

Howard County Charter Review Commission

APPROVED MINUTES

Date: Thursday, May 5, 2011

Time: 9:00 a.m.

Place: Columbia Room, George Howard Building

Council Members in attendance:

Donna Richardson

- Michael Davis
- Sharon Ahn
- Cindy Ardinger
- Regina Clay
- Thomas Coale
- Edward Cochran
- Charles Feaga
- Alice Giles
- Yvonne Howard
- Steve Hunt
- Sang Oh
- Andrew Stack
- Joshua Tzucker
- James Walsh

- Mr. Davis opened the meeting.
- Members unanimously approved the minutes with date of the next meeting corrected to show May 19th.
- Mr. Davis reviewed the website and reminded members to email Charter Review email address.
 - Ms. Clay clarified that email should not be used if want the email to remain confidential.
- Mr. Vannoy provided an overview of the Charter along with a memorandum.
- Mr. Davis reviewed public process of reviewing and approving amendments to the Charter.
- Mr. Davis asked what the salary currently is for elected officials.
 - Ms. Beach stated the current salaries are \$53,400 for Council Members and \$161,000 for Executive.

- Mr. Feaga pointed out that there was a 58% increase at one point for the County Council and that they can pay assistants what they want.
 - Pointed out that there is no limit to the amount of increase and suggested that they may be a change.
- Mr. Davis began to review the Charter:
 - Article I
 - No changes recommended.
 - Art. II –
 - Mr. Davis reviewed the composition of the Council.
 - Ms. Giles suggested there might be interest in county-wide positions.
 - Dr. Cochran stated there may be interest in more members and if they should be county-wide; that there is concern that Columbia has more representation than other areas.
 - Ms. Clay asked to clarify the process for the Redistricting Commission.
 - Mr. Vannoy reviewed the process- The commission is basing their recommendations on the current Charter.
 - Mr. Davis would like to know what the fiscal impact would be on increasing the number of council members and making a county-wide member.
 - Mr. Tzucker asked if the Council would need to have more staff if the members are council-wide.
 - Mr. Feaga reviewed the staff that is currently with the Council; used to not have assistants, now they have assistants who do a lot of work and a secretary.
 - Point was made that there was no member that's looking out for the whole county.
 - Dr. Cochran recommended Frank Hecker's blog for history of Charter and County government.
 - Ms. Clay suggested that for qualifications, the council member should reside in the district for 2 years, not just the county.
 - Concern was raised if the member is redistricted out of the district he/she represents.
 - Ms. Clay stated that there may be interest in lowering the age of qualification age to 21; asked what are other jurisdictions age limits.
 - Mr. Coale suggested the Charter include both felony and moral turpitude as possible reasons Council Members forfeit position.
 - Mr. Davis stated that a felony is theft of \$500 or more; the Commission should consider when forfeiture becomes automatic.

- Mr. Coale stated that moral turpitude is up to own definition, maybe the Commission should consider making it more specific.
- Mr. Vannoy will research definition and case law on how moral turpitude is defined.
- Ms. Ahn asked if they are indicted, should they be suspended.
 - The Commission members discussed how that would work and raised concern that that would leave a district unrepresented.
- Mr. Coale suggested changing the term limits to 10 years (same recommendation that the last commission recommended).
 - Mr. Feaga provided the history of why the term limit is defined the way it is.
- Mr. Tzucker suggested remove term limits; concern with loss of institutional memory and experience if get all new Council Members at one time.
- Ms. Clay suggested staggering terms.
 - Mr. Vannoy – All state and county elections must be during off presidential year; state constitution requires 4 year terms so can't stagger.
- Mr. Feaga suggested limiting the amount of increase in salary that Council can approve.
- Mr. Davis asked what district is supposed to look like. Office of Law recommended remove "occupation".
- Mr. Tzucker suggested remove description of political distribution; make it harder to have districts drawn on partisan lines.
 - Mr. Coale recommended that Commission compare what other jurisdictions.
- Mr. Davis referred to the provision that provides that all land use bills are subject to referendum; questioned whether it is constitutional.
 - Mr. Feaga stated that it seems like zoning by popular demand.
 - Dr. Cochran stated that seems like a legislative provision, which is contrary to the purpose of the charter.
 - Mr. Vannoy – Paul Johnson from the Office of Law can meet with the Commission to discuss this issue.
- Ms. Clay asked if there should be a separate zoning board from the Council.
 - Dr. Cochran reviewed the history of the zoning board; asked for review of the zoning process.
- Ms. Clay suggested that the County chair be elected county-wide.

- Mr. Coale stated he was not sure how to accomplish this through the elections; would have to have Chair election before district elections.
 - Mr. Feaga stated that historically the members have passed the position of the Chair around.
 - Mr. Hunt suggested that an amendment should make it clearer what the 2/3 vote is; make it mathematically possible.
 - Mr. Vannoy – this was changed so if there was ever a change in the number of council members it would be set what the vote should be.
 - Mr. Coale asked whether technology should be referenced for posting journal. Items that are posted on the bulletin board should be posted online.
 - Ms. Giles recommended generic language: shall be made available and open to public by commonly used means.
 - Mr. Davis asked when a change is considered substantive. According to Charter, Council makes that decision. Does that system work?
 - Mr. Feaga stated that it's not perfect but it has worked.
 - Dr. Cochran stated that there have been amendments that leave it questionable.
 - Mr. Coale asked if the Commission can make it so that one member can say that an amendment is substantive. There have been amendments based on the public hearing and work session that have made a lot of changes to the bill but Council determined that amendments are not substantive.
 - Mr. Stack stated that bills have only a set amount of time to be acted on; if an amendment substantive does that change the length of the life of the bill?
 - Dr. Cochran stated that the process should be more public oriented.
 - Mr. Coale asked if there has been an example of emergency bills.
 - Mr. Vannoy – there was one or two recently, but they are unusual.
- Mr. Davis stated that for the next meeting the Commission will finish Article II, Article III and would like to finish Article IV.
- Adjourned the meeting at 10:32.