

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2020 Legislative Session

Legislative Day No. 17

December 7, 2020

HOWARD COUNTY TO WIT:

The Chairperson called the legislative session to order at **7:04** p.m. through Virtual *via Webex*.

Chairperson Deb Jung, Vice Chairperson Liz Walsh, Council Member Opel Jones, Council Member Christiana Rigby, and Council Member David Yungmann were present.

Diane Schwartz Jones, Administrator to the County Council; Craig Glendenning, Senior Legislative Analyst; Owen Clark, Legislative Audit Manager; Michelle Harrod, Deputy County Auditor; Gary Kuc, County Solicitor; Amanda Mihill, Assistant County Solicitor; Jennifer Sager, Legislative Coordinator; Maureen Arthurs, Director of Government Affairs; Theo Wimberly, Administrative Manager; Margery Sayers, Executive Assistant and Kel Berg, Administrative Support were also present.

ELECTION OF COUNCIL OFFICERS AND APPOINTMENTS

Ms. Jung nominated Ms. Walsh for Council Chairperson. The motion was seconded by Ms. Rigby. The roll call vote called by the Administrator on the motion was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann. Ms. Walsh was elected Chairperson.

Ms. Walsh nominated Dr. Jones for Council Vice Chairperson. The motion was seconded by Ms. Jung. The roll call vote called by the Administrator on the motion was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann. Dr. Jones was elected Vice Chairperson.

Dr. Jones nominated Christiana Rigby for Chairperson of the Zoning Board. The motion was seconded by Ms. Walsh. The roll call vote called by the Administrator on the motion was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann. Ms. Rigby was elected Chairperson of the Zoning Board.

Ms. Rigby nominated Ms. Jung for Vice Chairperson of the Zoning Board. The motion was seconded by Ms. Walsh. The roll call vote called by the Administrator on the motion was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann. Ms. Jung was elected Vice Chairperson of the Zoning Board.

Ms. Rigby nominated Mr. Yungmann for Chairperson of the Board of License Commissioners. The motion was seconded by Ms. Walsh. The roll call vote called by the Administrator on the motion was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann. Mr. Yungmann was elected Chairperson of the Board of License Commissioners.

Mr. Yungmann nominated Ms. Jung for Vice Chairperson of the Board of License Commissioners. The motion was seconded by Ms. Walsh. The roll call vote called by the Administrator on the motion was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann. Ms. Jung was elected Vice Chairperson of the Board of License Commissioners.

COUNCIL APPOINTMENTS

The Chairperson announced the following County Council appointments, effective December 2020 to December 2021:

Maryland Association of Counties Legislative Committee – Opel Jones
Alternate – Deb Jung

National Association of Counties liaison – Opel Jones
Alternate – Deb Jung

APPROVE JOURNALS AND MINUTES

The Chairperson moved to approve the Journal for Legislative Day No. 15, November 2, 2020, the Journal for Legislative Day No. 16, November 16, 2020, the Journal for April 1, 2019 (Corrected) and the Journal for December 2, 2019 (Corrected). The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve the journals passed.

The Chairperson moved to approve the minutes for the Monthly Meeting – November 9, 2020, the Legislative Public Hearing – November 16, 2020 and the Legislative Work Session – November 23, 2020. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve the minutes passed.

FINAL CONSIDERATION

Appointments

The Chairperson asked if there were objections to reading appointments together. After hearing no objections, the Administrator read Council Resolutions 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 166, 167, 168, 169, 170, 171 and 172-2020 together for a single combined roll call vote.

Council Resolution 152-2020 - A RESOLUTION confirming the appointment of Stacey A. Bisnette, to the Board of Health. *(No expiration date)*

Council Resolution 153-2020 - A RESOLUTION confirming the appointment of Patricia C. Branch to the Advisory Board on Consumer Protection. *(No expiration date)*

Council Resolution 154-2020 - A RESOLUTION confirming the appointment of Jennifer Broderick to the Board to Promote Self-Sufficiency. *(No expiration date)*

Council Resolution 155-2020 - A RESOLUTION confirming the appointment of Walter L. Davis to the Housing and Community Development Board. *(No expiration date)*

Council Resolution 156-2020 - A RESOLUTION confirming the appointment of Clarita Galindo Frazier Dawson, M.D. to the Martin Luther King, Jr. Holiday Commission. *(No expiration date)*

Council Resolution 157-2020 - A RESOLUTION confirming the appointment of Michael Garzon to the Board to Promote Self-Sufficiency. *(No expiration date)*

Council Resolution 158-2020 - A RESOLUTION confirming the appointment of Pam Lanman Guzzone to the Commission for Women. *(No expiration date)*

Council Resolution 159-2020 - A RESOLUTION confirming the appointment of Victoria Burton Hathaway to the Commission on Aging. *(No expiration date)*

Council Resolution 160-2020 - A RESOLUTION confirming the appointment of David C. Jordan, SPHR, SHRM-SCP, to the Pension Oversight Commission. *(No expiration date)*

Council Resolution 161-2020 - A RESOLUTION confirming the appointment of Melinda E. Kantsiper, M.D., to the Board of Health. *(No expiration date)*

Council Resolution 162-2020 - A RESOLUTION confirming the appointment of Andrea LeWinter to the Board of Directors of the Economic Development Authority. *(No expiration date)*

Council Resolution 163-2020 - A RESOLUTION confirming the appointment of Judi McCormick to the Advisory Board on Consumer Protection. *(No expiration date)*

Council Resolution 164-2020 - A RESOLUTION confirming the appointment of Jessica I. Nichols to the Commission for Women. *(No expiration date)*

Council Resolution 166-2020 - A RESOLUTION confirming the appointment of David B. Vess to the Martin Luther King, Jr. Holiday Commission. *(No expiration date)*

Council Resolution 167-2020 - A RESOLUTION confirming the appointment of Dr. Richard Weisenhoff to the Advisory Board on Consumer Protection. *(No expiration date)*

Council Resolution 168-2020 - A RESOLUTION confirming the appointment of Adelina Yoon to the Howard County Local Children's Board. *(No expiration date)*

Council Resolution 169-2020 - A RESOLUTION confirming the reappointment of Angela M. Boyter to the Commission on Aging. *(No expiration date)*

Council Resolution 170-2020 - A RESOLUTION confirming the reappointment of Brad Closs to the Board to Promote Self-Sufficiency. *(No expiration date)*

Council Resolution 171-2020 - A RESOLUTION confirming the reappointment of Stan Levi to the Board to Promote Self-Sufficiency. *(No expiration date)*

Council Resolution 172-2020 - A RESOLUTION confirming the reappointment of Joseph Markwordt to the Public Ethics Commission. *(No expiration date)*

The Chairperson moved to approve Council Resolutions 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 166, 167, 168, 169, 170, 171 and 172-2020. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to approve Council Resolutions 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 166, 167, 168, 169, 170, 171 and 172-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Resolutions 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 166, 167, 168, 169, 170, 171 and 172-2020 passed.

Financial

SAO2-FY2021 - AN ACT transferring \$644,475 from the Grant Fund, Contingency Reserve for a grant to the County to be used to replace older, non-emissions equipped dump trucks currently being used by the Department of Public Works. *(Expires 1/11/21; 2/5/21 if extended; or 3/12/21 if extended twice.)*

The Chairperson moved to approve SAO2-FY2021. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to approve SAO2-FY2021 2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve SAO2-FY2021 passed.

SAO3-FY2021 - AN ACT transferring \$502,264 from the Grant Fund, Contingency Reserve to the Department of Police for a grant to assist with Human Trafficking Prevention activities. *(Expires 1/11/21; 2/5/21 if extended; or 3/12/21 if extended twice.)*

The Chairperson moved to approve SAO3-FY2021. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to approve SAO3-FY2021 2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve SAO3-FY2021 passed.

SAO4-FY2021 - AN ACT transferring \$688,226 from the Grant Fund, Contingency Reserve to the Board of Elections for a COVID-19 Response Grant from the Center for Tech and Civil Life to ensure a safe and secure election during the COVID 19 health emergency. *(Expires 1/11/21; 2/5/21 if extended; or 3/12/21 if extended twice.)*

The Chairperson moved to approve SAO4-FY2021. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to approve SAO4-FY2021 2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve SAO4-FY2021 passed.

General

Council Bill 59-2020 - AN ACT requiring that all multiple-line telephone systems allow for the direct dial of 9-1-1; defining certain terms; authorizing certain inspections; providing for certain civil penalties; and generally relating to Telephone Access to the County's 9-1-1 Emergency Telephone System. *(Expires 1/11/21; 2/5/21 if extended; or 3/12/21 if extended twice.)*

The Chairperson moved to approve Council Bill 59-2020. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to approve Council Bill 59-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Bill 59-2020 passed.

Council Bill 60-2020 - AN ACT amending and updating the duties of the Office on Aging and Independence and the Commission on Aging; updating terminology; and generally relating to the Older Howard Countians Act. *(Expires 1/11/21; 2/5/21 if extended; or 3/12/21 if extended twice.)*

The Chairperson moved to approve Council Bill 60-2020. The motion was seconded by Dr. Jones.

The Chairperson moved to approve Amendment 1. The motion was seconded by Dr. Jones.

Amendment No. 1

(This amendment removes a word in order to correct grammar.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment 1 passed.

The roll call vote called by the Administrator on the motion to approve Council Bill 60-2020 as amended was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Bill 60-2020 as amended passed.

Council Bill 61-2020 - AN ACT amending PlanHoward 2030, the general plan for Howard County, to include The Ellicott City Watershed Master Plan and recognizing that the Plan is a comprehensive, long-range document created by a community-driven vision for historic Ellicott City and the Tiber Branch Watershed; and generally relating to planning, zoning and land use in Howard County. *(Expires 1/11/21; 2/5/21 if extended; or 3/12/21 if extended twice.)*

The Chairperson moved to approve Council Bill 61-2020. The motion was seconded by Dr. Jones.

The Chairperson moved to approve Amendment 1. The motion was seconded by Dr. Jones.

Amendment No. 1

(This amendment expands the parameters of the “Green Cultural Trail”.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment 1 passed.

The roll call vote called by the Administrator on the motion to approve Council Bill 61-2020 as amended was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Bill 61-2020 as amended passed.

Council Bill 62-2020 - AN ACT amending the Howard County Code in order to change the name of the Office of Purchasing to be the Office of Procurement and Contract Administration; amending the name of the Administrator accordingly; and generally related to the Office of Purchasing. *(Expires 1/11/21; 2/5/21 if extended; or 3/12/21 if extended twice.)*

The Chairperson moved to approve Council Bill 62-2020. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to approve Council Bill 62-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Bill 62-2020 passed.

Council Resolution 173-2020 - A RESOLUTION pursuant to Section 4.104 of the Howard County Code, amending the Purchasing Manual in order to change the name of the Office of Purchasing to be the Office of Procurement and Contract Administration; to change the name of the Office Administrator accordingly; to make technical corrections; to update the Office's Mission statement; and generally relating to the Howard County Purchasing Manual. *(No expiration date)*

The Chairperson moved to approve Council Resolution 173-2020. The motion was seconded by Dr. Jones.

The Chairperson moved to approve Amendment 1. The motion was seconded by Dr. Jones.

Amendment No. 1

(This amendment inserts a Bill Number for the purpose of providing a cross-reference.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 was:
Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment 1 passed.

The roll call vote called by the Administrator on the motion to approve Council Resolution 173-2020 as amended was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Resolution 173-2020 as amended passed.

Council Resolution 174-2020 - A RESOLUTION pursuant to Section 4.201 of the Howard County Code, authorizing the County Executive's sale of real property known as the "Flier Building" owned by Howard County, Maryland, containing approximately 2.159 acres, and located at 10750 Little Patuxent Parkway, Maryland; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code so that the property can be listed with Chartwell Enterprises; and providing that the County Executive is not bound to sell the property if he finds that it may have a further public use. *(No expiration date)*

The Chairperson moved to approve Council Resolution 174-2020. The motion was seconded by Dr. Jones.

Council Member Jung moved to approve Amendment 1. The motion was seconded by Ms. Walsh.

Amendment No. 1

(This Amendment would set terms and conditions on the final sale of the Flier Building.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment 1 passed.

The roll call vote called by the Administrator on the motion to approve Council Resolution 174-2020 as amended was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Resolution 174-2020 as amended passed.

Council Bill 63-2020 – Introduced by: Opel Jones - AN ACT providing that County employees shall take, or refrain from taking, specified actions with respect to the immigration status of specified individuals; prohibiting certain discrimination based on immigration status; requiring that certain information related to citizenship status be kept confidential; providing a procedure whenever specified provisions may be preempted by other law; requiring specified officials to take actions under certain circumstances; and generally relating to human rights in Howard County.
(Expires 1/11/21; 2/5/21 if extended; or 3/12/21 if extended twice.)

Council Member Jones moved to approve Council Bill 63-2020. The motion was seconded by Ms. Rigby.

Council Member Jones moved to approve Amendment 1. The motion was seconded by Ms. Rigby.

Amendment No. 1

(This Amendment adds definitions of “agent,” “contractor,” “department,” “County resources,” and “officer in charge” and changes the defined term “existing agreement” to be “existing intergovernmental service agreement”.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 was:
Yea: Council Members Jones, Jung, Rigby and Walsh. Nay: Council Member Yungmann.

The motion to approve Amendment 1 passed.

Council Member Jones moved to approve Amendment 2. The motion was seconded by Ms. Rigby.

Amendment No. 2

(This Amendment provides that County resources may not be used for civil immigration enforcement; generally prohibits County participants in task forces from asking about or disclosing citizenship, immigration, or nationality status; and provides that the County must withdraw from a task force that is not primarily acting to investigate or enforce criminal law, but instead as a pretext for immigration enforcement.)

The roll call vote called by the Administrator on the motion to approve Amendment 2 was:
Yea: Council Members Jones, Jung, Rigby and Walsh. Nay: Council Member Yungmann.

The motion to approve Amendment 2 passed.

Council Member Yungmann moved to approve Amendment 3. The motion was seconded by Ms. Walsh.

Amendment No. 3

(This Amendment allows the County to accept certain individuals under specified circumstances.)

The roll call vote called by the Administrator on the motion to approve Amendment 3 was:
Yea: Council Member Yungmann. Nay: Council Members Jones, Rigby and Walsh. Abstain:
Council Member Jung.

The motion to approve Amendment 3 failed.

The Chairperson moved to approve Amendment 4. The motion was seconded by Dr. Jones.

Amendment No. 4

(This Amendment generally prohibits the disclosure of information about any person to immigration enforcement; or the expenditure of County resources (including but not limited to facilities, equipment, cell phones, office supplies, radios, emails, databases and employee time) to assist or facilitate civil immigration enforcement.)

The Chairperson moved to approve Amendment 1 to Amendment 4. The motion was seconded by Ms. Rigby.

Amendment No. 1 to Amendment 4

(This Amendment makes technical corrections)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Amendment 4 was: Yea: Council Members Jones, Rigby and Walsh. Nay: Council Member Yungmann. Abstain: Council Member Jung.

The motion to approve Amendment 1 to Amendment 4 passed.

The roll call vote called by the Administrator on the motion to approve Amendment 4 as amended was: Yea: Council Members Jones, Jung, Rigby and Walsh. Nay: Council Member Yungmann.

The motion to approve Amendment 4 as amended passed.

The Chairperson moved to approve Amendment 5. The motion was seconded by Dr. Jones.

Amendment No. 5

(This Amendment expands the prohibitions related to citizenship, nationality, or immigration to also cover departments and agents of the County; and prohibits the gathering of citizenship or immigration status or expenditure of County resources for that purpose.)

The roll call vote called by the Administrator on the motion to approve Amendment 5 was: Yea: Council Members Jones, Jung, Rigby and Walsh. Nay: Council Member Yungmann.

The motion to approve Amendment 5 passed.

Council Member Rigby moved to approve Amendment 6. The motion was seconded by Dr. Jones.

Amendment No. 6

(This Amendment provides for a penalty for an employee who violates this Act and provides that complaints shall be filed with the Human Rights Commission.)

Council Member Jones moved to approve Amendment 1 to Amendment 6. The motion was seconded by Ms. Walsh.

Amendment No. 1 to Amendment 6

(This amendment corrects the name of the Office of Human Rights and Equity and strikes reference to the Department of County Administration because the OHRE is part of County Administration.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Amendment 6 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment 1 to Amendment 6 passed.

The roll call vote called by the Administrator on the motion to approve Amendment 6 as amended was: Yea: Council Members Jones, Jung, Rigby and Walsh. Nay: Council Member Yungmann.

The motion to approve Amendment 6 as amended passed.

Council Member Rigby moved to approve Amendment 7. The motion was seconded by Dr. Jones.

Amendment No. 7

(This Amendment requires County departments to adopt policies relating to immigration, nationality, and citizenship status as it relates to County activities and relations; requiring that departmental policies delineate employment consequences for failure to comply; requiring departments to issue periodic reports on requests from immigration enforcement officials; and requiring departments to respond within a reasonable time to inquiries from the Executive.)

Council Member Rigby moved to approve Amendment 1 to Amendment 7. The motion was seconded by Dr. Jones.

Amendment No. 1 to Amendment 7

(This Amendment requires Departments to respond to certain requests within 15 days.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Amendment 7 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment 1 to Amendment 7 passed.

The roll call vote called by the Administrator on the motion to approve Amendment 7 as amended was: Yea: Council Members Jones, Jung, Rigby and Walsh. Nay: Council Member Yungmann.

The motion to approve Amendment 7 as amended passed.

The Chairperson moved to approve Amendment 8. The motion was seconded by Dr. Jones.

Amendment No. 8

(This Amendment codifies existing, written, Executive policy.)

The Chairperson moved to approve Amendment 1 to Amendment 8. The motion was seconded by Dr. Jones.

Amendment No. 1 to Amendment 8

(This Amendment adds to the Bill the provisions of Amendment 8 as originally introduced that are not otherwise contained in Amendments 1 through 7 and removes from Amendment 8 those provisions that are already added by Amendments 1 through 7.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Amendment 8 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment 1 to Amendment 8 passed.

The roll call vote called by the Administrator on the motion to approve Amendment 8 as amended was: Yea: Council Members Jung and Walsh. Nay: Council Members Jones, Rigby and Yungmann.

The motion to approve Amendment 8 as amended failed.

The roll call vote called by the Administrator on the motion to approve Council Bill 63-2020 as amended was: Yea: Council Members Jones, Jung, Rigby and Walsh. Nay: Council Member Yungmann.

The motion to approve Council Bill 63-2020 as amended passed.

Council Member Jung moved to remove TAO1-FY2021 from the table. The motion was seconded by Mr. Yungmann.

The roll call vote called by the Administrator on the motion to remove TAO1-FY2021 from the table was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to remove TAO1-FY2021 from the table passed.

TAO1-FY2021 - AN ACT transferring a total of \$54,652,000 from C0214, Category Contingency Fund, to capital project C0364, New Cultural Center, for Fiscal Year 2021. (*Expires 12/14/20; 1/18/21 if extended; or 2/22/21 if extended twice.*)

Council Member Jung moved to extend the life of TAO1-FY2021. The motion was seconded by Mr. Yungmann.

The roll call vote called by the Administrator on the motion to extend the life of TAO1-FY2021 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to extend the life of TAO1-FY2021 passed.

Council Member Jung moved to table TAO1-FY2021. The motion was seconded by Mr. Yungmann.

The roll call vote called by the Administrator on the motion to table TAO1-FY2021 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to table TAO1-FY2021 passed.

Adjourned: **9:00** p.m.

Tabled

TAO1-FY2021 - AN ACT transferring a total of \$54,652,000 from C0214, Category Contingency Fund, to capital project C0364, New Cultural Center, for Fiscal Year 2021. (*Expires 12/14/20; 1/18/21 if extended; or 2/22/21 if extended twice.*)