



## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

**APPROVED**

Tuesday, July 13, 2021

The County Council for Montgomery County, Maryland convened via video conference at 9:04 A.M. on Tuesday, July 13, 2021.

### PRESENT

Councilmember Tom Hucker, President	Councilmember Gabe Albornoz, Vice President
Councilmember Andrew Friedson	Councilmember Evan Glass
Councilmember Will Jawando	Councilmember Sidney Katz
Councilmember Nancy Navarro	Councilmember Craig Rice
Councilmember Hans Riemer	

The President in the Chair.

### PRESENTATIONS

- A. Proclamation was presented by Mr. Friedson and Council Vice President Albornoz and the County Executive recognizing National Parks and Recreation Month.
- B. Proclamation was presented by Council President Hucker, Ms. Navarro and Mr. Friedson celebrating the 40th Anniversary of NARAL.
- C. Proclamation was presented by Ms. Navarro honoring Monica Escalante's 20 years of service to Montgomery Hospice.

### GENERAL BUSINESS

- A. **Announcements** - Agenda and Calendar Changes
- (1) B. **Acknowledgement** – [Receipt of Petitions](#)  
No petitions were received this week.
- C. **Action** – Approval of Minutes

Approved the minutes of April 27, May 4 and 10, 2021, without objection. Mr. Friedson and Mr. Jawando were 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. 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 reported that overall numbers of new COVID-related cases and hospitalizations remain low, with the majority of new cases being in those aged 20 to 29 and 30 to 39 and unvaccinated. Currently, 81.4% of the County's eligible population is fully vaccinated, and they are working with community partners to expand vaccine availability in highly impacted communities. The County has consolidated its vaccination sites to three locations: Dennis Avenue in Silver Spring, the Upcounty Regional Services Center in Germantown, and the Rockville campus of Montgomery College. Dr. Gayles commented that no timeline has been established for vaccination of children under age 12. He encouraged everyone eligible to get the vaccine. Current federal guidance indicates that boosters are not necessary for those who received the Pfizer or Moderna vaccines. Dr. Bridgers added that testing and vaccinations are ongoing and do not require appointments, and residents should check the County's website for additional information and to schedule an appointment if desired. Dr. Stoddard noted that the Germantown mass vaccination site administered 75,000 vaccines. He reminded residents that 99.2% of current fatalities are among the unvaccinated, that the vaccine is 98% effective against preventing severe illness, and that it is anticipated that the Delta variant of the virus would become predominate in the State and across the country.

Dr. Gayles noted that any mandate to require students to be vaccinated would be set by the State Board of Education. He said it is in the best interest of those unvaccinated to wear face coverings, noting that new strains of the virus are more contagious, but that face coverings should not only be associated with COVID as they help lessen seasonal allergies and reduces the number of flu cases.

(3) [COVID Recovery Update](#)

Participating in the discussion were Ms. Michaelson, Council Executive Director; Dr. Stoddard; Dr. Crowel, Director, and Ms. Harris, Chief, Services to End and Prevent Homelessness, DHHS; Ms. Bruskin, Executive Director, Montgomery County Food Council; and Mr. Hodge, Food Security Task Force, DHHS.

Dr. Stoddard stated that the COVID after-action process will be the largest in the County's history, to include lessons learned and a focus on six key areas: government services, housing, economic revitalization, health and human services, education and youth, and food resilience. The panel provided updates on the intermediate recovery framework, food assistance programs, the eight service hubs and partnerships with non-profit organizations to provide food and services; the rental assistance program, which is still open; behavioral health efforts; steps taken to address systemic equity and disparity issues; and policy issues that require legislative changes as a result of COVID.

Councilmembers commented on the need to shift outreach and community engagement efforts to reach the most highly impacted communities and to test communication systems to ensure their efficacy; the need to emphasize innovation and collaboration with the State and local agencies; the need for feedback from the business community regarding economic issues; the need to revitalize the workforce and invest in workforce development for low-skilled individuals and those reentering the workforce; and the need for an equitable recovery and focus on where harm is most pronounced, including acknowledging the impact of COVID on women in the workplace and childcare issues.

Noted that the Governor's State of Emergency has not been lifted and is currently in place until August 12, which means that under the COVID-19 Renter Relief Act, rent may not be raised over the rent guidelines until 90 days after the State of Emergency has been lifted.

(4) **[American Rescue Plan Act \(ARPA\) Process Update](#)**

Participating in the discussion were Mr. Smith, Legislative Analyst; and Mr. Howard, Council Deputy Director.

Mr. Smith explained that the County is expected to receive \$204 million in ARPA funding in two tranches - one was received in June 2021 and the second is expected in May or June of 2022. The funds can be used to target public health or negative economic impacts of the pandemic, to provide premium pay to eligible essential workers, the provision of government services to the extent of the reduction in revenue due to the public health emergency, and to make necessary investments in water, sewer, or broadband infrastructure. The Council has already approved the use of \$127.69 million in ARPA funding, which accounts for 63 percent of the total ARPA funding, with \$76.41 million in unallocated ARPA funding remaining.

Mr. Friedson commented that the Council has authorized or appropriated \$127.6 million in ARPA funds FY21 and FY22, but the anticipated funds from the second tranche have not been received. He questioned whether current expenses should be funded with anticipated ARPA funds and requested staff to provide information on the spending policies of other jurisdictions and continuing

information on Federal Emergency Management Agency (FEMA) reimbursements, noting the Council's oversight role.

Supported the suggestion of Ms. Navarro that the racial equity and social equity framework set forth in the July 12, 2021, memorandum from the Office of Legislative Oversight (OLO) be used as a framework to guide the ARPA funding process to address the extraordinary need and inequity issues in the County.

Mr. Riemer commented that he wants funding allocated to provide incentives to residents for getting vaccinated against COVID-19.

Mr. Rice, noting a recent discussion at the National Association of Counties (NACo) conference, suggested that the Council consider using the lost revenue calculation as a strategy to backfill funding gaps, noting that those funds would allow flexibility and not be restricted to designated uses. He supported setting aside some ARPA funds for the FY23 Working Families Income Supplement.

#### (5) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

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

- A. **Introduced** a special appropriation to the County Government's FY22 Operating Budget, Office of the County Attorney - \$700,000 for Minority, Female, and Disabled-Owned Business Program - Disparity Study. A public hearing and action are scheduled for July 20, 2021, at 1:30 P.M.
- B. **Introduced** a resolution to approve Completing the Capital Trails Network and Capital Trails Coalition Top 40 Priority Projects.
- C. **Introduced** a resolution in support of Medicare for All.
- D. **Introduced** proposed Amendments to the Comprehensive Water Supply and Sewerage Systems Plan: Water and Sewer Category Change Requests.
- E. **Received and Released** the Office of Legislative Oversight (OLO) Memorandum Report 2021-8: Update on Children's Trusts and County-Designated Nonprofit Entities.
- F. Adopted **Resolution 19-937**, authorization to file grant application to Metropolitan Washington Council of Governments for ARPA 5310 funds, COVID-19 Vaccination Transportation Program.
- G. Adopted **Resolution 19-938**, approving abandonment of Portion of Reed Street, Miller's Second Addition to Bethesda Subdivision, Bethesda, 7th Election District.

- H. Adopted **Resolution 19-939**, approving abandonment of a Public Alley in Block 5 of the West, Chevy Chase Heights Subdivision near Wisconsin Avenue in Bethesda.
- I. Adopted **Resolution 19-940**, confirming the County Executive's appointments to the Commission on Aging: Nkiru Ezeani, Sibon Ncube, Marsha Weber, Ryan Wilson, Virginia Cain, Elizabeth (Betsy) Carrier, David Engel, Morris Klein, Kendell Matthews, Helen (Laurie) Pross, Janice Zalen.
- J. Adopted **Resolution 19-941**, confirming the County Executive's appointment to the Animal Matters Hearing Board: Jessica Carlson, Joseph Vallina.
- K. Adopted **Resolution 19-942**, confirming the County Executive's appointment to the Racial Equity and Social Justice Advisory Committee: Selena Mendy Singleton.
- L. **Acknowledged Receipt** - Council acknowledges receipt of the following Inspector General Report: Investigation of a Restaurant Relief Grant Applicant, OIG Publication #22-001.
- M. **Received and Released** the Office of Legislative Oversight (OLO) Memorandum Report 2021-7: Paycheck Protection Program Loans Received by Montgomery County Businesses.

The Council recessed at 12:27 P.M. and reconvened at 1:35 P.M.

(6) **PUBLIC HEARING - Expedited Bill 24-21, Bond Authorization - Stormwater Management**

The public hearing was conducted and the record closed. Action is scheduled for later in the meeting.

(7) **PUBLIC HEARING - Expedited Bill 25-21, Bond Authorization**

The public hearing was conducted and the record closed. Action is scheduled for later in the meeting.

(8) **PUBLIC HEARING - Expedited Bill 27-21, Wheaton Regional Headquarters - Lease - Approval**

The public hearing was conducted and the record closed. Action is scheduled for later in the meeting.

(9) **PUBLIC HEARING/ACTION - Declaration of No Further Need - Disposition of 5830 and 5834 Riggs Road, Gaithersburg**

The public hearing was conducted and the record closed.

Adopted **Resolution 19-943**, approving the disposition of 5830 and 5834 Riggs Road, Gaithersburg.

Mr. Katz made the motion, which carried unanimously.

(10) **DISTRICT COUNCIL SESSION**

A. **Worksession - Zoning Text Amendment (ZTA) 19-07, Telecommunications Towers - Limited Use**

Participating in the discussion were Ms. Herrera, Office of Broadband Programs; Ms. Spielberg, Special Assistant, Office of the County Executive; and Ms. Ndou, Legislative Attorney.

Mr. Hucker briefly summarized the intent of ZTA 19-07. He noted that the last-minute memo with proposed amendments that was received today from the County Executive's Office will not be taken up today to allow staff time to review and make recommendations to Councilmembers.

Mr. Riemer, Chair of the Planning, Housing and Economic Development (PHED) Committee, commented on claims about adverse health effects from non-ionizing radiation from 5G towers and noted that the issue has been extensively studied by the scientific community, including such organizations as the National Institutes of Health's National Cancer Institute and the National Council on Radiation Protection and Measurements, refuting claims of negative health effects. Mr. Riemer also noted that more than five years have gone into efforts by multi-stakeholders groups to address and work through various issues on 5G.

Ms. Ndou provided a brief summary of the key discussion points, as contained in the staff report, and noted that two sections, that were not in the June 29 staff report, have been added to today's staff report: pending legal cases; and a response to the County Executive's June 29, 2021, memo.

Reviewed Mr. Riemer amendment, as contained on page 13 of the staff report, regarding the height of new poles. Supported, unanimously, Mr. Riemer's motion to add the following language to the ZTA:

The height of a new pole, including any attached antennas and equipment, must not be taller than the height of the nearest pre-existing streetlight or utility pole:

- (a) plus 6 feet when abutting a right-of-way with a paved section width of 65 feet or less; or
- (b) plus 15 feet when abutting a right-of-way with a paved section width greater than 65 feet.

Reviewed Mr. Friedson's amendment, as contained on pages 12-13 of the staff report, to avoid the proliferation of new poles. Supported, unanimously, Mr. Friedson's motion to add the following language:

A new pole may only be constructed if there is no utility pole or streetlight pole within 150 feet of the proposed location that could be used as a pre-existing pole or replacement tower.

Mr. Glass made a motion to create a new, limited task force and appoint members within the next 2 weeks to address questions still being raised by the public and to review the impact of racial equity and social justice (RESJ) since the ZTA was introduced before RESJ impact statements were required. The task force would report back after the August recess. Mr. Katz spoke in support the motion. After discussion of the motion, Mr. Glass withdrew it, citing that there was not a majority in support of it.

Supported, unanimously, Ms. Navarro's motion that the following language be added to the ZTA to minimize negative effects to the County's tree canopy:

Sec. 3. Tree Loss Minimization. The County Executive must include tree loss minimization language in all franchise and license agreements signed after the effective date of ZTA 19-07. Critical damage to the root zones of trees as well as excessive pruning should be avoided in the installation of telecommunications towers, regardless of whether they are installed on a new, pre-existing, or replacement pole.

Mr. Huckler noted that an additional worksession will be scheduled for July 20, 2021, and requested that if Councilmembers have any proposed amendments, that the amendments be submitted to Council staff by July 15. Council staff will review the memo that was received today from the County Executive's Office and provide comments and recommendations to Councilmembers tomorrow, July 14. Final action is tentatively scheduled for July 27, 2021.

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND  
IN LEGISLATIVE SESSION - Day #18**

(11) **Introduction of Bills:**

A. [Expedited Bill 28-21, Technical Corrections](#)

Introduced draft #2 of **Expedited Bill 28-21**, sponsored by the County Council. A public hearing is scheduled for September 14, 2021, at 1:30 P.M.

B. [Expedited Bill 29-21, Contracts and Procurement - Minority Owned Businesses - Sunset Date - Amendments](#)

Introduced draft #3 of **Expedited Bill 29-21**, sponsored by the County Council. A public hearing is scheduled for July 20, 2021, at 1:30 P.M.

C. [Expedited Bill 30-21, Landlord-Tenant Relations - Restrictions During Emergencies - Extended Limitations Against Rent Increases and Late Fees](#)

Introduced draft #4 of **Expedited Bill 30-21**, sponsored by Councilmember Jawando. A public hearing is scheduled for September 14, 2021, at 1:30 P.M.

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

A. [Bill 36-19, Contracts and Procurement - Office of Grants Management - Established](#)

Mr. Albornoz, Chair of the Health and Human Services (HHS) Committee, reviewed the purpose of the subject legislation and reviewed the recommended amendments, as contained in the staff report, of the joint Government Operations and Fiscal Policy (GO) and HHS Committee, notably to establish the Office of Grants Management as a non-principal office and to change the effective date of the legislation to July 1, 2022.

Ms. Navarro, Chair of the GO Committee, reviewed the background of the legislation to increase efficiency in countywide grant processes, noting that she first introduced the bill in 2019.

Enacted draft #5 of **Bill 36-19**, as shown at the end of these minutes.

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

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

B. [Expedited Bill 27-21, Wheaton Regional Headquarters - Lease Approval](#)

Ms. Navarro, Chair of the GO Committee and the District 4 Councilmember, reviewed the purpose of the subject legislation, as contained in the staff report.

Enacted draft #1 of **Expedited Bill 27-21**, as introduced.

Mr. Riemer made the motion and the bill was enacted by a roll call vote:

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

C. [Expedited Bill 24-21, Bond Authorization - Stormwater Management](#)

Legislative Analyst Smith reviewed the purpose of the expedited bill, as contained in the staff report.

Enacted draft #1 of **Expedited Bill 24-21**, as introduced.

Mr. Riemer made the motion and the expedited bill was enacted by a roll call vote:

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

D. [Expedited Bill 25-21, Bond Authorization](#)

Mr. Smith reviewed the purpose of the subject expedited bill, as contained in the staff report.

Enacted draft #1 of **Expedited Bill 25-21**, as introduced.

Mr. Riemer made the motion and the expedited bill was enacted by a roll call vote:

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

- (13) **ACTION** - [Resolution to consolidate previously authorized notes for sale and issuance as a single issue](#)

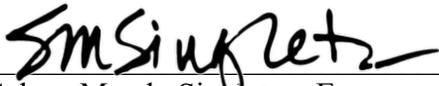
Mr. Smith stated this resolution implements **Expedited Bill 25-21**, Bond Authorization.

Adopted **Resolution 19-944**, to consolidate previously authorized notes for sale and issuance as a single issue.

Mr. Friedson made the motion which carried without objection.

The meeting adjourned at 3:49 P.M.

This is a correct copy of Council action.



---

Selena Mendy Singleton, Esq.  
Clerk of the Council

Bill No. 36-19  
 Concerning: Contracts and Procurement -  
Office of Grants Management -  
Established  
 Revised: 7/13/2021 Draft No. 5  
 Introduced: November 26, 2019  
 Enacted: July 13, 2021  
 Executive: \_\_\_\_\_  
 Effective: \_\_\_\_\_  
 Sunset Date: None  
 Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

**COUNTY COUNCIL  
 FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: then-Council President Navarro  
 Co-Sponsors: Councilmembers Huckler, Rice, Albornoz, then-Council Vice-President Katz and Councilmember Riemer

**AN ACT to:**

- (1) establish an Office of Grants Management as a ~~[[principal]]~~ non-principal office of the Executive Branch;
- (2) alter the circumstances in which a contract may be awarded without competition;
- (3) prescribe the authorities and responsibilities of the Office of Grants Management; and
- (4) generally amend the law regarding grants and related functions.

**By amending**

Montgomery County Code  
 Chapter 1A, Structure of County Government  
 Section ~~[[1A-201]]~~ 1A-203

Chapter 11B, Contracts and Procurement  
 Section 11B-14

**By adding**

Chapter 2, Administration  
 Section 2-64P

Chapter 11B, Contracts and Procurement  
 Article XXI, Office of Grants Management  
 Sections 11B-92, 11B-93, 11B-94, 11B-95, and 11B-96

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



57 Office means the Office of Grants Management.  
 58 Racial equity and social justice means changes in policy, practice and allocation of County  
 59 resources so that race or social justice constructs do not predict one's success, while also  
 60 improving opportunities and outcomes for all people.

61 **11B-93. Scope.**

- 62 (a) Except as provided in subsection (b), this Article applies to any grant:  
 63 (1) received by the County as a grantee; or  
 64 (2) offered by the County as a grantor.  
 65 (b) This Article does not apply to any:  
 66 (1) purchase of goods or services by the County for the direct use or benefit of the County;  
 67 (2) franchise under Sections 8A-9 or 49-20;  
 68 (3) license or permit;  
 69 (4) conveyance or use of real property;  
 70 (5) bond;  
 71 (6) loan;  
 72 (7) tax credit; or  
 73 (8) individual right or benefit.

74 **11B-94. Grants database.**

- 75 (a) The Office must maintain a grants database that includes current information regarding:  
 76 (1) each grant opportunity offered by the County;  
 77 (2) the purpose, date, amount, and grantor of each grant received by the County; and  
 78 (3) the purpose, date, amount, and grantee of each grant awarded by the County.  
 79 (b) The grants database must be available to the public under Section 2-154(b).

80 **11B-95. Countywide grants policy and planning.**

- 81 (a) The Office, in coordination with the Office of Procurement, must develop countywide policies and  
 82 procedures to:  
 83 (1) implement best practices regarding grants management;  
 84 (2) maximize the County's use of federal, State, and non-governmental grant opportunities;  
 85 (3) maximize the efficiency and effectiveness of grants awarded by the County;  
 86 (4) ensure public transparency and ethical practice in grants management; and  
 87 (5) ensure that grants management in the County is consistent with the County's racial equity  
 88 and social justice goals.  
 89 (b) The Executive may adopt method (1) regulations to implement policies and procedures under  
 90 subsection (a).

91 **11B-96. Reporting requirements.**

- 92 The Director must submit a quarterly report on the activities of the Office to the Executive and the  
 93 Council. The report must include:  
 94 (1) an overview of the grants process and awards;  
 95 (2) data regarding grants received by the County;  
 96 (3) data regarding grants awarded by the County;  
 97 (4) public outreach activities of the Office and the outcomes of the outreach activities;  
 98 (5) progress in racial equity and social justice goals; and  
 99 (6) any recommendations to improve policies and procedures regarding grants management  
 100 in the County.

101 **Sec. 2. Transition.** The effective date of this Act is [[July 1, 2021]] July 1, 2022.