA\) Byrne Coronavirus Emergency Supplemental Grant Funding](#)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-766**, approving the subject supplemental appropriation.

Mr. Katz made the motion, which carried unanimously.

- (12) **PUBLIC HEARING/ACTION** - [Supplemental Appropriation to the County Government's FY21 Capital Budget and amendment to the FY21-26 CIP, Department of Transportation \(DOT\) - \\$472,000 for Intelligent Transit System](#)

The public hearing was conducted and the record closed.

Adopted **Resolution 19-767**, approving the subject supplemental appropriation and amendment to the FY21-26 CIP.

Mr. Katz made the motion, which carried unanimously.

(13) **DISTRICT COUNCIL**

- A. **Introduction** - [Additions to the Office of Zoning and Administrative Hearings' \(OZAH\) Comprehensive Fee Schedule](#)

Introduced a resolution for additions to OZAH's comprehensive fee schedule, sponsored by the Council President at the request of the Hearing Examiner. A public hearing is scheduled for April 6, 2021, at 1:30 P.M.

B. **Action** - [Zoning Text Amendment \(ZTA\) 20-06, Surface Parking - Residential Zones](#)

Ms. Ndou, Legislative Attorney, reviewed the PHED Committee recommendations on ZTA 20-06, as contained in the staff report.

Enacted **Ordinance 19-15**, approving draft #4 of ZTA 20-06.

The PHED Committee made the motion and the Ordinance was enacted by a roll call vote:

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

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION - Day #8**

(14) **Introduction of Bills**

A. [**Expedited Bill 12-21, Personnel - Employees' Retirement System - Retirement Savings Plan - Group Trust - Amendments**](#)

Introduced draft #2 of **Expedited Bill 12-21**, sponsored by the Council President at the request of the County Executive. A public hearing is scheduled for April 6, 2021, at 1:30 P.M.

B. [**Expedited Bill 13-21, Streets and Roads - Permit to Obstruct Public Rights-of-Way and Franchising - Amendments**](#)

Introduced draft #2 of **Expedited Bill 13-21**, sponsored by the Council President at the request of the County Executive. A public hearing is scheduled for April 6, 2021, at 1:30 P.M.

(15) **Call of Bills for Final Reading:**

A. [**Bill 37-19, Economic Development Fund - Use of Fund and Remedies for Noncompliance**](#)

Mr. Riemer, Chair of the PHED Committee, reviewed the purpose of the subject bill and the Committee recommendations, as contained in the staff report.

Enacted draft #5 of **Bill 37-19**, as shown at the end of these minutes.

The PHED Committee made the motion and the bill was enacted by a roll call vote:

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

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

Ms. Navarro, Chair of the GO Committee, reviewed the Committee recommendations, as contained in the staff report.

Mr. Andrews, the lead sponsor of the bill, reviewed the purpose of the legislation, which is to increase the accuracy and usefulness of County revenue projections necessary for budget decision-making.

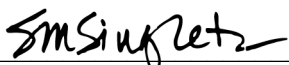
Enacted draft #6 of **Bill 6-21**, as shown at the end of these minutes.

The GO Committee made the motion and the bill was enacted by a roll call vote:

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

The meeting adjourned at 2:36 P.M.

This is a correct copy of Council action.



Selena Mendy Singleton, Esq.
Clerk of the Council

Bill No. 37-19
 Concerning: Economic Development
Fund – Use of Fund and Remedies
for Noncompliance
 Revised: 3/4/2021 Draft No. 5
 Introduced: December 3, 2019
 Enacted: March 16, 2021
 Executive: _____
 Effective: _____
 Sunset Date: None
 Ch. _____, Laws of Mont. Co. _____

**COUNTY COUNCIL
 FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Evan Glass
 Co-Sponsors: Councilmembers Riemer and Jawando

AN ACT to:

- (1) require recipients of Economic Development Fund assistance to agree to certain terms and conditions regarding the use and repayment of the assistance;
- (2) alter eligibility requirements for the Small Business Innovation Research and Small Business Technology Transfer Matching Grants;
- (3) require the repayment to the County of Small Business Innovation Research and Small Business Technology Transfer Matching Grants in certain circumstances;
- (4) impose remedies related to the provision of false or fraudulent applications and the use of Fund assistance for unauthorized purposes; and
- (5) generally amend the law related to the Economic Development Fund.

By amending

Montgomery County Code
 Chapter 20, Finance
 Sections 20-75 and 20-76E

By adding

Chapter 20, Finance
 Section 20-76F

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Sections 20-75 and 20-76E are amended, and Section 20-76F is added, as follows:

20-75. Use of Fund.

* * *

- (f) [Unless expressly inconsistent with any other federal, state, or County law, the] ~~[[The]]~~ Except as provided in subsection (h), the terms and conditions of any assistance from the Fund:
 - (1) must be specified in a written agreement between the County and the recipient; and
 - (2) except to the extent expressly inconsistent with any other federal, state, or County law, must:
 - (A) require the recipient to meet certain eligibility criteria and, if applicable, performance criteria specified in the offer of assistance[, including a repayment agreement unless the Executive justifies why repayment of assistance is not required.];
 - (B) grant the Director the right to audit or monitor the recipient's compliance with the terms and conditions of assistance;
 - (C) require periodic reports, if applicable, from the recipient;
 - (D) prohibit the use of assistance from the Fund for unauthorized purposes; and
 - (E) provide remedies for the County, including the repayment of assistance, if the recipient:
 - (i) uses the assistance for an unauthorized purpose;
 - (ii) fails to meet eligibility criteria and, if applicable, performance criteria specified in the written agreement; or
 - (iii) otherwise breaches the written agreement.
- (h) The requirements of subsection (f) do not apply to assistance from the Fund if the Director determines that the assistance program does not require program recipients to comply with any terms or conditions after receipt of the assistance.

20-76E. Small Business Innovation Research and Small Business Technology Transfer Matching Grant Program.

* * *

- (c) *Eligibility.* A business is eligible to receive the matching grant if the business:
 - (1) has been awarded a SBIR or STTR Phase I or Phase II grant during the current calendar year[by the National Institutes of Health] to conduct research in medicine, biotechnology, or life sciences; and
 - (2) conducts at least 51% of its research and development operations at a physical location in the County.
- (f) Administration.
 - (1) The Director must administer the Program.
 - (2) The Director must require a business to enter into an agreement under Section 20-75(f), including an agreement to pay back any grant payments received if:
 - (A) the business does not remain in the County for [at least 2 years after receiving the grant payment.] a minimum time period specified in the agreement; or
 - (B) the business uses the payment for an unauthorized purpose.

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20-76F. Remedies for Fraudulent Applications or Misuse of Funds.

- (a) The remedies under this Section supplement any other remedy available under the law, including any remedy under Section 20-75(f)(2).
- (b) A person who submits a false or fraudulent application, or withholds material information, to obtain assistance under this Article has committed a Class A violation.
- (c) A person who violates Subsection (b), or who uses assistance from the Fund for an unauthorized purpose under Section 20-75(f), is liable for all court costs and expenses and reasonable attorney's fees incurred by the County to recover any payment, interest, or penalty.

Bill No. 6-21
 Concerning: Finance - Revenue
Estimating Group - Established
 Revised: 3/8/2021 Draft No. 6
 Introduced: February 2, 2021
 Enacted: March 16, 2021
 Executive: _____
 Effective: _____
 Sunset Date: None
 Ch. _____, Laws of Mont. Co. _____

**COUNTY COUNCIL
 FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Friedson
 Co-Sponsors: Councilmembers Navarro and Katz

AN ACT to:

- (1) establish a Revenue Estimating Group to review and forecast County revenues;
- (2) provide for membership and duties of the Group; and
- (3) generally amend the law governing the review and forecast of County revenues.

By adding

Montgomery County Code
 Chapter 20, Finance
 Article XVII
 Section 20-84

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Article XVII and Section 20-84 are added as follows:**

2 **Article XVII. Revenue Estimating Group.**

3 **20-84. Revenue Estimating Group.**

4 (a) Definitions. As used in this Section:

5 Group means the Revenue Estimating Group established in this Section.

6 Revenue means all funds received by the County, including:

- 7 (1) income tax;
- 8 (2) property tax;
- 9 (3) fuel energy tax;
- 10 (4) recordation tax;
- 11 (5) development impact tax;
- 12 (6) room rental and transient tax;
- 13 (7) telephone tax;
- 14 (8) any other tax receipts authorized under law;
- 15 (9) State grants;
- 16 (10) Federal grants;
- 17 (11) permit fees; and
- 18 (12) any other funds that are reasonably expected.

19 (b) Group established. There is a Revenue Estimating Group.

20 (c) Membership. The Group must include one or more representatives from the following departments and offices:

- 21 (1) Office of the Chief Administrative Officer;
- 22 (2) Department of Finance;
- 23 (3) Office of Management and Budget;
- 24 (4) County Council Central Staff; and
- 25 (5) Office of Legislative Oversight.

26 (d) Chair. The ~~[[Chief Administrative Officer's]]~~ Director of Finance or the Director's representative must be the chair.

27 (e) Duties. The Group must:

- 28 (1) review and analyze the attainment of revenue on a quarterly basis;
- 29 (2) develop revenue forecasts and any necessary revisions to those forecasts;
- 30 (3) [[perform any studies or analyses requested by the Executive or the Council President;
- 31 (4)]] develop a methodology to forecast revenue; and
- 32 ~~[[5]]~~ (4) provide quarterly reports on revenue projections to the Executive and the
- 33 Council each year on:
- 34 (A) February 15;
- 35 (B) May 15;
- 36 (C) September 15; and
- 37 (D) December 15.

38 (f) Staff. The Director of the Department of Finance and the Director of the Office of Management and Budget must provide staff support for the Group.

39 (g) Meetings. The Group must meet at least one time each quarter.

40 (h) Use. The Executive must use the Group's revenue forecasts as a basis for the Executive's recommended operating budget submitted to the Council each March 15.

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