

Charter Review Commission

Minutes

C. Vernon Gray Room

November 20, 2019

Charter Review Commission Members Present: Richard Butler, Judith Center, Ayesha Holmes, Deeba Jafri, Elgin Klugh, Stu Kohn, Fred Leong, Margaret Ann Nolan, Dawn Popp, Paul Skalny, Yolanda Sonnier, Chairperson, Carolan Stansky, and James Walsh

Charter Review Commission Members on Teleconference: James Howard

Staff Present: Lynne Rosen, Legislative Analyst, and John Gwynn, Assistant County Solicitor

Ms. Sonnier opened the meeting at 8:31 a.m.

The Commission members approved the minutes of the November 6, 2019 meeting. Ms. Sonnier abstained from the vote.

Ms. Sonnier discussed that the next scheduled meeting of the Commission is on December 5, 2019. Councilmember Jones will attend the meeting. He has submitted written responses to the questions asked of all the Councilmembers. All the Commission members should have received a copy of the answers submitted by Councilmember Jones. If you have any additional questions for Councilmember Jones, please submit them to Ms. Rosen in advance of the December 5, 2019 meeting.

Ms. Sonnier requested input from the Commission members on the future meeting schedule. She discussed how often does the Commission want to meet and what should be the structure for these meetings. There is a Table of Charter Review Commission Issues and the Compilation of List of Major Issues Submitted by Charter Review Commission Members. She discussed if the members are going to review each parking lot issue that is on the Table and the Compilation of List of Major Issues.

Ms. Jafri discussed the need to focus on major issues and, if have the time, the minor issues.

Ms. Stansky discussed the need to talk about the compilation of major issues.

Mr. Leong discussed the intent of the parking lot list of issues was to include all the issues. Mr. Leong discussed that he will update his spread sheet to include all the issues. He discussed the need to get a sense of the major issues that need additional discussion.

Mr. Walsh discussed the need to review the parking lot issues. He discussed scheduling two meetings a month and that any meetings that are not needed in the future can be eliminated.

Mr. Skalny discussed that the parking lot issues were deferred for discussion at a later date. He discussed the need to determine if an issue is relevant enough to bring to the full Commission to discuss.

Mr. Kohn discussed the housekeeping issues.

Ms. Sonnier discussed that the Commission would review the housekeeping issues.

The members discussing reviewing the Compilation of List of Major Issues Submitted by Charter Review Commission Members and determining by a majority vote if the issue should be discussed at a future meeting.

Ms. Nolan discussed the need to address issues relating to the Office of Law.

The Commission members discussed reviewing both lists and if there should be an earlier report with certain issues that would be submitted to the Council prior to the report that is due on or before May 1, 2020.

Mr. Skalny discussed that the intent of the report of the Commission is to make recommendations and synthesize the discussion of the Commission.

Mr. Leong discussed that the spread sheet could be an appendix in the report.

The members discussed the following tentative meeting dates that will not be confirmed until the County Council finalizes its calendar: 1/14/2020, 1/28/2020, 2/11/2020, 2/25/2020, 3/10/2020, 3/24/2020, 4/14/2020, and 4/28/2020. The members discussed 1/21/2020 and 2/18/2020 as “make-up dates”, if a meeting is canceled due to inclement weather. The members discussed a tentative date of 3/5/2020 for a public hearing.

Ms. Sonnier discussed additional notice of the purpose of the Commission to the public. Ms. Sonnier drafted a flyer that is for discussion purposes only and is not to be distributed until it is approved by the County Council. She discussed that the flyer could be a vehicle to provide additional information to the public. She suggested that each Commission members choose three organizations to send it to. The Commission can request the County Council to announce at the beginning of their sessions the dates of Commission meetings and the public hearing. The flyer can include future meeting dates and the public hearing date. She discussed the possibility of a public forum at the beginning of each Commission meeting. She requested feedback from the members.

Mr. Leong discussed a link on the flyer to the Commission web site. He discussed placing a list of issues on the website.

The members discussed having a small number of top issues on the flyer to alert people of the important issues and stimulate participation. The members discussed if the issues should include increasing the number of Councilmembers, the Zoning Board, term limits for the County Councilmembers and the County Executive, and the budget.

The Commission members discussed budget issues relating to revenues and expenditures and what happens when projected revenues do not match the needed expenditures for a capital budget item, for example, a school.

Ms. Popp discussed that the flyer should not limit what people can testify about. It should list examples of major issues that the Commission is considering. The flyer should state that people may testify on these and any other issues you would like to discuss.

Mr. Skalny discussed placing examples of issues on the flyer with a link to all the issues.

Ms. Sonnier discussed that the flyer will be revised and recirculated to the members for their review, and approval of the flyer will be requested.

The members discussed the Compilation of List of Major Issues Submitted by Charter Review Commission Members and the process for moving forward.

Ms. Sonnier discussed if there are any speakers the members would like to invite to a meeting to provide additional information before discussion on an issue.

The members discussed the process for reviewing the list of major issues to see which items on the list they want to keep for future discussion purposes, and that they still need to review the parking lot issues.

Ms. Sonnier discussed that if members think an issue is worthy it should be discussed, including the smaller issues.

Ms. Stansky discussed that the Resolution establishing the Commission provides that any minority reports of the Commission may be forwarded to the Council for consideration.

Mr. Gwynn discussed whistleblower protections under State and federal law, the remedy for someone not complying with a subpoena under Section 910 is a court order, that the County Executive is an "officer" under Section 914(j), and that notwithstanding any provision of State law, a supermajority of votes cast, rather than a majority of votes cast on the question of whether to terminate the Charter, could be required.

The members discussed whether to continue discussion at future meetings on the List of Major Issues as follows:

Item 1 yes.

Item 2 yes. The members discussed requesting input from the Councilmembers and the Department of Planning and Zoning.

Items 3 through 6 and 15 should be included in the budget discussion.

Item 7 should be discussed as part of the housekeeping discussion.

Item 8 should be discussed with Item 1.

Item 9 should be discussed. Ms. Stansky discussed that in other counties members of citizen boards serve four-year terms to coincide with councilmember terms.

Item 10 should be discussed. Mr. Leong discussed that Jessica Feldmark suggested this change. Mr. Skalny suggested this item be discussed as part of the housekeeping discussion.

Items 11 and 12 should be discussed with item 1.

Items 13, 17, and 23 should be discussed together.

Item 14 should be discussed.

Item 15 should be discussed with the budget conversation.

Item 16 should be discussed.

Item 17 should be discussed.

Item 18 should be discussed with Item 16.

Item 19 should be removed from the list.

Item 20 should be discussed, including independence of the Office of Law and resources of the Office.

Items 21 and 22 should be removed from the list.

Item 23 should be discussed.

Item 24 should be removed from the list.

Item 25 should be discussed with Items 10, 11, and 12 relating to the County Council.

Item 26 should be removed from the list.

Mr. Skalny discussed reviewing the parking lot issues in the same manner.

The members discussed addressing parking lot issues at the next meeting.

Ms. Sonnier discussed if there are any other speakers other than a speaker from the Department of Planning and Zoning regarding Item 2 that need to be contacted. She discussed if there are any items other than Item 2 that the Commission needs to circle back to the Councilmembers on other than Item 2.

Ms. Popp would like to hear from the Councilmembers regarding the fiscal note issue and how it would impact the legislative process and how they do their job.

Mr. Skalny discussed who would prepare the fiscal notes, what would be the cost, and should there be a fiscal note for every resolution and bill.

Mr. Gwynn discussed that the County Auditor prepares fiscal notes, but they are not public.

Ms. Sonnier discussed if fiscal notes should be provided to the public.

Ms. Stansky discussed if fiscal notes are currently being prepared, should the Commission request input from the County Auditor on this issue.

The members discussed requesting input from the County Auditor regarding what is the current practice regarding fiscal notes, what is the cost of preparing fiscal notes, should fiscal notes be prepared for all bills and resolutions or just certain bills and resolutions, and what would be the impact on the legislative process of sharing fiscal notes with the public. The members discussed requesting input from the Councilmembers regarding should fiscal notes be prepared for all bills and resolutions, how preparing fiscal notes for each bill and resolution and sharing them with the public would impact the legislative process, and what would be the impact of sharing fiscal notes with the public on the legislative process.

Ms. Sonnier discussed that Councilmember Jones will attend the December 5, 2019 meeting and the members can review the parking lot issues. The members will discuss items 7, 9, 10, 16, and 18 and any other housekeeping issues to be identified at the December 5, 2019 meeting on January 14, 2020.

Mr. Skalny discussed if there should be discussion of submitting an early report of the Commission. The members agreed to discuss the issue of submitting an early report on February 11, 2020.

The members agreed to discuss issues 2, 13, 14, 17, 23, and 20, including additional issues relating to the Office of Law raised by Ms. Nolan, on January 28, 2020.

The members agreed to discuss issues 1, 8, 11, 12, and 25 on February 11, 2020.

The members agreed to discuss issues 3, 4, 5, and 6 relating to the budget and 15 relating to fiscal notes on February 25, 2020.

The members discussed an inclement weather policy. January 21, 2020 and February 18, 2020 will be the make-up dates for a missed meeting due to inclement weather.

The members discussed sending a letter to the Councilmembers requesting input on their positions regarding the Councilmembers serving as members of the Zoning Board. The members discussed that they have received testimony from the public recommending that the Councilmembers should not serve as members of the Zoning Board and that a new structure for the Zoning Board should be adopted. The members requested input from the Councilmembers regarding what factors should be considered in the structure of a Zoning Board, if a recommendation for the Councilmembers to not serve as Zoning Board members were to be adopted.

Ms. Sonnier adjourned the meeting at 10:31 a.m.

