



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, March 22, 2022

The County Council for Montgomery County, Maryland convened in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland, at 9:03 A.M. on Tuesday, March 22, 2022.

PRESENT

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

The President in the Chair.

PRESENTATIONS

- B. Proclamation presented by Mr. Riemer recognizing United Therapeutics for their conversion to a Public Benefit Corporation.
- A. Proclamation presented by Mr. Rice, Ms. Navarro, and Mr. Friedson recognizing National Agriculture Day
- C. Proclamation presented by Mr. Albornoz and the full Council recognizing Joan Kleinman for her years of service to our County, State, and Nation.

GENERAL BUSINESS

- A. Announcements

Ms. Singleton, Clerk of the Council, announced that public hearings on the FY23 Operating Budget will be held on April 19 and 20, 2022, at 1:30 P.M. and on April 19, 20, 21, 2022, at 7:00 P.M.

- (1) [The Council is seeking applicants for the vacancy on the Montgomery County Planning Board.](#) The application deadline is March 25, 2022, at 5:00 P.M.
- (2) [The Council is seeking applicants for the vacancy on the Montgomery County Board of Appeals.](#) The application deadline is April 8, 2022, at 5:00 P.M.

Mr. Rice stated that had he been present during the March 15 Council meeting for the vote on the Consent Calendar, he would have voted in the affirmative.

- (3) B. **Acknowledgement – Receipt of Petitions**

Acknowledged receipt of a petition from residents of Montgomery County opposing **Bill 49-21**, Police - Police Accountability Board - Administrative Charging Committee - Established.

- C. **Action – Approval of Minutes**

Approved the minutes of February 8, 17, and 28, 2022, without objection.

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION - Day #9**

- (4) **WORKSESSION - [Expedited Bill 49-21, Police - Police Accountability Board \(PAB\) - Administrative Charging Committee - Established](#)**

Participating in the discussion were Mr. Drummer and Ms. Wellons, Senior Legislative Attorneys; Dr. Stoddard, Assistant Chief Administrative Officer; Assistant Chief Francke, Montgomery County Police Department; and Ms. Roberts, Associate County Attorney, Division of Labor Relations and Public Safety, Office of the County Attorney.

In his opening remarks Mr. Albornoz said he anticipates final action on **Expedited Bill 49-21** will be taken on March 29, 2022.

Mr. Drummer reviewed the Council's actions from the previous Council worksessions and described a proposed amendment, shown on page 20 of the staff report, regarding the effective date transition clause for consideration by the Council. He noted that if there are changes to HB670, further amendments to **Expedited Bill 49-21** may be needed to meet State mandates. Dr. Stoddard noted that PAB candidates would have to meet the State's criteria for approval; Mr. Drummer noted there is no citizenship requirement in the Bill for appointment to the PAB. He clarified that this is not subject to collective bargaining and the Bill only would apply to public, not internal, complaints. Received comments from the panel on internal vs. external complaints and bargainable actions.

Approved without objection Mr. Katz's motion to amend the Expedited Bill by adding a transition clause to Section 3. Expedited Effective Date, Transition, as follows:

The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect on the date on which it becomes law and must apply to eligible complaints based on an incident occurring on or after:

- (a) July 1, [[2022]] 2023 against a police officer who is covered by a collective bargaining agreement entered into before June 30, 2022, that includes a different disciplinary system; and
- (b) July 1, 2022, against any other police officer.

Approved without objection Mr. Riemer's motion to amend lines 209-212 of the Expedited Bill to add language to require each law enforcement agency to submit a monthly report to the Administrative Charging Committee detailing complaints received and the status of each investigation.

Noted there is no legal enforcement mechanism to ensure monthly reports are submitted.

Noted Mr. Drummer's comment that there is a statutory deadline of one year and one day for completion of an investigation and his view that the Police Department would have a strong interest to meet the deadline.

Mr. Alborno indicated that the Expedited Bill would acknowledge compensation for PAB members, but the level of compensation would be determined as the Council moves through the FY23 budget process. Mr. Drummer clarified that currently no compensation is reflected in the legislation for PAB members. Mr. Alborno requested staff recommend a compensation amount for PAB members, and expressed the view that someone prohibited from receiving compensation from the County should not be disqualified from applying to serve on the PAB.

Mr. Katz requested information on how someone could serve on the PAB if unable to receive compensation.

Mr. Jawando expressed support for \$16,000 for PAB members and suggested a compensation amount should be included in the **Expedited Bill** for consideration next week.

(5) **WORKSESSION - [I-270 Corridor Forward Plan](#)**

Participating in the discussion were Dr. Orlin, Senior Analyst; Mr. Anderson, Chair, Montgomery County Planning Board; Ms. Sanders, Chief, Midcounty Planning, and Ms. Cohn McGowan, Project Manager, Countywide Planning, Planning Department.

Dr. Orlin reviewed the recommendations of the Transportation and Environment (T&E) Committee for priorities to be included in the Plan, as contained in the staff report. Mr. Huckler expressed thanks to the Planning Board and Planning staff for their cooperation and hard work in developing the Plan and working with the Committee to address concerns raised by the Cities of Rockville and Gaithersburg.

Mr. Rice said this Plan is about improving quality of life and equity for residents of the mid- and upcounty regions to provide a basic necessity so people can get to and from work to support their families. Mr. Anderson stated the Plan takes major steps in delivering transportation options to the upcounty that from the very beginning, racial, socio-economic and regional analysis was done to ensure equity issues were considered at every level to incorporate the idea of serving those people who rely on public transportation.

Mr. Katz expressed concern about the use of toll lanes, expressing the view that they do not lead to equitable treatment and questioned when toll revenue would result in the provision of additional transit options.

Ms. Navarro stated it is imperative that equity be embedded in all decisions and that access to reliable transit is a major factor in realizing quality of life.

Received a presentation from Planning staff on the Plan's purpose and changes made based on feedback from the T&E Committee, the purpose is to identify a clear strategy for resources for transportation options.

Mr. Glass commented on the need to develop the Plan with a focus on road safety for both drivers and pedestrians and to continue to have regional conversations the adjacent counties.

Supported the recommendations of the T&E Committee or the I-270 Forward Plan, without objection. Dr. Orlin indicated that a resolution for adoption of the Plan would be forthcoming in a few weeks.

(6) **CONSENT CALENDAR**

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

- A. **Introduced** a Resolution to Set FY23 Transportation Fees, Charges, and Fares. A public hearing is scheduled for April 19, 2022, at 1:30 P.M.
- B. **Introduced** an amendment to the FY21-26 Capital Improvements Program (CIP) and Supplemental Appropriation to the FY22 Capital Budget, Montgomery County Government Department of Transportation (DOT)- \$3,500,000 for Bridge Renovation (No. 509753) (Source of Funds: GO Bonds). A public hearing is scheduled for April 19, 2022, at 1:30 P.M.
- C. **Introduced** an amendment to the FY21-26 CIP and Supplemental Appropriation #22-74 to the FY22 Capital Budget, Montgomery County Government Department of Housing and Community Affairs (DHCA)- \$40,000,000 for Preservation of Naturally Occurring Affordable Housing Fund (No. 762201) (Source of Funds: Current Revenue: General). A public hearing is scheduled for April 19, 2022, at 1:30 P.M.
- D. **Introduced** an amendment to the FY21-26 CIP and Supplemental Appropriation #22-72 to the FY22 Capital Budget, Montgomery County Government, Department of Environmental Protection (DEP) - \$1,300,000 for Flood Control Study (No. 802202) (Source of Funds: Current Revenue General). A public hearing is scheduled for April 19, 2022, at 1:30 P.M.
- E. **Introduced** a supplemental appropriation 22-70 to the FY22 Capital Budget Montgomery County Public Schools (MCPS) – [\$8,000,000] \$5,000,000 for Relocatable Classrooms (No. 846540) (Source of Funds: Current Revenue General). A public hearing is scheduled for April 5, 2022, at 1:30 P.M.
- F. **Introduced** a special appropriation to the FY22 Operating Budget, Montgomery County Government, Department of Health and Human Services (DHHS) - \$450,000 for Pediatric Mobile Medical Vehicle (Source of Funds: General Fund Reserves) and Amendment to FY22 Designation of Entities for Non-Competitive Contract Award Status: Casa Ruben, Inc. A public hearing is scheduled for March 29, 2022, at 1:30 P.M.
Ms. Navarro is a co-sponsor.

- G. **Introduced** a resolution to Establish Water Quality Protection Charge for FY23. A public hearing is scheduled for April 19, 2022, at 1:30 P.M.
- H. **Introduced** a resolution to Establish FY23 Solid Waste Service Charges. A public hearing is scheduled for April 19, 2022, at 1:30 P.M.
- I. **Introduced** a resolution to set FY23 Property Tax Credit for Income Tax Offset. A public hearing is scheduled for April 19, 2022, at 1:30 P.M.
- J. **Introduced** an authorization to file application for FY 2023 Annual Transportation Plan Grant.
- K. Adopted **Resolution 19-1194** appointments to the Policing Advisory Commission.
- L. **Action** - Abandonment - Portions of Westbard Avenue and Ridgefield Road Bethesda, 7th Election District.
This item was deleted.
- M. Adopted **Resolution 19-1195**, renewing the Council contract for audit services.
- N. Adopted **Resolution 19-1196**, affirming Montgomery County's Support of Public Health Officials.
- O. Adopted **Resolution 19-1197**, approving supplemental appropriation to the County Government's FY22 Capital Budget and Amendment to the FY21-26 CIP - \$602,651 for Montgomery County Public Schools Planned Life Cycle Asset Replacement (Source of Funds: Aging Schools Program).
- P. Adopted **Resolution 19-1198**, confirming the County Executive's appointments to the Human Trafficking Prevention Committee: Caitlyn Burnitis, Sophie Aron, and Marsha Liss.
- Q. Adopted **Resolution 19-1199**, confirming the County Executive's appointment to the Workforce Development Board: Wyatt Genser.
- R. **Introduced** a special appropriation to the FY22 Capital Budget and Amendment to the FY21-26 Capital Improvements Program, MCPS' - \$3,000,000 for Relocatable Classrooms (No. 846540) (Source of Funds: Current Revenue General). A public hearing and action are scheduled for April 19, 2022, at 1:30 P.M.
- S. **Introduced** a special appropriation to the FY22 Capital Budget and Amendment to the FY21-26 CIP, Montgomery County Government,

\$2,000,000 for High School Wellness Centers (Source of Funds: G.O. Bonds, Current Revenue General). A public hearing and action are scheduled for April 19, 2022, at 1:30 P.M.

- T. **Introduced** a special appropriation to the FY22 Operating Budget, Montgomery County Government, DHHS, \$3,000,000 to Implement Mental Health and Positive Youth Development Services in MCPS' (Source of Funds: General Fund Reserves). A public hearing and action are scheduled for April 19, 2022, at 1:30 P.M.

The Council recessed at 12:26 P.M. and reconvened at 1:31 P.M.

- (7) **PUBLIC HEARING** - Special Appropriation to the County Government's FY22 Operating Budget, Department of Health and Human Services - \$2,539,747 for Centers for Disease Control and Prevention Crisis Cooperative Agreement, COVID-19 Public Health Workforce Supplemental Funding Grant (Source of Funds: State Funds).

The public hearing was conducted. Mr. Hucker, Mr. Jawando, and Mr. Rice were temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on March 29, 2022. A Health and Human Services (HHS) Committee worksession will be scheduled at a later date.

- (8) **PUBLIC HEARING** - Special Appropriation to the County Government's FY22 Operating Budget, Economic Development Partnership Non-Departmental Account (NDA) - \$789,000 for Incubator Programs (Source of Funds: General Fund Reserves).

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 March 29, 2022. A Planning, Housing, and Economic Development (PHED) Committee worksession will be scheduled at a later date.

- (9) **PUBLIC HEARING/ACTION** - Amendment to the FY21-26 Capital Improvements Program and Supplemental Appropriation #22-66 to the FY22 Capital Budget, Montgomery County Government Department of Health and Human Services, Martha B. Gudelsky Child Development Center Sewer Improvements, \$1,082,000 (Source of Funds: Recordation Tax Premium).

The public hearing was conducted and the record closed.

Adopted **Resolution 19-1200**, approving the subject amendment and supplemental appropriation. Mr. Hucker made the motion, which carried without objection among those present. Mr. Jawando was temporarily absent.

- (10) **PUBLIC HEARING/ACTION - Special Appropriation to the County Government's FY22 Operating Budget, Department of Health and Human Services (DHHS) - \$2,109,404 for COVID Mass Vaccination CARES Grant (Source of Funds: State Funds)**

The public hearing was conducted and the record closed.

Adopted **Resolution 19-1201**, approving the subject special appropriation. Mr. Katz made the motion, which carried without objection among those present. Mr. Jawando was temporarily absent.

- (11) **PUBLIC HEARING/ACTION - Special Appropriation to the County Government's FY22 Operating Budget, Department of Recreation - \$100,000 for Expansion of Sports Leagues for Girls (Source of Funds: General Fund Reserves)**

The public hearing was conducted and the record closed.

Adopted **Resolution 19-1202**, approving the subject special appropriation. Mr. Riemer made the motion, which carried without objection among those present. Mr. Jawando was temporarily absent.

- (12) **WORKSESSION -FY23-28 Capital Improvements Program (CIP): Transportation**

Participating in the discussion were Mr. Conklin, Director, Ms. Henn, Deputy Director for Transportation Policy, Department of Transportation (MCDOT).

Received a summary of the staff report detailing the MCDOT CIP Program, including road projects, traffic engineering program projects, mass transit program projects, and pedestrian facilities/bikeways program projects.

Mr. Hucker asked about the status of the State grant money awarded for the Burtonsville Park and Ride study of the design to expand parking. Dr. Orlin conveyed that the study has been delayed until the developer has been identified. Mr. Conklin added that MCDOT has not seen the need for added parking at the Burtonsville Park and Ride lot so have delayed the study. Mr. Hucker requested that MCDOT move forward with the improvements based on community feedback.

Mr. Rice asked if there is an opportunity for MCDOT to partner with Montgomery County Public Schools (MCPS) to share depot space as MCPS is purchasing the largest number of electric busses in the country. Mr. Conklin noted that because school buses are not used as frequently as transit busses, there is an opportunity to leverage the energy storage capacity in a school bus to backfill the energy grid during peak usage times, so financing is easier to manage for school busses. However, he noted that there is a program geared towards low emission/no emissions transit programs and MCDOT will be applying for onsite hydrogen generation at the Gaithersburg Bus Depot to begin piloting hydrogen fuel for transit applications. Additionally, the Department of General Services (DGS) has been involved in helping to create an electric output station at the Brookville Depot to support energy savings. Mr. Conklin noted that MCDOT is working with partners at MCPS and the Washington Area Metro Transit Authority (WMATA) to possibly co-locate at an existing site in the County because the Nicholson Court Depot, a leased space, does not support a transition to electric vehicles.

Mr. Conklin noted that MCDOT is meeting monthly with representatives of the Federal Transportation Administration to ensure that their application for a Small Starts Grant is favorably received to help fund the Bicycle-Pedestrian Priority Area (BPPA) Improvements and Bus Rapid Transit (BRT) projects. He also reported that MCDOT is applying for a RAISE Discretionary Grant to help fund the Capital Crescent Trail project, however shared his expectation that it may be challenging to receive an award due to the volume of applicants.

In discussing the BPPA Improvement Programs, Mr. Rice requested more outreach to communities of Color to ensure equitable access and use of bicycle lanes, and support for programs that teach residents how to ride a bicycle.

Approved the subject CIP, as recommended by the T&E Committee.
Mr. Jawando was temporarily absent.

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION - Day #9 (continued)**

(13) Call of Bills for Final Reading:

A. [Bill 35-21, Prevailing Wage Requirements - Construction Contracts - Amendments](#)

Approved by Ludeen

Participating in the discussion were Mr. Nigam, Director, Department of Housing and Community Affairs (DHCA).

Supported Mr. Albornoz's motion from March 1, 2022, for reconsideration of an amendment to change the definition of County construction finance contract to include Payment In Lieu of Taxes (PILOTs) and define PILOTs. Mr. Jawando voted in the negative.

Supported Mr. Jawando's motion to amend the Bill to define PILOTs and exempt qualified housing projects that are less than four stories in height or as provided under Section 52-24(c) from the prevailing wage requirement. Mr. Friedson and Mr. Riemer voted in the negative.

Supported Mr. Glass's motion to amend the Bill to remove "qualified development" from the definition of PILOTs, strike Section 52-24A and preserve Section 52-24(b) to maintain the application of prevailing wages for certain affordable housing construction projects. This amendment exempts Washington Area Metro Transit Authority (WMATA) PILOTs from the prevailing wage requirement. Mr. Katz, Mr. Hucker and Mr. Jawando voted in the negative.

Supported without objection Mr. Glass's motion to amend the Bill's transition clause to exclude from the prevailing wage requirement construction contracts financed by the County and executed before the Act becomes effective or qualified housing development with a preliminary, a sketch, or a site plan approved by the Planning Board prior to December 31, 2022.

Supported without objection Mr. Friedson's motion to amend the Bill to require best efforts used to hire Montgomery County residents for at least 25% of the new jobs to complete a County financed construction contract that exceeds the prevailing wage threshold limit, and to authorize the Director to adopt and amend regulations for proper implementation and enforcement.

Enacted draft #7 of **Bill 35-21**, as shown at the end of these minutes.

The Government Operations and Fiscal Policy (GO) Committee made the motion, and the Bill was enacted by a roll call vote:

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

Motion to Close

The Council adjourned the open session at 4:18 P.M. and reconvened in the 4th floor Conference Room in closed session at 4:30 P.M to 5:08 P.M. Mr. Friedson made the motion, which carried unanimously.

The meeting adjourned at 5:08 P.M.

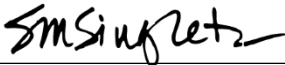
Report of Closed Session of March 22, 2022

In compliance with Section 3-306(c)(2), General Provisions Article, Maryland Code, the following is a report of the County Council's closed session of Tuesday, March 22, 2022. The Council convened in closed session in the 4th floor Council Conference Room at 4:30 P.M. pursuant Maryland Code, State Government Article, §3-305(b)(1)(i). Topic was Legislative Branch staffing.

The following persons were present: Councilmembers Albornoz, Glass, Friedson, Hucker, Katz, Rice, Riemer, Navarro; Chiefs of Staff Nurmi, Carranza, Gibson, Ikheloa, Ledner, Mandel-Trupp, and Silverman; Ms. Lockett, Aide to Councilmember Jawando; Ms. Michaelson, Council Executive Director; Mr. Howard, Deputy Director; Ms. Marin, Council Administrative Services Manager; Ms. Rupp, Applicant; Ms. Vitale, Applicant; and Ms. Singleton, Clerk of the Council.

Action: Interviewed applicants for Clerk of the Council.

This is a correct copy of Council action.



Selena Mendy Singleton, Esq.
Clerk of the Council