

Howard County Charter Review Commission

APPROVED MINUTES

Date: Thursday, October 27, 2011

Time: 9:03 a.m.

Place: Columbia Room, George Howard Building

Commission 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

- Ms. Richardson opened the meeting.
- Mr. Walsh noted change in October 13 minutes
 - Vote to add district was 12-0 against
 - Vote to write minority report regarding committee to establish review of number of council members was 5-7
 - Amended minutes were approved unanimously
- Ms. Richardson asked to clarify the technical or substantive amendments, particularly amendments for §906 & 907
 - Mr. Vannoy stated that the technical and substantive amendments could be grouped together but §906 & 907 are probably not considered technical
- Ms. Richardson opened discussion on referendum
 - Mr. Oh discussed whether it should be voters who voted in an election, number who voted in gubernatorial election, or for county executive.

- Mr. Hunt stated that the numbers made be different: number of votes cast for governor versus the number of votes cast for county executive
- Mr. Davis suggested that the reasoning was to get the largest number, so maybe the language should say number of votes cast
- Dr. Cochran moved to approve the language provided by Jim Vannoy in the draft recommendations
- Ms. Richardson called the vote
 - Vote was 12-1; with Mr. Coale dissenting.
- Ms. Richardson began the review of the report provided by Mr. Vannoy
- Mr. Davis moved to approve the language and recommendation for publication
 - Ms. Giles seconded
 - Mr. Oh stated that it may be an unnecessary because it is what the Council is doing now
 - Ms. Giles stated that it makes it available to everyone rather than stating that it is available for inspection
 - Dr. Cochran suggested that the language should be more specific
 - Mr. Hunt suggested the language allows it to grow with future channels.
 - Ms. Richardson called the vote;
 - Commission approved unanimously to recommend to Council
- Ms. Richardson moved to vote to approve recommendation to change posting of emergency legislation to 12 hours from current 4 hours
 - Commission unanimously approved the recommendation
- Ms. Richardson moved to vote to approve recommendation to increase length of time the council has to act on legislation
 - Commission unanimously approved the recommendation
- Ms. Richardson reviewed the proposals provided by the public at public hearing
 - Mr. Hunt began discussion of John Taylor’s recommendation to advertise open positions on open boards
 - Mr. Coale stated that they are currently posted and that it is an open process because appointments are made by resolution, with a public hearing and publication
- Commission discussed recommendation that Charter should include all protected classes that are in Code
 - Ms. Howard suggested that they should be reiterated
 - Mr. Vannoy checked the County Code and found that §12.200 already applies to the County government so that it would not need to be restated in the Charter.
- Mr. Fox made two recommendations

- To prohibit taking for eminent domain from private party to private party per CR150-2011 that he introduced
 - Provided background on the Kendall Hardware/Pizza Hut property
 - The Executive requested approval by the Planning Board to move money into a new capital project
 - The Planning Board recommended a study
 - Rather than acting on Planning Board recommendation the Executive then provided funding for a study
 - Mr. Hunt suggested that this can be changed in the Code rather than Charter;
 - Dr. Cochran asked if the property was landlocked
 - Mr. Fox stated that it is not
- To prohibit moving money in the capital budget without
 - §613 – amending capital budget requires planning board recommendation and 2/3 vote (4 votes) of the council
 - Provided background on this use of it
 - County purchase of Oakland Mills office condo
 - Description in the budget did not match the use of funds for this facility
 - Also used for Kendall Hardware project which was justified as an amendment to an existing project even though the Administration went through planning board recommendation process as required under §613, and they had to amend the language of the project in the capital budget, the Administration stated it was an amendment to an existing project
 - Office of Law has justified that if it is an existing budget item, then the change can be made legislatively as an amendment to an existing project, requiring only 3 votes and not under the same requirements of amending budget
 - §613 needs to be clearer what triggers an amendment to the budget versus change in existing project
- Dr. Cochran stated that they use broad language to allow them to use the money without having to get Council approval and go through the time consuming process
- Mr. Fox suggests trying to tighten language so that it is clearer
- Mr. Walsh asked to have standing to sue the County if someone disagrees with the interpretation that §613 does or does not apply

- Mr. Vannoy stated that there is no special standing; someone whose property was affected by the decision would have standing to sue
- Mr. Davis requested for specific wording
- Mr. Fox stated that he is not really concerned about where the line is drawn, wants the Commission to consider and help determine what is appropriate; he is not sure what the answer is
- Mr. Hunt suggested that maybe it is the budget that is little a too broad
- Dr. Cochran asked where the money for the Daisy Rd/Union Chapel project come from
 - Staff will look into
- Mr. Davis asked that the Administration respond to Mr. Fox's issues
- Mr. Davis also suggested that maybe, if it is an issue, it is one that should be raised by the County Council at the time something comes up
- Ms. Richardson adjourned the meeting; the next meeting was set for November 10th.
- Meeting adjourned at 10:51 a.m.