



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, April 26, 2022

The County Council for Montgomery County, Maryland convened in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland at 9:00 A.M. on Tuesday, April 26, 2022.

PRESENT

Councilmember Gabe Alborno, President	Councilmember Evan Glass, Vice President
Councilmember Andrew Friedson	Councilmember Tom Hucker
Councilmember Will Jawando	Councilmember Sidney Katz
Councilmember Nancy Navarro (<i>virtually</i>)	Councilmember Craig Rice
Councilmember Hans Riemer	

The President in the Chair.

PRESENTATIONS

- A. Proclamation presented by Councilmembers Katz, Friedson, and Glass recognizing Yom HaShoah (Holocaust Remembrance Day).
- B. Proclamation presented by Councilmembers Rice, Jawando, and Navarro celebrating the 75th Anniversary of Montgomery College.
- C. Proclamation presented by Council Vice President Glass recognizing National Therapy Animal Day.

GENERAL BUSINESS

- A. Announcements – Agenda and Calendar Changes

Ms. Rupp, Clerk of the Council, reviewed changes to the agenda, including a correction to the approval of minutes, the deletion of the introduction of a supplemental appropriation to the County Government's

FY22 Operating Budget, Department of Transportation - \$75,000 for Fuel Relief Disbursement, Transportation Services Improvement Fund; the rescheduling of action on the extension of time until November 29, 2022, for Council consideration of Executive Regulation 15-21, Office of Racial Equity and Social Justice Action Plan; and adding introduction of a special appropriation to the County Government's FY22 Operating Budget, Department of Health and Human Services - \$1,200,000 for Adult Medical Day Care COVID Assistance, and introduction of a special appropriation to the County Government's FY22 Operating Budget, Department of Recreation - \$112,500 for Out-of-School-Time Systems Building and amendment to FY22 Operating Budget Resolution 19-872 Section F, FY22 Designation of Entities for Non-Competitive Contract Award Status: Montgomery County Collaboration Council for Children, Youth, and Families.

(1) 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; and from residents of Montgomery County supporting Black, Indigenous, and People of Color (BIPOC) and low-income communities are given proper time and resources to review and co-create Thrive Montgomery 2050 Plan.

C. **Action - Approval of Minutes**

Approved the minutes of March 25, 29, and April 4, 2022, and the closed session minutes of February 1, 2022, without objection.

(2) **WORKSESSION - [Silver Spring Downtown and Adjacent Communities Plan](#)**

Participating in the discussion were Ms. Dunn, Senior Legislative Analyst; Mr. Anderson, Chair, Montgomery County Planning Board; Ms. Wright, Director, Planning Department; Ms. Beck, Office of Management and Budget (OMB); and Ms. Ndou, Legislative Attorney.

Mr. Riemer, Chair of the Planning, Housing, and Economic Development (PHED) Committee, said the Committee wanted to craft a simpler, more transparent Plan that would allow the private sector to know more clearly what would be needed to proceed with development.

Reviewed the Committee's Plan-wide recommendations for land use and zoning, the Connectivity and Infrastructure Fund (CIF), economic growth, housing, urban design, and parks, trails, and public spaces, as included in the staff packet. Noted that another PHED Committee meeting is scheduled on April 27 to discuss

implementation issues, and straw votes would be taken on all Plan recommendations at the Council's May 3, 2022, meeting.

Mr. Alborno requested staff to contact the Montgomery Housing Alliance to obtain feedback on the Plan's focus on maintaining affordable housing.

(3) **ACTION** - [Executive Regulation 18-21, Water Quality Protection Charge, Definition of Treatment](#)

Participating in the discussion were Mr. Levchenko, Senior Legislative Analyst; and Ms. Wellons, Senior Legislative Attorney.

Mr. Hucker, Chair of the Transportation and Environment (T&E) Committee, noted that after the Committee's worksession on February 18, 2022, concerns were raised regarding proposed changes to Water Quality Protection Charge credits.

Ms. Wellons explained that the Executive Regulation is needed to clarify eligibility for future Water Quality Protection Charge (WQPC) credits, and that the Executive Regulation is prospective and does not affect applications that have been held in abeyance pending current litigation. She suggested if the Council wants to consider possible changes to WQPC credits, it should be done as a broad discussion to include all involved stakeholders.

Adopted **Resolution 19-1225**, approving Executive Regulation 18-21 as submitted by the County Executive.

The T&E Committee made the motion, which carried without objection.

(5) **CONSENT CALENDAR**

Approved the following consent calendar items listed below.

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

A. [Introduced a resolution to indicate the Council's intent to approve or reject provisions of the Collective Bargaining Agreement with the Fraternal Order of Police \(FOP\) Lodge 35](#) Action scheduled for later in the session.

B. [Introduced a resolution to indicate the Council's intent to approve or reject provisions of the Collective Bargaining Agreement with the Municipal and County Government Employees' Organization \(MCGEO\), Local 1994](#) Action scheduled for later in the session.

- C. [Introduced a resolution to indicate the Council’s intent to approve or reject provisions of the Collective Bargaining Agreement with the Montgomery County Career Fire Fighters Association of the International Association of Fire Fighters \(IAFF\), Local 1664](#) Action scheduled for later in the session.

Deleted: D. **Introduction:** Supplemental Appropriation #22-82 to the FY22 Operating Budget Montgomery County Government, Department of Transportation Fuel Relief Disbursement, Transportation Services Improvement Fund (\$75,000)

- E. [Introduced a resolution in support of financial assistance to Aronson, LLC through the Maryland Economic Development Authority Administration Fund \(\\$50,000\)](#) Action is tentatively scheduled for May, 3, 2022.

Rescheduled: F. **Action** - Extension of time until November 29, 2022, for Council consideration of Executive Regulation 15-21, Office of Racial Equity and Social Justice Action Plan. Action is rescheduled for May 10, 2022.

- G. [Adopted Resolution 19-1226 in support of the Francis G. Newlands Memorial Removal Act](#)

- H. [Adopted Resolution 19-1227, approving a special appropriation #22-68 to the FY22 Operating Budget, Montgomery County Government Department of Health and Human Services Ending the Human Immunodeficiency Virus Epidemic Grant, \\$1,172,584 \(Source of Funds: Federal Grant Funds\)](#)

- I. [Received and Released Office of Legislative Oversight Report 2022-5, Community Use of Public Facilities](#)

- J. [Adopted Resolution 19-1228, approving an amendment to the FY21-26 Capital Improvements Program \(CIP\) and Supplemental Appropriation to the FY22 Capital Budget, Montgomery County Government Department of Transportation - \\$3,500,000 for Bridge Renovation \(No. 509753\) \(Source of Funds: GO Bonds\)](#)

- K. [Introduced a resolution to indicate the Council’s intent to approve or reject provisions of the Collective Bargaining Agreement with the Montgomery County Volunteer Fire-Rescue Association \(MCVFRA\)](#) Action is scheduled for later in the session.

Added: L. [Introduced a special appropriation to the FY22 Operating Budget; Montgomery County Government, Department of Health and Human Services -\\$1,200,000 \(for Adult Medical Day Care COVID Assistance - Source of Funds: Federal Grant \(American Rescue Plan Act\)\)](#) A public hearing and action is scheduled for May 3, 2022, at 1:30 P.M.

Added: M. **Introduced** a [special appropriation to the FY22 Operating Budget, Montgomery County Government, Department of Recreation - \\$112,500 for Out-of-School-Time Systems Building \(Source of Funds: General Fund Undesignated Reserves\) and Amendment to FY22 Operating Budget Resolution 19-872 Section G, FY22 Designation of Entities for Non-Competitive Contract Award Status: Montgomery County Collaboration Council for Children, Youth and Families](#) A public hearing and action is scheduled for May 3, 2022, at 1:30 P.M.

The Council recessed at 11:28 A.M. and reconvened at 1:31 P.M.

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

A. [Updates from County Government and Montgomery County Public Schools - Novel Coronavirus \(COVID-19\) and Health Planning](#)

Participating in the discussion were Dr. Bridgers, Acting Chief Health Officer, and Mr. O'Donnell, Program Administrator, Public Health Emergency Preparedness and Response, Department of Health and Human Services (DHHS); Dr. Stoddard, Assistant Chief Administrative Officer; and Mr. D'Andrea, Chief of Staff, Office of the Superintendent, Ms. Dublinske, Coordinator, Student Welfare and Compliance, and Ms. Iszard, Coordinator, Student Health and Wellness, Montgomery County Public Schools (MCPS).

Received updates from DHHS including current data for the number of COVID-19 cases and case number trends, hospitalization rates, death rates, case rates by zip code trends, hospitalization and death rates by vaccination status, variant case trends, World Health Organization data trends as it relates to County trends, vaccination rates in population segments, weekly vaccination activity, vaccination rates by race, cases by age and race/ethnicity, pediatric vaccination trends, and medication availability for COVID-19 treatment.

Dr. Stoddard discussed the data trends for the variants and sub-variants, timeline for under-five years old vaccine availability, and Novavax vaccine success thus far.

Mr. O'Donnell shared that DHHS is working with community partners to find opportunities for DHHS to participate in community programs to provide testing opportunities and has amassed a stockpile of testing kits. DHHS is monitoring the federal government's funding of private testing and vaccinations to determine if DHHS will have to assist in providing more services should the federal government reduce funding. Also discussed were different types of testing available, expected results timing, and updates to DHHS's communication plan for on-site testing options.

In response to constituent feedback, Mr. Katz requested that the County's website to make a vaccine appointment should be made easier to navigate, and that clinic operating hours posted online operating hours be verified for accuracy.

Dr. Bridgers noted that DHHS is making efforts to increase the County's supply of anti-viral drugs to make them available to residents as the majority of the supply is being provided directly to private providers, rather than community partners. Mr. O'Donnell shared the positive benefits of using a Test to Treat site to obtain anti-viral drugs more easily.

Dr. Bridgers and Dr. Stoddard provided an update on the progress of hiring a new County Health Officer. An offer has been made to a candidate and DHHS is awaiting a response from the candidate and approval from the State Board of Health. Dr. Bridgers also provided an update on DHHS's efforts to recruit school nurses, reexamining the nurse to student ratio, and continuing open dialogues with school nurses.

Received an update from MCPS on COVID-19 data trends, at-home rapid test distribution and communications, spring break COVID-19 data case trends and improvement from the winter break data, contact tracing changes, vaccination opportunities and upcoming clinics, and a summary of qualifications of Dr. Kapunan, newly hired MCPS School System Medical Officer.

Mr. D'Andrea, Dr. Stoddard, and Dr. Bridgers discussed MCPS testing and case positivity, and contact tracing changes. Mr. O'Donnell stated that MCPS does not track cases by school and Dr. Bridgers noted that a shared system to track vaccination rates by schools will be available in the fall. Dr. Stoddard stated that DHHS will continue to operate to provide uninsured individuals with testing and vaccines.

Dr. Bridgers anticipates a decline in the number of positive COVID cases in the next two weeks based on data trends.

(8) **BRIEFING - [Montgomery County Police Department/Montgomery County Public Schools Memorandum of Understanding](#)**

Participating in the discussion were Dr. McKnight, Interim Superintendent, and Ms. Reuben, Chief of Teaching, Learning, and Schools, MCPS; Chief Jones and Assistant Chief Facciolo, Community Resources Bureau, Montgomery County Police Department (MCPD).

Dr. McKnight summarized the efforts and communications MCPS has undertaken to address the social/emotional needs of students and revised responsibilities of the Community Engagement Officers (CEOs) in the new CEO 2.0 program and Memorandum of Understanding (MOU) between MCPS and MCPD. Chief Jones summarized the history of the MOU between the agencies for School Resource Officers (SROs), and the program evaluation process built into the agreement.

Chief Jones noted that in recent years, the largest issue facing schools is the abundance of illegal drugs and as such agreed that police would not charge students and that this would be handled as a MCPS disciplinary issue. However, due to the incident at Magruder High School in February 2022, the SRO program has been revamped to the CEO 2.0 program to ensure partnership between MCPS and MCPD.

Ms. Reuben provided a summary of the continuous discussions with stakeholders to design the Safety, Security, and CEO enhancements for the CEO 2.0 program. Assistant Chief Facciolo provided an overview of the responsibilities of each participant in the MOU and noted that the MOU clearly defines the roles of the CEOs.

Mr. D'Andrea shared the Reimagining School Safety and Student Wellbeing (RSSSW) workgroup process and communication processes that were established for the new CEO program. Ms. Reuben also shared that open meetings were held for public input, school meetings, student forums, and other methods for opportunities for community input and information sharing in developing this new program.

Dr. McKnight noted that this MOU has guidelines for accountability to review data and change the course of action in real time if needed.

Mr. Alborno stated that the program will be discussed again at a future Council session.

- (9) **WORKSESSION/SUSPENSION OF RULES/ACTION** on the following:
Request to suspend Rules of Procedure (Rule 7.(c)) to allow immediate action.

A. [Compensation and Benefits](#)

Participating in the discussion were Mr. Howard, Council Deputy Director, Ms. Wellons, Council Senior Attorney; Mr. Trombka, Senior Legislative Analyst, Office of Legislative Oversight (OLO); Mr. Gorman, Senior Advisor, Office of Human Resources (OHR); and Ms. Bryant, Director, Office of Management and Budget (OMB).

Ms. Navarro, Chair of the Government Operations and Fiscal Policy (GO) Committee, summarized the Committee's recommendation to support the

County Executive's proposed operating budget on compensation and benefits, except the proposed \$20 million draw-down from the County Government's Other Post-Employment Benefits (OPEB) Trust. The Committee opposed the proposal to expend \$20 million from OPEB Trust and added \$20 million to the reconciliation list to restore funding to the Group Insurance Retirees Non-Departmental Account (NDA).

Defeated Mr. Riemer's motion to maintain the 75/25 group insurance premium cost sharing split, as amended by Mr. Friedson to move the start date of the 80/20 group insurance premium cost split to start on January 1, 2023, rather than July 1, 2022. Mr. Riemer and Mr. Friedson voted in favor of the amendment.

Received comments from Ms. Bryant on the operational challenges of applying the 80/20 shared structure beginning on July 1. Mr. Friedson requested that staff determine when the 80/20 split can be implemented for budget discussions.

Supported without objection, Mr. Rice's motion to require that employees who select the High Option Prescription Plan, rather than the Standard Prescription Plan, must pay the difference between 80 percent of the Standard Plan and the High Option Plan; and the addition of \$150,000 to the FY23 Operating Budget to cover the premiums for employees who were omitted from OMB's premium coverage calculation.

Supported without objection, Mr. Rice's motion to ensure that cost-sharing language for basic and dependent life insurance is specified at an 80/20 split instead of 75/25; and the addition of \$230,000 to the FY23 Operating Budget to cover this as it was not included in OMB's premium coverage calculation.

Approved the GO Committee's recommendations on FY23 pay adjustments, FY23 group insurance, FY23 allocations for retirement, FY23 County Government Compensation-related NDAs with the amendments described above, and compensation policies and practices follow-up work. Ms. Navarro made the motion, which carried without objection.

B. [Collective Bargaining Agreements with MCGEO, FOP, and IAFF](#)

Supported without objection, Mr. Glass's motion to suspend Council Rule of Procedure 7c to allow the introduction and action on the three resolutions under Item 9B, and the one resolution under 9C, on the same day that these resolutions were introduced.

Supported without objection, Mr. Rice's motion to add clarification language to the bargaining agreements for MCGEO, FOP, and IAFF that employees who select the High Option Prescription Plan rather than the Standard

prescription plan must pay the difference between 80 percent of the Standard Plan and the High Option Plan.

Adopted **Resolution 19-1229**, indicating the Council's intention regarding the Collective Bargaining Agreements with MCGEO, as amended.

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

Adopted **Resolution 19-1230**, indicating the Council's intention regarding the Collective Bargaining Agreements with FOP, as amended.

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

Adopted **Resolution 19-1231**, indicating the Council's intention regarding the Collective Bargaining Agreements with IAFF, as amended.

Ms. Navarro made the motion, which carried without objection

C. [Collective Bargaining Agreement with MCVFRA](#)

Mr. Katz, Chair of the Public Safety (PS) Committee, summarized the Committee's recommendation to support this agreement.

Adopted **Resolution 19-1232**, indicating the Council's intention regarding the Collective Bargaining Agreements with MCVFRA.

The PS Committee made the motion, which carried without objection.

The meeting adjourned at 5:27 P.M.

This is an accurate account of the meeting:



Judy Rupp
Clerk of the Council