

Minutes (unapproved)
County Council Legislative Work Session
July 23, 2007

Meeting convened at: 4:36 p.m.

Members present: Calvin Ball, Greg Fox, Mary Kay Sigaty, Jen Terrasa, Courtney Watson

Discussion:

The Council discussed CB 51-2007, Living Wage. The following issues were raised: 1) number and kinds of County employees who could be employed at salaries below the living wage under current salary schedules and the cost of health insurance for those employees; 2) exceptions to the requirements; 3) assumptions used by the Auditor in estimating costs to the county. Lonnie Robbins, County Administrator, offered to provide the job titles of people employed in salary grades A and B and the cost of benefits for employees at those levels.

The Council considered CB 52-2007, Binding Arbitration. Dan Bessick, President of the FOP, and Jeffrey Gibbs, attorney for the union, addressed the Council. Rich Basehoar, Office of Law, advised the Council on issues related to the Charter and the budget authorities contained in it.

Questions were raised concerning the following issues: 1) kinds of funds that should be excluded by the arbitrator in his considerations; 2) fire funds and their pertinence in these discussions; 3) amount of money county has used from contingency funds to fund previous agreements with the unions; 4) the arbitrator's ability to "force the hand" of the Council to enact tax increases to fund agreements; 5) an "evergreen" clause that would continue an existing agreement until a new one is ratified; and 6) mediation and the role of the arbitrator as mediator.

Lonnie Robbins said that the Administration is working on amendments to clarify which funds may and may not be considered as the agreements are negotiated.

The Council discussed CB 47-2007 and CB 49-2007, part of the "green" package concerning mandates, incentives, and standards for construction. Josh Feldmark, Executive Director of the Environmental Commission; Dwight Taylor, representing COPT builders; Cole Schnorf, representing Mannekin developers; William Erskine, representing the Building Owners and Managers Association; David Pratt, consultant; and Bryson Popham, lobbyist for BOMA, a trade association of builders, addressed the Council. Lynn Robeson, Office of Law, advised the Council on issues related to the Charter and the Constitution concerning delegation and on the Administrative Procedures Act as it applies to the regulatory process.

There was a discussion of costs to builders and developers of complying with the legislation, of authorities for decision-making, of the merits of adopting a particular set of standards or identifying a standard-setting organization and allowing their standards, as revised from time to time, to prevail.

The Council developed the following list of issues of concern in this legislation:

- 1) surety bonding;
- 2) mandates;
- 3) tax credit structure;
- 4) constitutionality of delegating authority;
- 5) variety of LEED rating systems;
- 6) process and timing for certification as related to surety, tax credits, fines;
- 7) process of appeal and role of the courts;

- 8) percentage of government funding required to make compliance mandatory;
- 9) square footage of buildings included in the mandate;
- 10) costs of compliance;
- 11) standards of compliance and the regulatory authority of the director;
- 12) waiver process, especially the exclusion of financial hardship;
- 13) the adequacy of the green building fund in the budget;
- 14) the checklist and the qualifications of the person certifying compliance; and
- 15) the status of government buildings regarding the requirements for sureties and/or fees.

Josh Feldmark summarized some issues on which the Administration intends to offer amendments: 1) will raise the threshold of mandatory compliance from 20,000 to 50,000 square feet; 2) will clarify that government buildings require neither fees nor surety.

The Council will continue its discussion of the “green” legislation on Wednesday, July 25 at 4:00 in the Tyson Room

Action: None

Time Adjourned: 8:05 p.m.