

Charter Review Commission

Minutes

C. Vernon Gray Room

February 11, 2020

Charter Review Commission Members Present: Judith Center, James Howard, Tahira Mussarat Hussain, Deeba Jafri, Elgin Klugh, Stu Kohn, Fred Leong, Margaret Ann Nolan, Paul Skalny, Yolanda Sonnier, Chairperson, Carolan Stansky, and James Walsh

Charter Review Commission Members on Teleconference: Dawn Popp

Staff Present: Lynne Rosen, Legislative Analyst, Gary Kuc, County Solicitor, and Diane Schwartz Jones, Council Administrator

Ms. Sonnier opened the meeting at 8:30 a.m.

The members discussed the following edits to the Minutes of the January 28, 2020: 1) include the names of members of the Commission who voted against the motions; 2) on page two, at the end of paragraph five, add “Ms. Schwartz Jones discussed that there is a potential for the Charter Review Commission to participate in the Council Monthly Meeting in March.”; 3) on page 5, delete paragraph 8; and on page 7, in paragraph eight, clarify that “The Commission voted on the Walsh amendment to the Howard motion. The Walsh amendment is to recommend that the number of Councilmanic Districts be expanded from five to seven.”; and 4) on page 9, in the third paragraph from the bottom, add “which was previously an inclement weather day”.

The members approved the minutes with the above edits with no members opposed.

Ms. Sonnier discussed that a voting sheet will be used to record votes and that discussion on items will go around the table so that each member has an opportunity to discuss the item.

The members discussed notice of the Commission public hearing.

Ms. Sonnier discussed whether there was a need to identify the topics of discussion for circulation and how the information should be relayed. She discussed that the flier could be on the cable channel, the slider on the Council web site, and the Council bulletin board, and that the Council could make announcements at meetings.

Ms. Schwartz Jones discussed that the flier could appear on the Howard County GTv, the slider on the Council web site, and the link to the Commission on the Council web site. She discussed the need for an agenda with issues that the Commission members would like to hear about at the public hearing, and an electronic link to the agenda. The agenda can be posted on the Council bulletin board under Task Forces.

The members discussed the content and distribution of the flier for the public hearing.

Ms. Schwartz Jones discussed that information about the public hearing could be disseminated on Constant Contact. There could be a link to the agenda on the Calendar on the Council web site. The public hearing could be advertised in the Baltimore Sun in advance of the hearing as the Council does for other matters. She discussed the usual framework for Council dissemination of information and that those ways are being offered to the Commission to disseminate information, including a pdf of the flier.

Ms. Sonnier discussed that Constant Contact is for those people who have signed up for the communication. There is a subset of people who have not signed up. Commission members have discussed sending the flier out on their social media and email.

Ms. Schwartz Jones discussed the charge of the Commission to act as a body, and the distinctions between acting as a body and an individual and the sharing of information as a body and an individual.

The members discussed posting a link to the flier on their social media, as well as sending out by email and requested a pdf of the flier.

Ms. Nolan asked if there is a legal impediment to posting a link to the flier on individual commissioners' social media.

Mr. Kuc advised that there is not a legal impediment.

The members discussed that they are okay with the flier as is.

Ms. Schwartz Jones and the members discussed publication of notice of the hearing in a newspaper.

Mr. Kuc discussed that the Open Meetings Act requires reasonable notice of a meeting and the agenda for the meeting. A notice can be put out now, and the agenda can be provided and amended moving forward.

Ms. Sonnier discussed that notice of the public hearing can be posted, and the agenda will be provided as the Commission moves forward. The flier can be distributed with all the means described by Ms. Schwartz Jones. Ms. Schwartz Jones confirmed that the pdf of the flier can be provided to the commissioners.

Ms. Sonnier discussed the next topic of discussion: Comparison of prohibitions against discrimination under the Charter Merit System and the County Code (Item 16).

The members discussed the issue of adding the unlawful employment practices in the County Code to Section 709(a) in the Charter.

Ms. Sonnier made a motion to recommend including all the prohibitions minus occupation and source of income. Mr. Kohn seconded the motion. The members voted as follows: Ms. Center: Yes, Mr. Howard: No, Ms. Hussain: Yes, Ms. Jafri: Yes, Mr. Klugh: No, Mr. Kohn: Yes, Mr. Leong: Yes, Ms. Nolan: No, Ms. Popp: No, Mr. Skalny: No, Ms. Stansky: No, Mr. Walsh: No, and Ms. Sonnier: Yes. The motion failed with seven votes against the motion and six votes for the motion.

The members discussed should Councilmembers be authorized to serve more than three non-consecutive terms, and should Councilmembers be limited to serving two consecutive terms of office (Item 11)?

The members discussed leaving the terms of office as they currently are, and that there is no need for a motion to recommend changes to the language because the motion would fail.

The members discussed Should the County Executive be authorized to serve three terms of office (Item 12)? No motion was made to recommend changes to this provision of the Charter.

The members discussed should the provisions for vacancies in the County Council and the County Executive be amended? Should they be parallel (Sections 202(e) and 302(f), (g), and (h)? Should there be provisions for removal based on mental/health disability? (Item 25)

Mr. Kuc discussed Section 10.101 of the County Code relating to filling vacancies on the County Council.

No motions were made relating to vacancies in the County Council and the County Executive and provisions for removal from office.

The members discussed what should be the timeframe for establishing new Councilmanic districts after the 2020 Census to provide sufficient time to conduct the primary election in June 2022? Should there be a requirement for the Councilmanic Redistricting Commission to conduct a public hearing? Should there be a prohibition against a political party having a majority of members on the Commission? (Item 8)

Ms. Sonnier discussed Mr. Mickley's request to move the three dates in Section 202(f) back three months to account for the three months that the Primary Election date was moved from September 2022 to June 2022.

Ms. Stansky discussed her proposed language to amend Section 202(f). The dates are similar to what Prince George's County has adopted.

The members discussed the proposed language that requires the Office of Law and the Department of Zoning to each appoint an ex-officio member to the Councilmanic Redistricting Commission.

The members discussed the proposed repeal of the requirement that the Central Committee of certain political parties nominate three persons to serve on the Commission.

Ms. Sonnier asked for motions.

Ms. Stansky discussed a motion to postpone the discussion and vote at the next meeting to give more thought to the issue.

Ms. Stansky did not make a motion to postpone the discussion.

Ms. Stansky made a motion to amend Section 202(f) with the three date changes presented in the document: April 1 to March 1, October 15 to September 15, and March 15 to

November 30 of the same year of submission of the plan of Councilmanic Districts. Mr. Kohn seconded the motion. The members voted as follows: Ms. Center: Yes, Mr. Howard: No, Ms. Hussain: No, Ms. Jafri: No, Mr. Klugh: Abstention, Mr. Kohn: Yes, Mr. Leong: No, Ms. Nolan: Yes, Ms. Popp: No, Mr. Skalny: Yes, Ms. Stansky: Yes, Mr. Walsh: Yes, and Ms. Sonnier: Yes. The motion passed with seven in favor, five against, and one abstention.

Ms. Stansky made a motion to amend Section 202(f) to require the County Council to appoint seven nominees from a list of applicants who represent all areas of the County and with no more than two representing a single political party as members of the Councilmanic Redistricting Commission. No person shall be eligible for appointment to the Commission who holds elective office or any office with a political party, or is relative of any such person.

Ms. Nolan seconded the motion.

Mr. Howard made a motion to amend Ms. Stansky's motion to require that the Council appoint seven nominees from a list of applicants who represent all areas of the County as members of the Councilmanic Redistricting Commission. Ms. Nolan seconded the motion. The members voted as follows: Ms. Center: No, Mr. Howard: Yes, Ms. Hussain: Yes, Ms. Jafri: No, Mr. Klugh: No, Mr. Kohn: No, Mr. Leong: No, Ms. Nolan: No, Ms. Popp: Yes, Mr. Skalny: No, Ms. Stansky: No, Mr. Walsh: No, and Ms. Sonnier: Yes. The motion failed with nine against and four in favor.

Mr. Walsh offered an amendment to Ms. Stansky's motion to change "No person shall be eligible for appointment to the Commission who holds elective office or any office with a political party, or is a relative of any such person" to "No person shall be eligible for appointment to the Commission who holds elective office or any office with a political party, or resides in the same household of any such person". Ms. Nolan seconded the motion. The members voted as follows: Ms. Center: Yes, Mr. Howard: Yes, Ms. Hussain: Yes, Ms. Jafri: No, Mr. Klugh: Yes, Mr. Kohn: Yes, Mr. Leong: Abstention, Ms. Nolan: Yes, Ms. Popp: Yes, Mr. Skalny: Yes, Ms. Stansky: Yes, Mr. Walsh: Yes, and Ms. Sonnier: Yes. The motion passed with 11 in favor, one against, and one abstention.

Mr. Leong offered an amendment to Ms. Stansky's motion on her proposed language to change "The Council shall appoint seven nominees from a list of applicants who represent all areas of the County and with no more than two representing a single political party" to "The Council shall appoint seven nominees from a list of applicants who represent all areas of the County and with no more than three per political party". Ms. Nolan seconded the motion. The members voted as follows: Ms. Center: No, Mr. Howard: Yes, Ms. Hussain: Yes, Ms. Jafri: No, Mr. Klugh: Yes, Mr. Kohn: Yes, Mr. Leong: Yes, Ms. Nolan: No, Ms. Popp: Yes, Mr. Skalny: No, Ms. Stansky: No, Mr. Walsh: No, and Ms. Sonnier: Yes. The motion passed with seven in favor and six against.

Ms. Popp offered an amendment to Mr. Leong's amendment to change "The Council shall appoint seven nominees from a list of applicants who represent all areas of the County and with no more than three per political party" to "The Council shall appoint seven nominees from a list of applicants who represent all areas of the County and with no more than three registered

with a single political party”. Mr. Kohn seconded the motion. The motion passed with a unanimous vote.

The members voted on the motion to amend Section 202(f) as follows: “The Council shall appoint seven nominees from a list of applicants who represent all areas of the County and with no more than three registered with a single political party. No person shall be eligible for appointment to the Commission who holds elective office or any office with a political party, or resides in the same household of any such person”. The members voted as follows: Ms. Center: Yes, Mr. Howard: No, Ms. Hussain: Yes, Ms. Jafri: No, Mr. Klugh: Yes, Mr. Kohn: Yes, Mr. Leong: Yes, Ms. Nolan: Yes, Ms. Popp: No, Mr. Skalny: No, Ms. Stansky: Yes, Mr. Walsh: No, and Ms. Sonnier: No. The motion passed with seven in favor and six against.

The members discussed the issue should the Councilmembers serve as the Zoning Board (Item 2). Mr. Walsh requested that the Commission members discuss this issue at the next meeting so as to have more time to discuss the issue than is remaining in the meeting today.

The members discussed the issue should the Council have permanent legal counsel (Item 20).

The members discussed Section 216: “The Council may at its discretion, and subject to the provisions in its budget or supplementary appropriation, by resolution employ such legal, financial or other technical advisors as it may from time to time deem necessary for the performance of any of its functions.”.

Mr. Skalny made a motion that no changes be made to Section 216. Ms. Nolan seconded the motion. The members voted as follows: Ms. Center: Yes, Mr. Howard: Yes, Ms. Hussain: Abstention, Ms. Jafri: Yes, Mr. Klugh: Yes, Mr. Kohn: Yes, Mr. Leong: Yes, Ms. Nolan: Yes, Ms. Popp: Yes, Mr. Skalny: Yes, Ms. Stansky: Yes, Mr. Walsh: Yes, and Ms. Sonnier: Yes. The motion passed with 12 in favor and one abstention.

Ms. Nolan discussed that she would like to discuss the recommendations made by Ms. Feldmark. The Commission will discuss those recommendations at the next meeting.

Mr. Kuc further discussed Section 10.101 of the County Code relating to filling vacancies on the County Council.

The members discussed if the provisions of the Charter relating to vacancies in the County Council and the County Executive be amended? Should they be parallel (Sections 202(e) and 302(f), (g), and (h)? Should there be provisions for removal based on mental/health disability? (Item 25)

The members agreed that the first two topics in Item 25 can be dropped.

Ms. Sonnier discussed that the Commission will meet next Tuesday, February 18, 2020 and will discuss if there should be provisions for removal based on mental/health disability.

Mr. Kohn requested that the Commission members be notified when the notice of the public hearing goes out.

Ms. Nolan discussed an email sent on November 18, 2019 from staff regarding the recommendations from Ms. Feldmark regarding the Office of Law and the County Solicitor. Ms. Nolan would like to discuss the recommendations at the next meeting.

Ms. Sonnier discussed that the recommendations will be the first topic of discussion next week.

Ms. Sonnier discussed a handout with a draft report of two areas the Commission has voted to make preliminary recommendations: 1) reducing the terms of standing boards and commissions, except for the County Board of Appeals, from five years to three years; and 2) expanding the County Council from five members to seven members, with the members elected by district. The Commission members were requested to review the draft language prior to the next meeting.

The members discussed the content and format of the Commission Report, including policy recommendations in addition to the pros and potential drawbacks of recommendations.

Ms. Sonnier discussed that it would be helpful to have motions in writing moving forward.

Ms. Sonnier adjourned the meeting at 10:36 a.m.