

CHARTER REVIEW COMMISSION

January 9, 2012

The Honorable Mary Kay Sigaty
Chairperson, Howard County Council
3430 Court House Drive
Ellicott City, Maryland 21041

Dear Chairperson Sigaty,

Enclosed please find the report of the Howard County Charter Review Commission, as required by Resolution Number 10, adopted by the Howard County Council on March 7, 2011.

Since the first meeting of the Commission in April, 2011, the Commission met eleven times. We completed a comprehensive review of each section of the Charter and supporting documents to ensure that the Charter remains current to meet the demands and needs of the Howard County community, even during rapidly changing times. After inviting heads of County departments and offices to speak about amendments to the Charter, and holding three public hearings, the Commission hereby submits eight recommendations for review and consideration. These recommendations represent compromises among the members, and thoughtful changes that could be made to keep the Charter current.

I would like to take this opportunity to thank all of the members of the Commission who worked to create this document. Throughout all of the meetings, the Commission members remained thoughtful of their purpose and respectful toward each other.

On behalf of the full Commission, I would like to say that we were pleased and proud to be able to serve the people of Howard County in this capacity.

Sincerely,

Donna Richardson
Chair

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Introduction

The fifteen member Howard County Charter Review Commission is composed of a diverse group of individuals, who volunteered their time and skills. The Commission began by studying the Howard County Charter and County government. In addition, the Commission invited directors of departments and chairs of committees and commissions in the County to provide input on how the Charter was functioning. Proposals for Charter changes were also solicited from elected officials and citizens. In order to keep the public informed of its work, the Commission maintained a webpage and posted every suggested charter revision, recordings of meetings, and minutes for public review. The Commission held three public hearings that were located throughout the County to encourage residents to take part in the Charter review discussions. All of the Commission meetings were advertised and open to the public.

The Commission agreed on eight (8) recommendations of both substantive and technical changes. New language is shown in capital letters and deleted language is shown in ~~strikeout~~. Some of the changes were specifically requested by heads of agencies. Sharon Greisz, then-Director of Finance, made a request that resulted in proposal number five (5), allowing grant funds to carry over in the County budget from one year to the next. Margaret Ann Nolan, County Solicitor, made a request that resulted in proposal number six (6), aligning County public inspection law with the Maryland Public Information Act.

The Commission also recommends the proposal submitted by the Council Chair, known as proposal number two (2), allowing the Council 12 hours rather than 4 hours to post emergency legislation. Council Member Fox provided several recommendations, including two that were agreed upon by the Commission. These recommendations, proposal number three (3) and proposal number seven (7) respectively, extend the life of a bill from 95 days to 125 days, allowing the Council more time to review complex legislation, and language addressing both new and existing capital projects in Section 613 of the Charter.

While the Commission thoroughly and thoughtfully reviewed each request for an amendment, it was not able to agree on all of the proposals offered. Two examples of these were Council Member Watson's recommendation to increase the number of representatives on the Council and Council Member Fox's recommendation to clarify the County's policy on eminent domain. The Commission received input from the public during hearings on the issue of increasing the number of Council seats, both by increasing the number of districts and by creating at-large positions. The Commission ultimately believed that there was not a groundswell in the community over this issue to indicate that the community is feeling that they were unrepresented by Council Members, or that Members are overworked and stretched thin. The Commission also reviewed Council Member Fox's Resolution Number 150, proposing an amendment to the Charter regarding eminent domain. The Commission listened to the issues

and ultimately determined that there was not the support on the Commission to recommend such an amendment.

The recommendation that produced the most discussion was proposal number four (4), removing the minimum and maximum number of signatures for a referendum to create a flat percentage of the population. The Commission met with the Director and Chair of the Board Elections, as well as legal counsel to the Board of Elections. During this meeting the Commission was given data regarding the number of voters in the County, the effect proposed changes would have on the number of signatures required, and what other jurisdictions require. It was also one the more common topics the public testified on during the public hearings. The topic of the number of signatures required has been a topic that has been raised in every Charter Review Commission, and one that people obviously feel very passionate about. Ultimately, the Commission concluded that a percentage would allow the requirement to change as the population changes, and a 5% requirement, currently 5,068 people, is very close to the current 5,000 maximum currently required.

The eight recommendations were narrowed from much broader lists that were created by the Commission members during review of the Charter. The list of recommendations is much shorter than that offered by previous Charter Review Commissions. The Commission believed that it was more important to vet ideas and provide concise recommendations for the Council. Members of the Commission welcome any and all questions from the Council and the public.

Charter Review Commission 2011

Recommended Amendments

Note: [[Text in double brackets]] indicates deletion from existing law; TEXT IN SMALL CAPITALS indicates addition to existing law.

1. Description: *Changes to various publication and advertising requirements, requiring those matters to be accomplished also through the use of an electronic medium readily available to the public.*

Section 208. Sessions of the County Council; quorum; rules of procedure.

(h) *Journal.* The Council shall provide for the keeping of a Journal which shall be [[open to the public inspection at all reasonable times]] AVAILABLE TO THE PUBLIC IN ELECTRONIC FORM AT ANY TIME.

Section 209. Legislative Procedure.

(c) *Procedure for passage of laws.*

A proposed law may be introduced by bill by any member of the Council during any legislative session of the Council; provided, however, that the Council may reject any proposed law on its introduction by a vote of two-thirds of its members. Every copy of each bill shall bear the name of the member or members of the Council introducing and co-sponsoring it and the date it was introduced for the consideration of the Council.

Not later than the next calendar day following the introduction of a bill, the Chairperson of the Council shall schedule a public hearing thereon.

Within twenty-four hours after the introduction of any bill, a copy thereof and notice of the time and place of the hearing shall be posted by the Administrator of the Council on an official bulletin board to be maintained in a public place by the Council. Such public hearing shall commence not less than ten calendar days after its introduction. The hearing may, but need not be, held during a legislative session and may be recessed from time to time.

The title of each bill and the time and place of the hearing thereon shall be published once a week for two successive weeks in at least one newspaper of general circulation in the County, AND IN AT LEAST ONE ELECTRONIC MEDIUM READILY AVAILABLE TO THE PUBLIC.

After the public hearing, as herein provided, a bill shall be finally passed during a legislative session, with or without amendment. If a bill is amended before it is passed and the amendment constitutes a change of substance, as determined by the affirmative vote of a majority of the Council, the bill shall not be passed until the title of the bill has been rewritten to reflect the substance of the amendment, a date for a public hearing is scheduled thereon and the revised title published in at least one newspaper of general circulation in the County, AND IN AT LEAST ONE ELECTRONIC MEDIUM READILY AVAILABLE TO THE PUBLIC, setting forth the time and place of the hearing to be held thereon.

The title of each enacted bill shall be published once in at least one newspaper of general circulation in the County, AND IN AT LEAST ONE ELECTRONIC MEDIUM READILY AVAILABLE TO THE PUBLIC.

A public hearing shall be held on all resolutions of confirmation of executive and Council appointments to all boards and commissions and in no event shall such resolution of confirmation be adopted less than twenty-five days after its introduction.

(d) Procedure for passage of emergency laws.

To meet an immediate emergency affecting the public health, safety, or welfare, the Council may pass emergency bills. Every emergency bill shall be plainly designated

as such, and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the claimed emergency in clear and specific terms. The term "emergency bill" shall not include any measure creating or abolishing any office; changing the compensation, term, or duty of any officer; granting any franchise or special privilege; or creating any vested right or interest.

Upon the introduction of an emergency bill, the Chairperson of the Council shall schedule a public hearing which shall take place not less than thirty-six hours after its introduction. The Administrator of the Council shall, within four hours after its introduction, post a copy thereof and notice of time and place of the hearing upon an official bulletin board to be maintained by the Council in a public place, AND IN AT LEAST ONE ELECTRONIC MEDIUM READILY AVAILABLE TO THE PUBLIC.

In accordance with State law, the validity of emergency legislation shall not be affected if passed prior to the completion of advertising thereof. An emergency bill may be passed during any legislative session by an affirmative vote of two-thirds of the members of the Council. The effective date of all emergency bills shall be the date of their enactment.

Section 210. Recording, printing and compilation of laws.

(b) *Printing and publication of laws.* The Council shall cause each ordinance, resolution, rule and regulation having the force and effect of law and each amendment to this Charter to be printed promptly following its enactment and they shall receive such publication as may from time to time be required by law. The rules, regulations, ordinances, resolutions and Charter amendments shall be made available to the public at reasonable prices to be fixed by the Council, AND IN AT LEAST ONE ELECTRONIC MEDIUM READILY AVAILABLE TO THE PUBLIC.

Section 604. Filing of proposed budget; copies.

The proposed County budget shall be filed with the Administrator of the Council and a copy shall be delivered to each member of the Council. At least three complete copies

shall be on file in the office of the Council and shall be available for inspection by the public during regular business hours. One copy shall be supplied to each newspaper of general circulation in the County and to each County library. The budget message and supporting summary tables shall be reproduced in multiple copies, and a copy shall be made available to any interested person on request. ALL OF THE DOCUMENTS REQUIRED BY THIS SECTION SHALL BE MADE AVAILABLE IN AT LEAST ONE ELECTRONIC MEDIUM THAT IS READILY AVAILABLE TO THE PUBLIC.

2. Description: *Change posting deadline for emergency legislation from 4 hours after introduction to 12 hours after introduction.*

Section 209. Legislative Procedure.

(d) Procedure for passage of emergency laws.

To meet an immediate emergency affecting the public health, safety, or welfare, the Council may pass emergency bills. Every emergency bill shall be plainly designated as such, and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the claimed emergency in clear and specific terms. The term "emergency bill" shall not include any measure creating or abolishing any office; changing the compensation, term, or duty of any officer; granting any franchise or special privilege; or creating any vested right or interest.

Upon the introduction of an emergency bill, the Chairperson of the Council shall schedule a public hearing which shall take place not less than thirty-six hours after its introduction. The Administrator of the Council shall, within ~~[[four]]~~ TWELVE hours after its introduction, post a copy thereof and notice of time and place of the hearing upon an official bulletin board to be maintained by the Council in a public place. In accordance with State law, the validity of emergency legislation shall not be affected if passed prior to the completion of advertising thereof. An emergency bill may be passed during any legislative session by an affirmative vote of two-thirds of the members of the Council. The effective date of all emergency bills shall be the date of their enactment.

3. Description: *Allow Council action on a bill to be postponed for one additional 30-day period. This would extend the maximum possible life of a bill to 125 days, from the current 95 days.*

Section 209. Legislative Procedure.

(h) *Failure of bills.* Any bill not passed within sixty-five calendar days after its introduction shall fail, unless, by affirmative vote of two-thirds of the members, the Council shall extend the deadline for another thirty days. THE COUNCIL MAY APPROVE A MAXIMUM OF TWO SUCH EXTENSIONS FOR EACH BILL.

4. Description: *Change the number of required signatures for a referendum to be 5% of the of the qualified voters of the County calculated upon the whole number of votes cast in the County for Governor at the last preceding gubernatorial election, as opposed to the current provision of 5% of the registered voters, with a minimum of 1,500 and a maximum of 5,000 signatures required.*

Section 211. The referendum.

(a) *Scope of the referendum.* The people of Howard County reserve to themselves the power known as "The Referendum," by petition to have submitted to the registered voters of the County to approve or reject at the polls, any law or a part of any law of the Council. The referendum petition against any such law shall be sufficient if signed by five per centum of the [[registered voters of the County, but in any case not less than 1,500 nor more than 5,000 signatures shall be required]] QUALIFIED VOTERS OF THE COUNTY CALCULATED UPON THE WHOLE NUMBER OF VOTES CAST IN THE COUNTY FOR GOVERNOR AT THE LAST PRECEDING GUBERNATORIAL ELECTION. Such petition shall be filed with the Board of Supervisors of Elections of Howard County within sixty days after the law is enacted. If such a petition is filed as aforesaid, the law or part thereof to be referred shall not take effect until thirty days after its approval by a majority of the qualified voters of the County voting thereon at the next ensuing election held for members of the House of Representatives of the United States; provided, however, that if more than one-half but less than the full number of signatures required to complete any referendum petition against such law be filed within sixty days from the date it is enacted,

the time for the law to take effect and the time for filing the remainder of signatures to complete the petition shall be extended for an additional thirty days. Any emergency measure shall remain in force from the date it becomes law notwithstanding the filing of such petition, but shall stand repealed thirty days after having been rejected by a majority of the qualified voters voting thereon. No law making any appropriation for current expenses shall be subject to rejection or repeal under this section.

5. Description: *Allow grant funds to carry over in the County budget from one year to the next.*

Section 611. Lapsed appropriations.

Unless otherwise provided by public general law, all unexpended and unencumbered appropriations in the current expense budget remaining at the end of the fiscal year shall lapse into the County treasury, except that appropriations to the risk management AND GRANTS funds shall be non-reverting. No appropriation for a capital project in the capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; provided, however, that any capital project shall stand abandoned if three fiscal years elapse without any expenditure from or encumbrance of the appropriation made therefor. The balances remaining to the credit of the completed or abandoned capital project shall be available for appropriation in subsequent capital budgets.

6. Description: *Make the provisions regarding public records consistent with State law, and expand the public right to inspect records to include all persons, not just county residents.*

SECTION 906. RIGHT TO INSPECT AND COPY PUBLIC RECORDS.

ANY PERSON SHALL HAVE THE RIGHT TO INSPECT ANY PUBLIC RECORD, IN ACCORDANCE WITH THE MARYLAND PUBLIC INFORMATION ACT, IN THE POSSESSION OF ANY BOARD, COMMISSION, OFFICE, OR DEPARTMENT OF THE COUNTY. A COPY OF ANY SUCH DOCUMENT

SHALL BE FURNISHED UPON PAYMENT OF A REASONABLE FEE PRESCRIBED BY THE COUNTY COUNCIL.

(The resolution to amend the Charter would also repeal existing §§ 906 and 907.)

7. Description: *Clarifying that the existing provision in §613 applies to new capital projects only.*

Section 613. - Restrictions of capital projects; amendment to capital budget after adoption of budget.

(A) *NEW CAPITAL PROJECT.* No obligations of the County shall be authorized in any fiscal year for or on account of any capital project not included in the County budget as finally adopted for such year; provided, however, that upon receipt of a recommendation in writing from the Executive and the Planning Board, the Council may after public hearing and with the affirmative vote of two-thirds of its members, amend the County budget TO APPROVE A NEW CAPITAL PROJECT in accordance with such recommendation without increasing the total amount of appropriations therefor.

(B) *AMENDMENT TO EXISTING CAPITAL PROJECT.* THE COUNCIL SHALL ESTABLISH BY LAW PROCEDURES FOR AMENDING THE COUNTY BUDGET TO APPROVE CHANGES TO CAPITAL PROJECTS INCLUDED IN THE COUNTY BUDGET AS FINALLY ADOPTED FOR ANY FISCAL YEAR.

Technical Corrections

8. Description: *Removing occupations from the list of factors to be considered during Council redistricting; correcting a reference to State law in the Board of Appeals section; removing duplicate definitions in §§ 615A and 615B; and correcting a typographical error in § 709.*

Section 202. The County Council.

(f) *Redistricting.*

1. *Boundaries.*

The Council shall appoint, by resolution, not later than April 1 of the year after each decennial census date, a Councilmanic Redistricting Commission. The Central Committee of each political party which polled at least twenty-five per centum of the total vote cast for all the candidates for the Office of County Executive in the last preceding general election shall nominate three persons to serve on the Commission. The Council shall appoint all such nominees as members of the Commission as well as one additional member of the Commission. The Council shall appoint the Chairperson of the Commission from among the Commission members. No person shall be eligible for appointment to the Commission who holds elective office.

By October 15 of the year in which the Commission is appointed, the Commission shall prepare a plan of Councilmanic Districts and shall present that plan to the Council. Within thirty days after receiving the plan of the Commission, the Council shall hold a public hearing on the plan. If by March 15 of the year following submission of the plan, no ordinance re-establishing the boundaries of the Councilmanic Districts has been enacted, then the plan as submitted by the Commission shall become law. Any Councilmanic District established in accordance with this Article shall be compact, contiguous, substantially equal in population, and have common interest as a result of geography, [[occupation,]] history, or existing political boundaries. Any ordinance establishing Councilmanic Districts shall be exempt from referendum.

The Board of Supervisors of Elections shall take any necessary steps to implement any such revisions of the Councilmanic District Boundaries so adopted.

Section 501. The County Board of Appeals.

b) *Powers and functions.* The Board of Appeals may exercise the functions and powers relating to the hearing and deciding, either originally or on appeal or review, of such matters as are or may be set forth in Article [[25a, Subparagraph (u)]] 25A, SECTION 5 (U) of the Annotated Code of Maryland, excluding those matters affecting the adopting of or change in the general plan, zoning map, rules, regulations or ordinances.

Section 601. Fiscal year and tax year and definitions.

(b) *Definitions.*

(7) THE TERM “*ESTIMATED SURPLUS*” SHALL MEAN THE AMOUNT INCLUDED AS SURPLUS REVENUE IN THE CURRENT EXPENSE BUDGET FOR THE ENSUING FISCAL YEAR.

(8) *THE TERM* “EXCESS SURPLUS” SHALL MEAN THE AMOUNT BY WHICH THE SUM OF THE ESTIMATED SURPLUS AND THE UNBUDGETED SURPLUS EXCEEDS THE AMOUNT WHICH IS REQUIRED TO BE APPROPRIATED TO THE BUDGET STABILIZATION ACCOUNT UNDER SECTION 615A OF THIS CHARTER.

[[(7)]] (9) The term "operating expense program" shall mean a summary projection of receipts and operating expenses for the fiscal year covered by the current expense budget and the next succeeding five fiscal years.

(10) THE TERM "TOTAL GENERAL FUND EXPENDITURES" SHALL MEAN THE TOTAL OF ALL EXPENDITURES FROM THE GENERAL FUND, INCLUDING OPERATING TRANSFERS TO THE BOARD OF EDUCATION, THE HOWARD COMMUNITY COLLEGE, AND OTHER FUNDS, BUT NOT INCLUDING THE AMOUNT OF ANY EXCESS SURPLUS USED FOR THE RESTRICTED PURPOSES LISTED IN SECTION 615B OF THIS CHARTER.

(11) THE TERM "UNBUDGETED SURPLUS" MEANS THE AMOUNT, DETERMINED BY AUDIT FOR THE LAST COMPLETE FISCAL YEAR, BY WHICH THE ACTUAL GENERAL FUND SURPLUS EXCEEDS THE AMOUNT OF ESTIMATED SURPLUS FOR THAT SAME FISCAL YEAR.

(The resolution to amend the Charter would also show the above definitions being deleted from §§ 615A and 615B.)

Section 709. Prohibitions.

(c) *Influence.* No person may use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the

classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing [[thee]] THE vote or political action of any person, or for any consideration. No person, directly or indirectly, shall give, render, pay, offer, solicit or accept any money, service or other valuable consideration for securing or providing any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the classified service.

Howard County Charter Review Commission

APPROVED MINUTES

Date: Thursday, April 21, 2011

Time: 8:00 a.m.

Place: CVG Conference Room

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

- Donna Richardson opened meeting
 - Introduced Michael Davis as Vice Chair
- Council Chairperson Ball thanked members for agreeing to serve
- Introductions of Commission members
- Donna Richardson asked if time of meeting worked for everyone
 - Steve Hunt suggested 9:00
 - Agreed to begin subsequent meetings at 9:00 a.m.
- Meredith Beach summarized administrative issues
 - Email for public comments
 - Requested updated contact information for everyone
 - Website
 - Members asked that audio recordings of meetings be included on the website
 - Packets include resolution appointing commission, charters from other counties and report of last commission
 - Information can be handed out in hard copy or provided in electronic copy or a combination of the two options.
 - Reviewed what other commissions have done including need to have public hearing
- Jim Vannoy reviewed obligations of the Commission
 - Public record must be maintained; reminded members to copy all email regarding Charter Review Commission to the commission's email address.
 - Reviewed public information act and maintaining a public record of information

- Reviewed limitations of charter amendments- the Charter must address the form and function of the government; amendments cannot be legislation
- Michael Davis requested Jim provide details on previous amendments to the Charter
- Donna Richardson asked for input from other members
 - One afternoon and one evening public hearing to be set at later time
 - Regina Clay recommended having three public hearings: west, east, and central; the central could be near public transit and include Laurel & Savage areas
 - Asked that staff look into possible locations
 - Members requested Donna Richardson send letters to elected officials and department heads inviting them to provide recommendations, send letter to newspapers inviting public to speak, central committees
 - Requested staff research previous commission rules of procedure
 - Charlie Feaga and Mike Davis reviewed what previous commissions did regarding amendments
 - Commission members set meetings to be approximately every two weeks
 - Set dates:
 - May 5
 - May 19
 - June 2
 - June 23
 - July 14
 - July 28
 - Aug 11
 - Aug 25
 - Ed Cochran asked for first Charter from 1968 and Article 25A of the Maryland Constitution be made available
- Members agreed to review Articles I and II for the next meeting.
- Meeting adjourned at 9:13 a.m.

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.

Howard County Charter Review Commission

APPROVED MINUTES

Date: Thursday, May 19, 2011

Time: 9:03 a.m.

Place: C. Vernon Gray Conference 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

- Ms. Richardson opened the meeting.
- Members unanimously approved the minutes.
- Ms. Richardson began the review of the Charter
- Sec. 210 Printing Compilation
 - Mr. Hunt asked what promptly means; how often is Code updated?
 - Mr. Vannoy: there is no time table but it is done about 3 or 4 times per year
 - Mr. Davis suggested with electronic media can be posted monthly
 - Mr. Coale suggested if it said “made available to public” it allow flexibility
- Sec. 211 Referendum
 - Ms. Richardson suggested increasing the number from 5,000 to 10,000, or making it a percentage of the population
 - Dr. Cochran explained that it is tied to the number of registered voters during the previous gubernatorial election

- Mr. Davis also mentioned that there is the issue of signatures and whether it should be exactly as the voter registration card or can it vary
- Mr. Coale asked if the County's requirement can be less stringent than the state requirement; suggested that the County code should provide more guidance on referendum;
- Mr. Davis suggested having someone from the Board of Elections come discuss the issue with the Commission
- Mr. Tzucker suggested that budget appropriations should be issues that are not subject to referendum; concerned that citizen groups could force spending; pointed to Montgomery County case where there was a referendum on firefighters pension; concern over discussion of teacher pension coming to County
- Sec.212
 - Ms. Ardinger asked whether the Council could audit the Board of Education
 - Mr. Vannoy will get back to the Commission on that issue
- Sec. 214
 - Mr. Tzucker asked how the Council would issue a subpoena; does it have to be majority? Can only the Chair issue a subpoena? Does it need a certain number of votes? Suggested maybe that should be explained a little more
- Art.III
- Sect. 302
 - Ms. Ardinger suggested that if the Commission changes "moral turpitude" in Art. II, should it also be changed in Art. III
- Art. IV
- Sect. 402
 - Mr. Hunt asked why legal professionals in the office of law do not have to be members of the Maryland Bar.
- Sec. 405
 - Mr. Coale suggested have a residency requirement for the County Solicitor; they should have a vested interest in decisions/opinions/actions.
- Commission discusses Public Hearings
 - Suggested 14th, 21st, and 28th of September
 - Would like to hold them at North Laurel Community Center, Glenwood/Gary Arthur Center, and the Florence Bain Center.
- Meeting Adjourned at 10:17 a.m.

Howard County Charter Review Commission

APPROVED MINUTES

Date: Thursday, June 2, 2011

Time: 9:03 a.m.

Place: C. Vernon Gray Conference 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

Sharon Greisz, Director of Finance, and Ray Wacks, Budget Director were also in attendance.

- Ms. Richardson opened the meeting.
- Members unanimously approved the minutes.
- Ms. Richardson began the review of the Charter
 - Art IV.
 - Ray Wacks & Sharon Greisz spoke about grant administration
 - Ms. Greisz suggested that commission consider excluding grants from the lapsed appropriations provision of Sec. 611
 - Mr. Wacks explained that the County has a General Fund and also receives grants that don't always follow County's fiscal year
 - Grants have multiple years; makes it difficult to administer and represent in the budget; Mr. Wacks stated that this is a technical suggestion rather than a policy suggestion

- Ms. Greisz said she would try to come up with a definition of grant
 - Mr. Davis asked if moving to a two year budget was feasible
 - Mr. Wacks stated that it was easier to manage the budget with one year budgets.
 - Ms. Greisz stated that it is unusual to have the Rainy Day Fund in the Charter; may consider moving it to the Code; technical issue; moving it to the Code allows Finance to put it in a different location on the financial statement presented to the rating agencies
 - Dr. Cochran asked Mr. Wacks to discuss the issues that were raised at the Council budget approval session
 - Mr. Wacks explained that there was some discussion among the Council as to whether the Council should have the authority to move money in the budget
 - Ms. Greisz said that she would provide Commission with definition of grant
- Mr. Oh recommended making a small number of recommendations to the Council
 - Discussion of the number of recommendations and the process of the making recommendations
- Discussion of Charter continued
 - Art. V
 - Mr. Walsh noted that the section 501(b) should state “5(u)” rather than (u).
 - Art. VI
 - Discussion of the recommendation by Ms. Greisz
 - Request Ms. Greisz to come up with a way to word changing Rainy Day Fund from a Charter provision to a Code provision
 - Section 603- discussion of whether press should be given free copy of budget; what is the definition of the press
 - Ms. Richardson recommended that this may be one of the places that the catch-all at the end referencing technology would apply
 - Mr. Walsh pointed out that the definitions are repeated in 615A and 615A
 - Mr. Hunt recommended that definitions should be in 615 once
 - Mr. Vannoy recommended that the definitions should be in 601 along with the other definitions
 - Mr. Vannoy stated that the Office of Law is not sure what the intent for 615(g) was; it has never been used

- Mr. Davis asked that we remind the department heads about the request from the Charter Review Commission because it is difficult to put the provisions of Art. VII in context
 - Mr. Vannoy recommended that the same language in Section 706(c) and Section 706(e) should be similar
 - Mr. Walsh pointed out a typo in Section 709(c) “influencing thee” should be “influencing the”
 - Mr. Vannoy stated that there may be conflicts with state law in Section 906 & 907
 - Mr. Walsh recommended that if the referendum percentage or number is changed then Section 1001 should also be changed.
- Mr. Coale noted that there was a correction to the minutes from 05/19, under section 405, he suggested the opposite: questioned whether there should be residency requirements; correction noted in the record
 - Mr. Hunt noted correction in his comments on Section 402 from the minutes on 05/19: he asked why all staff for Office of Law would need to be members of the bar, it should not be a broad requirement because could have paralegals that would not need to be members of the bar; correction noted in the record
 - Meeting Adjourned at 10:40 a.m.

Howard County Charter Review Commission

APPROVED MINUTES

Date: Thursday, June 23, 2011

Time: 9:07 a.m.

Place: C. Vernon Gray Conference 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

Council Members Courtney Watson Mary Kay Sigaty, and Paul Johnson with the Office of Law were also in attendance.

- Ms. Richardson opened the meeting.
- Members unanimously approved the minutes.
- Ms. Watson spoke with the Commission
 - Provided members with a chart showing the population and Council make-up of each of the charter counties in the state
 - Recommended that the Commission consider look at the information provided and determine whether other council districts are needed; if additional council districts are needed, should they be county wide or should districts be carved out of current districts.
 - There are advantages and disadvantages to each model and the Commission should determine which model works best in the County

- Mr. Feaga asked whether that would give Columbia more voting power
- Ms. Watson pointed out that the school board positions are county-wide and there are no members from Columbia
- Dr. Cochran suggested that it may help the Republican party or areas outside of Columbia because the votes would be concentrated for county-wide positions.
- Mr. Johnson from the Office of Law spoke about section 202(g) declaring any amendment to the General Plan, Zoning Regulations or Zoning Maps a legislative act subject to referendum
- Dr. Cochran asked what the background of the provision was
 - Mr. Johnson stated that there was interest in challenging comprehensive zoning and people thought a referendum may be easier; people were looking to move away from the judicial process that was available
- Dr. Cochran pointed out that the council is doing a lot of ZRA's.
 - Mr. Johnson stated that the Zoning Board process is not being used as much as it was (a Zoning Board decision can be appealed, but an appeal for a ZRA is a referendum)
- Mr. Hunt asked the Council Members present what they thought about changing the requirements for the number of signatures on a referendum
 - Neither Council Member expressed strong opinion for keeping the same or changing it.
- Mr. Walsh noted that neither referendum provision provided for a date of voter registration
- Mr. Davis suggested that the Commission ask the Board of Elections when they come how they interpret the provision regarding registered voters
- Mr. Vannoy said that he will provide information about referendum procedures for other counties
- Commission members reviewed list of possible changes and removed and clarified provisions.
- Meeting Adjourned at 10:30 a.m.

Howard County Charter Review Commission

APPROVED MINUTES

Date: Thursday, July 14, 2011

Time: 9:02 a.m.

Place: C. Vernon Gray Conference 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

Council Member Calvin Ball and Margaret Ann Nolan with the Office of Law were also in attendance.

- Ms. Richardson opened the meeting.
- Members unanimously approved the minutes.
- Dr. Ball stated that he was available to answer any questions
 - When asked about increasing the number of districts he stated that he believed that the Commission should look into and weigh the pros and cons of adding additional council members
 - He stated that a memo will be forthcoming from the Council Administrator with suggestions for Charter amendments
- Ms. Nolan provided recommendations for amendments to section 906 and 907
 - Recommends following the state PIA, making the language clearer and consistent

- Provided a memo with recommendations
- Public hearings are set for Sept. 14 at North Laurel Community Center and October 5 for Gary Arthur Center
- Staff will provide summary table issues that have been raised for possible charter amendments and for cost analysis of adding additional council members and/or districts.
- Meeting Adjourned at 9:50 a.m.

Howard County Charter Review Commission

APPROVED MINUTES

Date: Thursday, July 28, 2011

Time: 9:07 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

Board of Elections President, Counsel, and Acting Director, and Marsha McLaughlin, Director of DPZ, in attendance.

- Ms. Richardson opened the meeting.
- Members unanimously approved the minutes.
- Board of Elections
 - Ann Balcerzak, President, provided chart showing required number of signatures for referenda in other charter counties in the state, along with population of each county
 - Guy Mickley, Acting Director, explained the chart
 - Approximately 107,000 votes were cast in the County last gubernatorial election
 - Mr. Feaga asked the process for removing inactive voters
 - Michael Molinaro, Board Counsel, and Guy Mickley explained notification process conducted to remove voters

- Michael Molinaro explains procedures for checking signatures for referenda
- Ms. McLaughlin explained the language of the referendum process as applied to zoning issues
 - Should probably remove language regarding change or mistake
 - Should probably not allow entire General Plan to be put to referendum; should allow some parts of General Plan
- Commission members reviewed list of possible changes and removed and clarified provisions; will discuss finalizing the language in the list at the next meeting
- Meeting Adjourned at 10:30 a.m.

Howard County Charter Review Commission

APPROVED MINUTES

Date: Thursday, August 25, 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.
- Members unanimously approved the minutes.
- Reviewed chart to finalize for public input during public hearings
 - Removed §202(b)(3) & 302(b)(3) adding or replacing moral turpitude with felony
 - Removed §202(c) asking if term limits should continue?
 - Removed adding “political boundary” to district description in §202(f)(1)
 - Added to section §611 that recommendations were provided by Finance Department
 - Removed §1001 from discussion of number of signatures required for referendum
 - Add Council’s request to change the posting of emergency legislation to 12 hours rather than 4 hours as required in §209(d)
- Council Member Fox spoke with the Commission

- Requested the Commission consider extending the life of legislation to 125 days rather than 65 days by amending §209(h)
 - There have been times when, due to complex issues, more time would have allowed the Council flexibility in addressing issues
- Requested the Commission to consider adding a provision that would require a supermajority vote to raise taxes
- Suggested that a population threshold should be considered to add more council members
- Next meetings were set for October 13th and October 27th
- Meeting adjourned at 9:47 a.m.

Howard County Charter Review Commission

APPROVED MINUTES

Date: Wednesday, September 14, 2011

Time: 7:00 pm.

Place: North Laurel Community Center, Public Hearing

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.
- The public was asked to sign in. Ms. Richardson explained that individuals would receive three minutes and individuals speaking for a group would receive 5 minutes
- Ken Stevens testified (provided written comments)
- John Taylor spoke against clarifying that floating zones are not subject to referendum; stated that floating zones are subject to referendum and were intended to be as part of the language of the Charter amendment placed on the ballot; term limits should remain; should add amendment that states that any resident of the county has legal standing in claim against the county; resolutions should be subject to referendum; should have recall elections available
- Stuart Kohn testified (provided written comments)
- Susan Gray testified against changing language regarding zoning legislation that is subject to referendum
- Tom Flynn testified (provided written comments)

- Angie Beltram testified that zoning board should be separate from the County Council
- Ms. Richardson permitted people to testify again given the amount of time remaining
- Susan Gray testified regarding gathering signatures for referendum
- John Taylor testified regarding need for full-time council members; should have more council members
- Hearing adjourned at 7:47 p.m.
-

Howard County Charter Review Commission

APPROVED MINUTES

Date: Tuesday, September 20, 2011

Time: 7:00 pm.

Place: George Howard Building, Columbia Room, Public Hearing

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.
- The public was asked to sign in. Ms. Richardson explained that individuals would receive three minutes and individuals speaking for a group would receive 5 minutes
- Ken Stevens testified (provided written comments)
- Grace Kubofcik testified (provided written comments)
- Angie Beltram testified that all council seats should be county-wide and supports more council members
- John Taylor testified on section 404 citizen boards
- Valerie McGuire testified on issues on the chart: against changing the number of signatures; define what is reasonable rules; agrees with Mr. Taylors comments
- Gail Segal provided written testimony

Howard County Charter Review Commission

APPROVED MINUTES

Date: Wednesday, October 5, 2011

Time: 7:00 pm.

Place: Gary Arthur Center, Glenwood, Public Hearing

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.
- The public was asked to sign in. Ms. Richardson explained that individuals would receive three minutes and individuals speaking for a group would receive 5 minutes
- Alison Carney with League of Women Voters (provided written testimony)
- Loretta Shields testified against increasing the number of council members; should increase staff if there is concern about addressing constituent issues; keep position as part-time/citizen legislator.
- Angie Beltram testified against increasing the number of signatures required for referenda; validation of signatures for referenda should be clarified;
- Russ Swatek testified on behalf of TAG (Tax-payers Against Giveaways) against increasing the number of signatures for referenda; should reduce the percent to 3% of the voters at the last gubernatorial election; supports using a percentage of the vote rather than a specific number

- Susan Gray testified against using a percentage; supports predictability by having a specific number of signatures.

Howard County Charter Review Commission

APPROVED MINUTES

Date: Thursday, October 13, 2011

Time: 9:03 a.m.

Place: C. Vernon Gray Conference Room

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.
- Minutes were approved unanimously
- Members requested that staff provide summaries of public testimony in the chart of issues
- Members reviewed the chart of issues
 - §202
 - Mr. Coale suggested there was not an overwhelming amount of testimony that suggested that this was an issue or concern
 - Dr. Cochran stated that at large member would allow people more avenues for assistance; an at large position should be recommended
 - Mr. Walsh disagreed with the at-large concept commenting that state legislature and congressional seats are districts; some at-large and some districts will create a two tier legislature and be less efficient

- Mr. Oh suggested the question is whether the County has grown to the point where 7 members are needed; he believes the County has not
- Mr. Tzucker suggested that the Council member concerns about the number of constituents per district could be addressed by increasing the staff; Council member position should remain at part-time to avoid the self selection of only people who can afford to live in the County on Council salary; part-time allows for variety of people
- Ms. Clay suggested that it is not necessarily a concern of the constituents, it is more of a concern by the elected officials that they are stretched
- Mr. Hunt suggested that if the Council feels stretched they should consider more staff, and the commission could suggest that the Council add more staff.
- Mr. Oh suggested that the lack of public comments on the issue may suggest that the constituents do not feel underrepresented.
- Ms. Richardson called the vote on increasing the number of districts
 - Vote was unanimous to not recommend increasing number of districts
- Dr. Cochran suggested that the Commission recommend that the Council establish a commission to study the number of council districts
 - Dr. Cochran moved to recommend in minority report
 - Vote was 5-7 by show of hands, motion failed.
- Ms. Giles stated that the Council may see a rapid increase in population due to BRAC and New Town
- §202(g)
 - Commission voted unanimously to remove from Chart
- §208(h), 209(c), 209(d), 210(b), 604
 - Commission voted unanimously to approve this recommendations
- §209(d)
 - Commission voted unanimously to approve recommendation to change time limit to post emergency legislation from 4 hours to 12 hours
- §209(h)
 - Commission voted unanimously to approve recommendation to extend the life of a bill to 125 days
- §611
 - Commission voted unanimously to approve recommendation to exclude grants from lapsing appropriations
- §906 & 907
 - Commission voted unanimously to approve recommendation to eliminate Charter conflicts with the Maryland Public Information Act
- §202(f)(1)

- Commission voted 11-1 to strike occupation from district decision
 - Mr. Oh dissented stating that even it remained, the Office of Law would direct the Redistricting Commission to follow the Supreme Court decision not to consider occupation when drawing district lines
- §501(b)
 - Commission voted unanimously to approve recommendation of technical correction
- §615
 - Commission voted unanimously to approve recommendation of technical correction
- §701(c)
 - Commission voted unanimously to approve recommendation of technical correction
- §211(a)
 - Mr. Hunt stated that Russ Swatek recommended that the number of signatures needed be 3% of the votes cast for the last County Executive
 - Mr. Walsh suggested that there should be a cut-off: number of votes or registered voters as of specific time
 - Mr. Walsh provided statistics extrapolated from the Board of Elections information
 - Ms. Ahn asked for information regarding the history of why the numbers were chosen
 - Mr. Tzucker suggested that the concern from the citizens over the number of signatures required may decrease because of new technology that would make it easier to obtain the signatures
 - Commission members agreed to defer the discussion and decision on this section to the next meeting.
- Meeting adjourned at 10:47 a.m.

Howard County Charter Review Commission
Table of Discussion Points Currently Under Consideration
As of August 25, 2011

Code Section	Text	Issue
202	“The legislative power of the County is vested in the County Council of Howard County which shall consist of five members who shall be elected from the Councilmanic Districts.”	<ul style="list-style-type: none"> • Should there be two more council seats? • If so, should they be County-wide or two additional districts?
202(g)	“Any amendment, restatement or revision to the Howard County General Plan, the Howard County Zoning Regulations or Howard County Zoning Maps, other than a reclassification map amendment established under the “change and mistake” principle set out by the Maryland Court of Appeals, is declared to be a legislative act and may be passed only by the Howard County Council by original bill in accordance with the legislative procedure set forth in section 209 of the Howard County Charter. Such an act shall be subject to executive veto and may be petitioned to referendum by the people of the county pursuant to section 211 of the Charter.”	<ul style="list-style-type: none"> • Specify that floating zone applications are not subject to referendum.
208(h) 209(c) 209(d) 210(b) 604	<p>208(h)“(h) Journal. The Council shall provide for the keeping of a Journal which shall be open to the public inspection at all reasonable times.”</p> <hr/> <p>209(c)“ Within twenty-four hours after the introduction of any bill, a copy thereof and notice of the time and place of the hearing shall be posted by the Administrator of the Council on an official bulletin board to be maintained in a public place by the Council. . .”</p> <hr/> <p>209(d)“ The Administrator of the Council shall, within four hours after its introduction [of an emergency bill], post a copy thereof and notice of time and place of the hearing upon an official bulletin board to be maintained by the Council in a public place. . .”</p> <hr/> <p>Sec. 210(b) <i>Printing and publication of laws.</i> The Council shall cause each ordinance, resolution, rule and regulation having the force and effect of law and each amendment to this Charter to be printed promptly following its enactment and they shall receive such publication as may from time to time be required by law. The rules,</p>	<ul style="list-style-type: none"> • Change or add language: “make available to the public through a readily accessible source,” or similar language, to allow Council to use public sources such as the internet, without restricting the sources that can be used.

	<p>regulations, ordinances, resolutions and Charter amendments shall be made available to the public at reasonable prices to be fixed by the Council.</p> <hr/> <p>Section 604. The proposed County budget shall be filed with the Administrator of the Council and a copy shall be delivered to each member of the Council. At least three complete copies shall be on file in the office of the Council and shall be available for inspection by the public during regular business hours. One copy shall be supplied to each newspaper of general circulation in the County and to each County library. The budget message and supporting summary tables shall be reproduced in multiple copies, and a copy shall be made available to any interested person on request.</p>	
209(d)	209(d)“ The Administrator of the Council shall, within four hours after its introduction [of an emergency bill], post a copy thereof and notice of time and place of the hearing upon an official bulletin board to be maintained by the Council in a public place. . .	<ul style="list-style-type: none"> • Change time limit for posting emergency legislation to 12 hours
209 (h)	“Failure of bills. Any bill not passed within sixty-five calendar days after its introduction shall fail, unless, by affirmative vote of two-thirds of the members, the Council shall extend the deadline for another thirty days.”	<ul style="list-style-type: none"> • Add “for a maximum of two extensions” at the end of the sentence; allows the total life of a bill to be 125 days.
211(a)	“. . . .The referendum petition against any such law shall be sufficient if signed by five per centum of the registered voters of the County, but in any case not less than 1,500 nor more than 5,000 signatures shall be required”	<ul style="list-style-type: none"> • Change the number of signatures needed for a referendum to 5% of the votes cast for governor in the most recent election.
611	“Unless otherwise provided by public general law, all unexpended and unencumbered appropriations in the current expense budget remaining at the end of the fiscal year shall lapse into the County treasury, except that appropriations to the risk management funds shall be non-reverting”	<ul style="list-style-type: none"> • Exclude grants from lapsing appropriations as recommended by the Department of Finance. This allows for grant money, which may come in during the calendar year, to be easily carried over from one

		fiscal year (July 1 – June 30) to the next. Recommended by the Department of Finance.
906 & 907	<p>Section 906. - Copies of books and papers on demand.</p> <p>The Executive shall, with reasonable promptness, furnish to any resident of the County, on demand, a certified copy of any book, account or paper kept by any board, commission, office or department of the County government, or such part thereof as may be demanded, except criminal investigation reports, and individual personnel records, upon payment in advance by the person demanding the same, of a reasonable fee to be prescribed by resolution of the Council.</p> <p>Section 907. - Inspection of books, accounts and papers.</p> <p>All books, accounts, bids, contracts, papers and records of any board, commission, office or department, except criminal investigation reports and individual personnel records, shall at all times be open to the inspection of any resident of the County or representative of the press, subject to such reasonable rules and regulations in regard to the time and manner of such inspection as the Executive may make.</p>	<ul style="list-style-type: none"> • Eliminate conflicts with the Maryland Public Information Act, which governs the release of government records to the public, and expand the public right to inspect records to include all persons, not just county residents. Recommended by the Office of Law.

Howard County Charter Review Commission
Technical Corrections
As of August 25, 2011

Code Section	Text	Issue
202(f)(1) [Technical]	“ . . . Any Councilmanic District established in accordance with this Article shall be compact, contiguous, substantially equal in population, and have common interest as a result of geography, occupation, history, or existing political boundaries.”	<ul style="list-style-type: none">• Strike “occupation” from district description – a Supreme Court case provides that occupations cannot be considered as a factor during redistricting.
501(b) [Technical]		<ul style="list-style-type: none">• Correct reference to section 25a(u) to 25A(5)(u)
615 [Technical]		<ul style="list-style-type: none">• Combine definitions for Section 615A & B or add to definitions in Section 601
709(c)[Technical]		<ul style="list-style-type: none">• Correct “thee” to “the”

CHARTER REVIEW COMMISSION PUBLIC HEARING September 14, 2010
North Laurel Center

NAME
Ken Stevens
John Taylor
Stuart Kohn
Susan Gray
Tom Flynn
Angie Beltram

Testimony to Howard County Charter Review Commission on proposed charter amendments

- (1) Amend sections 202(b)(3), 302(b)(3), and 405(b) to provide for forfeiture of office for any Council member, Executive, or County Solicitor who was convicted of a felony or any crime for which the penalty is imprisonment for one year or more rather than, as now, "any crime involving moral turpitude." A definition of the latter seems to be a matter of opinion and smacks of puritanism. Just because someone's lifestyle may seem unusual to some, I don't believe they should be required to forfeit their public office. If enough people are unhappy with them, they can be removed by the voters in the next election.
- (2) Given the increase in the number of registered voters in the county since the charter was written, you might want to consider amending section 211(a) to delete the number of signatures required to obtain a referendum on a county law and leaving it as five percent of the registered voters. Note, however, that section 1001, as it relates to percentages and numbers of signatures required for any proposed charter amendment, is as required by Article XI-A, Section 5 of the Maryland Constitution and cannot be changed unless that section of the constitution is changed.
- (3) Amend section 404(a) to require that, to the extent permitted by the state constitution and state law, ex officio membership on county boards shall be prohibited. There's nothing we can do about what the state may require (and it does presently require ex officio membership on some boards), but I believe that having county officials on our boards has an intimidatory effect and such officials don't need to be advising themselves anyway. Also, if boards want the advice of such officials or non-county residents, I'm sure there are ways of getting it without them being a board member. I believe we can and should control the makeup of strictly local boards.
- (4) Amend section 606 to permit the Council to increase budget items and to give the Executive an item veto on the budget (subject to override by the Council). This suggestion reflects my belief that the Executive (whoever he or she may be) presently has too strong a role in the budget process and a more level playing field is desirable.
- (5) Amend section 709(a) to expand the categories in which discrimination is prohibited against county employees to include those already mentioned in the county code. Notable omissions in the charter include religion, disability, national origin, age, marital status, sexual orientation, personal appearance, and familial status.
- (6) Despite language in section 914(d) that includes "resolutions" within the definition of the word "law" and the fact that section 211 permits a referendum on any law, the county Board of Elections in 1974 rejected petitions seeking a referendum on a resolution granting a cable TV franchise. So it seems that either one section or the other should be amended to make it clear as to whether a referendum is properly subject to referendum.
- (7) Delete irrelevant and unnecessary section 914(m), which defines an entity (the Howard County Metropolitan Commission) that no longer exists. Also delete the reference to this defunct commission in section 606.
- (8) Add new language providing for the recall (when permitted by the state) of elected county officials.

From: Kenneth A. Stevens

7525-B Weather Worn Way

Columbia, MD 21046

e-mail address: ksteve8@verizon.net

Stuart Kohn

1 of 4

Howard County Charter Review Commission
Table of Discussion Points Currently Under Consideration
As of August 25, 2011

Code Section	Text	Issue
202	"The legislative power of the County is vested in the County Council of Howard County which shall consist of five members who shall be elected from the Councilmanic Districts."	<ul style="list-style-type: none"> Should there be two more council seats? - note a cost of \$424,000 per year If so, should they be County-wide or two additional districts?
202(g)	"Any amendment, restatement or revision to the Howard County General Plan, the Howard County Zoning Regulations or Howard County Zoning Maps, other than a reclassification map amendment established under the "change and mistake" principle set out by the Maryland Court of Appeals, is declared to be a legislative act and may be passed only by the Howard County Council by original bill in accordance with the legislative procedure set forth in section 209 of the Howard County Charter. Such an act shall be subject to executive veto and may be petitioned to referendum by the people of the county pursuant to section 211 of the Charter."	<ul style="list-style-type: none"> Specify that floating zone applications are not subject to referendum.
208(h) 209(c) 209(d) 210(b) 604	<p>208(h) "(h) Journal. The Council shall provide for the keeping of a Journal which shall be open to the public inspection at all reasonable times."</p> <p>209(c) " . . . Within twenty-four hours after the introduction of any bill, a copy thereof and notice of the time and place of the hearing shall be posted by the Administrator of the Council on an official bulletin board to be maintained in a public place by the Council. . ."</p> <p>209(d) " . . . The Administrator of the Council shall, within four hours after its introduction [of an emergency bill], post a copy thereof and notice of time and place of the hearing upon an official bulletin board to be maintained by the Council in a public place. . ."</p> <p>Sec. 210(b) <i>Printing and publication of laws.</i> The Council shall cause each ordinance, resolution, rule and regulation having the force and effect of law and each amendment to this Charter to be printed promptly following its enactment and they shall receive such publication as may from time to time be required by law. The rules,</p>	<ul style="list-style-type: none"> Change or add language: "make available to the public through a readily accessible source," or similar language, to allow Council to use public sources such as the <u>internet</u>, without restricting the sources that can be used.

	<p>regulations, ordinances, resolutions and Charter amendments shall be made available to the public at reasonable prices to be fixed by the Council.</p> <p><i>why is a fee being proposed - can't you make this available on the internet and let the public have the option of getting a hard copy?</i></p> <p>Section 604. The proposed County budget shall be filed with the Administrator of the Council and a copy shall be delivered to each member of the Council. At least three complete copies shall be on file in the office of the Council and shall be available for inspection by the public during regular business hours. One copy shall be supplied to each newspaper of general circulation in the County and to each County library. The budget message and supporting summary tables shall be reproduced in multiple copies, and a copy shall be made available to any interested person on request.</p>	
209(d)	<p>209(d) " . . . The Administrator of the Council shall, within four hours after its introduction [of an emergency bill], post a copy thereof and notice of time and place of the hearing upon an official bulletin board to be maintained by the Council in a public place. . . <i>why the change?</i></p>	<ul style="list-style-type: none"> • Change time limit for posting emergency legislation to 12 hours <p><i>what is the penalty if not done?</i></p>
209 (h)	<p>"Failure of bills. Any bill not passed <u>within sixty-five calendar days after its introduction</u> shall fail, unless, by affirmative vote of two-thirds of the members, the Council shall extend the deadline for another thirty days."</p> <p><i>what's the purpose?</i></p>	<ul style="list-style-type: none"> • Add "for a maximum of two extensions" at the end of the sentence; allows the total life of a bill to be 125 days.
211(a)	<p>" . . . The referendum petition against any such law shall be sufficient if signed by five per centum of the registered voters of the County, but in any case not less than 1,500 nor more than 5,000 signatures shall be required . . . "</p>	<ul style="list-style-type: none"> • Change the number of signatures needed for a referendum to 5% of the votes cast for governor in the most recent election. <i>why based on Governor?</i>
611	<p>"Unless otherwise provided by public general law, all unexpended and unencumbered appropriations in the current expense budget remaining at the end of the fiscal year shall lapse into the County treasury, except that appropriations to the risk management funds shall be non-reverting . . . "</p>	<ul style="list-style-type: none"> • Exclude grants from lapsing appropriations as recommended by the Department of Finance. This allows for grant money, which may come in during the calendar year, to be easily carried over from one

County exec
99,073
votes in
2010

5% = 4954

Governor
99,535 = Hurd Cty
759,315 - STATE WIDE

(2)

		fiscal year (July 1 – June 30) to the next. Recommended by the Department of Finance.
906 & 907	<p>Section 906. - Copies of books and papers on demand.</p> <p>The Executive shall, with <u>reasonable</u> promptness, furnish to any resident of the County, on demand, a certified copy of any book, account or paper kept by any board, commission, office or department of the County government, or such part thereof as may be demanded, except criminal investigation reports, and individual personnel records, upon payment in advance by the person demanding the same, of a reasonable fee to be prescribed by <u>resolution</u> of the Council.</p> <p>Section 907. - Inspection of books, accounts and papers.</p> <p>All books, accounts, bids, contracts, papers and records of any board, commission, office or department, except criminal investigation reports and individual personnel records, shall at all times be open to the inspection of any resident of the County or representative of the press, subject to such <u>reasonable</u> rules and regulations in regard to the time and manner of such inspection as the Executive may make.</p>	<ul style="list-style-type: none"> • Eliminate conflicts with the Maryland Public Information Act, which governs the release of government records to the public, and expand the public right to inspect records to include all persons, not just county residents. Recommended by the Office of Law.

→ needs to be quantitatively defined not subjective!

→ needs to be changed to read "a bill" since resolutions by the Council are not binding!

→ needs to be defined - too nebulous!

Howard County Charter Review Commission

Technical Corrections

As of August 25, 2011

Code Section	Text	Issue
202(f)(1) [Technical]	" . . . Any Councilmanic District established in accordance with this Article shall be compact, contiguous, <u>substantially</u> equal in population, and have common interest as a result of geography, occupation, history, or existing political boundaries."	<ul style="list-style-type: none"> Strike "occupation" from district description – a Supreme Court case provides that occupations cannot be considered as a factor during redistricting.
501(b) [Technical]		<ul style="list-style-type: none"> Correct reference to section 25a(u) to 25A(5)(u)
615 [Technical]		<ul style="list-style-type: none"> Combine definitions for Section 615A & B or add to definitions in Section 601
709(c)[Technical]		<ul style="list-style-type: none"> Correct "thee" to "the"

→ this word is subjective - needs to be quantitative
Change to - 2 of registered voters within each district
 (population)

Article II, The Legislative Branch

§202. The County Council.

(g). Planning and Zoning.

1. ANY ADOPTION OF OR AMENDMENT TO THE GENERAL PLAN, THE ZONING REGULATIONS OR THE ADOPTION OF ZONING MAPS IN CONNECTION WITH ANY COMPREHENSIVE ZONING PROCESS, Any amendment, restatement or revision to the Howard County General Plan, the Howard County Zoning Regulations or Howard County Zoning Maps, other than a reclassification map amendment established under the "change and mistake" principle set out by the Maryland Court of Appeals, is declared to be a legislative act and may be passed only by the Howard County Council by original bill in accordance with the legislative procedure set forth in Section 209 of the Howard County Charter. Such an act shall be subject to executive veto and may be petitioned to referendum by the people of the county pursuant to Section 211 of the Charter.

COMMENT: One zoning issue that was not specifically referenced in this recent Charter amendment is whether requests for approval for a "floating" zone category for an individual property are subject to referendum. The section is recommended for change to clarify this by limiting the referendum process to three specific zoning actions. The intent of the section seemed to mean to exclude individual property requests from referendum. Further, it seemed inequitable to subject the owners of individual properties to the uncertainties of the referendum process, and the possibilities of a plebiscite on an individual property. The section retains the right of referendum on the broader issues presented by comprehensive rezoning, the General plan, and Zoning Regulations.

MINORITY REPORT

Regarding Article II, The Legislative Branch, 202(g), Planning and Zoning:

I originally voted for the proposed changes to this section of the Charter based on information provided to the Commission by the Office of Law.^{1,2} My understanding at that time was that the Charter revision adopted in November 1994 ("Question B") posed potential legal conflicts with the Floating Zone classification in the existing zoning regulations. At the time the Commission voted on this section, I believed that the only way this potential legal conflict could be resolved was to specifically exempt Floating Zones from the legislative/referendum process by adopting the above amended language to the Charter. Upon further reflection, however, I have come to realize that the action that the Commission has recommended is akin to having the tail wag the dog. If there is a potential conflict between the Charter and the Howard County Code on the issue of Floating Zones, then the Code should be amended to conform with the Charter, not the other way around.

There is another, more troubling aspect of the language proposed by the Commission. The proposed language would limit referenda to only those zoning map or regulation changes made "... in connection with any comprehensive zoning process." The public testimony heard by the Commission made it eminently clear that the intent of the framers of Question B was to include all zoning regulations and all map amendments other than those established under the "change or mistake" principle. The language proposed by the Commission, if adopted, would open the door to removing all zoning regulation and map changes from the checks and balances of either public review under the Referendum or from Executive veto. The Zoning Board, sitting as the County Council, would merely have to adopt such changes in a piecemeal fashion declared not to be comprehensive rezoning.

Question B was passed by an overwhelming majority of the voters with the express intent of granting the citizens of Howard County some say, through the power of the Referendum, in the zoning issues that can greatly impact their lives. I do not believe that the will of the people should be subverted by adoption of the proposed amendment.

Tom Flynn

Paul Johnson, oral presentation to the Commission, 18 September 1995.

Paul Johnson, Letter to the County Council, 19 December 1994

Article II, The Legislative Branch

§211. The referendum.

(a) **Scope of the referendum.** The people of Howard County reserve to themselves the power known as "The Referendum," by petition to have submitted to the registered voters of the County to approve or reject at the polls, any law or a part of any law of the Council. The referendum petition against any such law shall be sufficient if signed by five per centum of the registered voters of the County, but in any case not less than 1,500 nor more than 5,000 signatures shall be required. Such petition shall be filed with the Board of Supervisors of Elections of Howard County within sixty days after the law is enacted. If such a petition is filed as aforesaid, the law or part thereof to be referred shall not take effect until thirty days after its approval by a majority of the qualified voters of the County voting thereon at the next ensuing election held for members of the House of Representatives of the United States; provided, however, that if more than one-half but less than the full number of signatures required to complete any referendum petition against such law be filed within sixty days from the date it is enacted, the time for the law to take effect and the time for filing the remainder of signatures to complete the petition shall be extended for an additional thirty days. Any emergency measure shall remain in force from the date it becomes law notwithstanding the filing of such petition, but shall stand repealed thirty days after having been rejected by a majority of the qualified voters voting thereon. No law making any appropriation for current expenses shall be subject to rejection or repeal under this section.

COMMENT: The Commission weighed carefully the impact of changing the minimum and maximum numbers of validated signatures of registered voters needed to stay a legislative act of the County Council from taking effect. The Commission felt that a maximum number of signatures is irrelevant to the issue of a threshold number of signatures. A number more than 5%, perhaps, provides relevance as a predictive indicator of the sentiment of the body politic. The Commission recognized that, since the adoption of the original Howard County Charter 28 years ago, the population and, consequently, the number of registered voters has undergone considerable growth. In effect, the present lower limit of 1,500 signatures represents only 1.3% of the currently registered voters of Howard County, a number the Commission believes is inappropriate for triggering an event as significant as a referendum.

The Commission recommends deletion of the minimum and maximum numbers of voters' signatures. The Commission finds that the requirement for 5%, which remains as the controlling number of registered voters to perfect a petition, would remain in the Charter as the appropriate minimum benchmark.

MINORITY REPORT

Regarding Article II, The Legislative Branch, 211, The Referendum:

The proposed change, by virtue of Howard County's present and projected future voter registration, is a *de facto* increase in the number of signatures required to bring a law to referendum. As attested to during the Commission's public hearings, the present signature requirements already impose a daunting task on those who choose to challenge laws or parts of laws enacted by the Council. It should be considered that, in any democratically conducted gathering, only two people (one to make a motion and one to second it) are required to raise an issue for discussion **regardless of the total number of people present**. Once raised, the issue stands approved only with the assent of fifty percent plus one of those choosing to vote on that issue. The same is true of the current referendum process. Regardless of how many (or how few!) signatures are required to bring a law to referendum, the assent of a majority of the voters is still necessary to effect an actual repeal. Since there is, apparently, no history of frivolous referenda in Howard County, the Commission has no basis for making any recommendations that would raise the current signature requirements.

Tom Flynn

Concurring:

Richard Kirchner



Angie Beltram

The Howard County

VOTER

**November 2009
Issue**

Calendar of Events

November 4, 2009
LWVHC Board Meeting
7:00 Police HQ Mtg Rm

November 11, 2009
Great Decisions
Susanne Fox
7:30pm

November 14, 2009
LWVMD Advocacy
Course & 70th
Anniversary Fundraiser
Annapolis

November 17, 2009
Unit Meeting
Susan Fingerman
7:30pm

November 17, 2009
Unit Meeting
Beth Hufnagel
7:30pm

November 18, 2009
Unit Meeting
Vantage House
9:30am

November 18, 2009
Unit Meeting
Carole Conors
7:30pm

December 6, 2009
HOLIDAY PARTY
4:00-7:00pm

January 9, 2010
Legislative Luncheon
Volunteers Needed

*This issue is devoted to
Land Use. Thank you to our
committee: Angie Beltram,
Arline Calaby, Alison Carney,
Faenita Dilworth, Susan
Fingerman, Carol Filipczak,
Grace Kubofcik and Barbara
Schnackenberg.*

LWVHC Study: Who should be the decision-makers for land use issues?

Introduction

The Howard County League of Women Voters proposed and adopted in April 2009 a study of our current Land Use and Zoning position, which is support for "retention of decision making powers on zoning by elected officials to maintain accountability to citizens." This League position was adopted in 1974. Over the course of years League members have reminded us that our 1974 study indicated that the adopted current position should be reviewed. The focus of this study is to study and update the current position.

Committee members reviewed Howard County Laws and regulations and developed a questionnaire for people knowledgeable about other county zoning processes. The questionnaire was also sent to League members in other counties.

The Howard County Council adopted the Zoning Enabling Act, Council Bill 3-1969. This was the third Council Bill after the County ratified its Charter status as a Charter County in the November 5, 1968 election. CB 3 established that "the zoning authority of Howard County for comprehensive zoning and for amendments to the text of the Howard County regulations shall be the County Council of Howard County and the zoning authority of Howard County for piecemeal zoning map amendments and decisions on development plans shall be the Howard County Zoning Board." (Section 16.200 (a) Howard County Code: Subtitle 2. Zoning) The Zoning Enabling Act has been amended 3 times, however no amendments have been made to Section 16.200(a).

The Howard County Charter, adopted in 1968, stated that the 5 County Council members were to be elected at large. (Section 202 (a). The at large election of County Council members was changed by a Charter Amendment, November 1984 providing for the election of County Council members by 5 individual districts. Another Charter amendment, November 8, 1994, a petitioned amendment, changed the charter to provide that certain zoning plans, regulations and maps be adopted as council bills. (Section 202(g))

The State Ethics Law requires that any person filing a petition to change the zoning of a property must disclose if they or a family member have made contributions with a cumulative value of \$500 or more during the 48 month period before the petition application to the County Executive and County Council members, as well as any contributions made to these individuals while the issue is pending. While the issue is pending contributions must be disclosed within 5 business days of the contribution. The same ethics requirements are applied to those who participate in the adoption and approval of a comprehensive zoning plan where the intent is to change the classification or increase the density of the land of the applicant. The Howard County League was successful in asking the Howard County Delegation to apply the same ethics provisions to those who request a change to Howard County Zoning Regulations. Legislation was introduced in February 2009. HB 1369 passed, and was signed by the Governor, taking effect July 1, 2009.

Comprehensive zoning is the consideration of multiple properties to implement the policy decisions made in the General Plan to place new zoning districts.

Continued on Page 5

***The League of Women Voters is where hands-on work to safeguard democracy
leads to civic improvement.***

***Land Use
Cont'd*****Howard County**

The County Council enacts comprehensive zoning as a legislative act. It wasn't always so. At one time, the Zoning Board under its quasi-judicial rules of procedure did comprehensive zoning. The General Plan was enacted by resolution. In 1994 the current process was proposed by petition and voted on by the people that the General Plan, Zoning Regulations and the Comprehensive Zoning Plan be legislative acts, passed by the County Council and therefore subject to veto by the County Executive. The Legislation may be petitioned to referendum.

Generally the General Plan has been reviewed and revised every ten years, followed by new zoning regulations and the Comprehensive Zoning Plan. Comprehensive zoning is initiated by the Department of Planning and Zoning, heard by the Planning Board for recommendations and enacted by the County Council. Howard has always considered the whole land area of the county at one time.

Other Counties

This is not the case in every county. The frequency of comprehensive zoning varies from four years in Baltimore County to twenty years in Montgomery County. Some counties consider plans and zoning by districts rather than the county as a whole. In the 1998 planning and zoning process Anne Arundel County did comprehensive zoning by sixteen small area districts, but the process took eight years to complete.

It is well to keep in mind that the makeup of the County Council varies by county. Most Counties elect council members by district. Talbot elects at large. Montgomery elects five members by district and four members at large. Harford elects by district but adds a Council President, elected at large.

In some counties legislative courtesy plays a role, though the practice is not codified in any way. The council member from the District has more influence in the decision than other council members.

Zoning regulation changes are legislative acts in the counties surveyed by the study committee. Not all counties automatically hear regulation changes submitted by individuals.

In Montgomery County all proposed amendments are sent to a staff screening committee for review and recommendation as to whether or not they should be introduced. The screening committee consists of a staff member of the County Council, the Planning Board, the County Attorney, the Hearing Examiner and the Department of Environmental Protection.

Piecemeal Rezoning

Precedent land use law in Maryland requires that a "change" or "mistake" must be proven before rezoning an individual parcel of land from one zoning classification to another.

Change: a change to an adjacent or nearby parcel in a neighborhood that would warrant a legal rezoning. Example: A road is built through one's property.

Mistake: a technical error on an official zoning map. Example: a property line is drawn in error.

Piecemeal rezoning: A change from one zoning classification to another on an individual parcel of land between the adoption of the Comprehensive Zoning Plans.

Howard County:

The Howard County Council sitting as the Zoning Board holds a quasi-judicial hearing where the petitioner to change the zoning of an individual parcel of land and supporters and opponents testify under oath. The burden is on the petitioner to prove "change" or "mistake". There is to be no conversation or contact with the members of the Board outside of the hearing. Decisions of the Board may be appealed to Circuit Court. The County Office of Law is the legal advisor to the Zoning Board.

**Land Use
Cont'd**

In addition, the Howard County People's Counsel, appointed by the County Council, sits at the hearing and defends the current status quo (the zoning map) and elicits "change" or "mistake" proof from the petitioner. The People's Counsel is an attorney who may not practice in Howard County.

*Unique: The Howard County Council sitting as the Zoning board hears the original case and makes the final decision.

Anne Arundel County:

An Administrative Hearing Officer (AHO) holds rezoning hearings. Prior to the hearing, the petitioner is to present arguments for "change" or "mistake" when the case is filed. The AHO is an attorney appointed by the County Executive.

*Unique: The Office of Planning and Zoning evaluates the petition. The Office's representative testifies at the hearing to present the Planning and Zoning staff report.

An appeal to the decision by the AHO is taken to the Anne Arundel Board of Appeals. The Board hears the entire case again. An appeal from the Board of Appeals is to Circuit Court and the record of the hearing is the basis for the Court's decision. The Board of Appeals, appointed by the County Council, is made up of seven members who represent each of the 7 councilmanic districts.

*Unique: The Board of Appeals retains its own attorney. This attorney is not from the County's Office of Law.

Baltimore County:

The Board of Appeals hears a rezoning case and makes the final decision. Members of the Board are appointed to a three-year term by the County Executive with concurrence of the County Council. The Board is composed of 7 members, one from each of the councilmanic districts.

After the Board renders its decision, a participant, either a petitioner or a protestant, may ask for a reconsideration of the decision. If not granted, the appeal is to Circuit Court. In any case, the final decision is to Circuit Court.

*Unique: Cycle Zoning: Rezoning cases can be heard only twice a year on a specified schedule. Out of Cycle Zoning: the Board of Appeals may hear a rezoning case if the Planning Board certifies and the County Council approves the certification that a quicker decision is in the best interest of the public or is an emergency.

Montgomery County:

A Hearing Officer hears rezoning cases and sends a recommendation to the District Council (the County Council) who makes the final decision. A reconsideration of the Hearing Officer's decision to the District Council may be requested. If not granted, the appeal is to Circuit Court. A final decision appeal is to Circuit Court.

Montgomery County also has a People's Counsel, an attorney, who sits at all zoning cases and whose duties are similar to that of Howard County's People's Counsel.

Both the Hearing Examiner and the People's Counsel may not practice land use law in Montgomery County.

Prince George's County:

A Zoning Hearing Examiner holds evidentiary hearings for rezoning and sends a report to the District Council (County Council). The District Council may remand the case back to the Examiner for more information. Final decisions by the District Council are appealed to Circuit Court.

A People's Counsel has similar duties and responsibilities as that in Howard and Montgomery Counties.

Land Use Cont'd

The Zoning Hearing Examiner and the People's Counsel are attorneys who may not practice land use law in Prince George's County.

Harford County:

The County Council consists of 6 members elected by district and a President of the Council elected at large. The County Council sits as the Board of Appeals in rezoning cases but designates a Hearing Examiner to hear the cases and make recommendations to the Board (County Council). The case may be affirmed, denied or remanded back to the Hearing Examiner. The final decision is made by the Board and may be appealed to Circuit Court.

A People's Counsel may sit at all rezoning case and has the same authority as that in Howard, Montgomery and Prince George's Counties.

Both the Hearing Examiner and the People's Counsel are attorneys and may not practice land use law in Harford County.

*Unique: The People's Counsel may appeal the decision of the Hearing Examiner or the Board. There is a People's Counsel Advisory Board consisting of 7 members one from each of the council districts who review all rezoning cases to determine whether the People's Counsel should attend the rezoning case. However, any participant in the case can request the appearance of the People's Counsel.

Talbot County:

Talbot County is not a "charter" county but has a 5 member elected at large County Council.

A 5 member Planning Commission hears a rezoning case and makes recommendations to the County Council that makes the final decision which can be appealed to Circuit Court.

In all Charter counties with the exception of Howard County, another entity hears the original rezoning case. In some counties, the final decision is rendered by the County Council (District Council) after recommendations from whatever body holds the hearing. In other counties, Anne Arundel and Baltimore, another government entity makes the final decision. All final decisions may be appealed to Circuit Court and if desired to the Court of Special Appeals and finally to the Maryland Court of Appeals.

A Resource List is available on the LWVHC website. It will also be distributed at Unit Meetings.

Criteria for evaluating the Zoning Process

The study committee asked in its questionnaire for respondents to give their opinion on the strengths and weaknesses of the zoning process in their county. From those responses the following points emerged:

- Is the process open to the public – adequate notice of hearings and the substance of what is to be heard?
- Does the process move expeditiously? Or take forever?
- Is there opportunity for staff and the public to comment on amendments?
- Does it take into account the area bordering the property or properties under consideration?
- Does one person have too much influence?

CONSENSUS QUESTIONS

1. Who should make piecemeal zoning decisions in Howard County? Consider:
 - a. Reaffirming the current position in support for retention of decision-making powers on zoning by elected officials to maintain accountability.
 - b. Support for decision-making powers on zoning land use by a hearing officer appointed by the County Council with appeals taken to the Circuit Court.
 - c. Support for decision-making powers on zoning land use by a hearing officer appointed by the County Council with appeals taken to the County Council.
 - d. Other.
 2. Why?
-

CHARTER REVIEW COMMISSION PUBLIC HEARING September 20
George Howard Building

NAME
Ken Stevens
Grace Kubofcik
Angie Beltram
John Taylor
Valerie McGuire
Gail Segal

September 20,2011

Charter Review Commission:

Thank you for the opportunity to speak on possible changes to the Howard County Charter. Thank you also for your willingness to serve on this important Commission. I have arranged my comments by topic area with references to specific Charter Sections.

County Council:

I support, consistent with my testimony of ten years ago to another Charter commission, the need to expand the County Council to 7 members. I urge you to recommend transitional provision triggered by population gains that will allow for the election of 5 members by Council District and 2 members elected at large. If you cannot support 2 members at large that at least provide transitional provision for expansion to 7 districts. I would suggest the trigger be a population of 300,000. The 2010 census data reflects 287,085 residents. Clearly we will reach 300,000 prior to 2020 and our Charter should have provisions to adjust for that population growth and impact on the Council size. Council legislative functions are very important but of greater importance to residents of this County are Council members ability to provide constituent services. (Section 202)

I do not support term limits for the County Council. I would recommend deletion of Section 202(c).

I support the current wording regarding legislation and "a change of substance" and do not feel there is any need for change to this section. Council members have been careful regarding this provision and I have seen numerous times when they have sent legislation out for another hearing. Given the growing complexity of legislation amendments have become the norm rather than the exception. Section 209(c)

I support providing a technical change to allow official posting of emergency legislation to be done with in 12 hours instead of 4. Section 209(d)

Given the complexity of some legislative matters I support the extension of the life of a bill but limited to up to 120 days and requiring at least 4 votes of the Council members to extend the life past 65 days. The current extension allowance is up to 90 days. Section 209(h)

Council action to adopt the County's Annual Budget. I strongly support the current provisions of the Charter that call for a vote of the Council in adoption of the Annual Budget of the County. I do not support any change that would require a 2/3rds vote. Section 606.

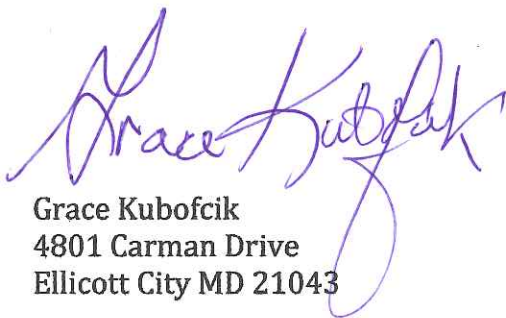
Petitions:

I support retaining the Charter's current language as to the number of petition signatures needed to amend the Charter, that is 20% of registered voters or 10,000 signatures of such registered voters. Article X Section 1001.

The Charter currently requires a referendum petition to be signed by 5% of the registered voters of the County, but in any case not less than 1,500 nor more than 5,000 required signatures to bring a County Law to referendum. This provision has been in the Charter since it was first adopted.

We have certainly experienced success and failures with citizen groups seeking to bring legislation to referendum. The impact of the "Doe" Court decision specific to Maryland State Law and petitions as well as the recent successful petition drive using internet tools to gather petition signatures have raised serious issues. Given the strict requirements of "Doe" and no changes to Maryland State Law those seeking to be successful in petitioning must bear the burden of collecting at least 3 to 5 times the number of required signatures.

I would urge a minor change to the current provision that would require the number of signatures be based on 5% of the number of Howard County voters who voted in the last gubernatorial election. This will over the course of time gradually increase the current 5,000 signature requirement but still provide an opportunity for citizens to exercise their fundamental right to petition granted by the United State Bill of Rights. Section 211(a)



Grace Kubofcik
4801 Carman Drive
Ellicott City MD 21043

Testimony on Howard County Charter Changes proposed
September 20, 2011

Code Section

202

I do not think that they should increase the amount of districts. I think that it should be left as is. I think that the county council jobs should be full time because of the increased amount of work because of the increase in population from 70,000 in 1976 to over 300,000 today.

202g

I think that all zoning should be subject to referendum. There should not be any exclusions.

211a

I think that the number of signatures should stay at 5,000 as a maximum. I think that since it is so difficult to get the signatures certified, it would make it **more** impossible to take something to referendum. I think if you tie it to the governor's race that it could mathematically make it impossible.

CHARTER REVIEW COMMISSION PUBLIC HEARING October 5, 2011
Gary Arthur Center

NAME
Alison Carney (League of Women Voters)
Loretta Shields
Angie Beltram
Russ Swatek (T.A.G.)
Susan Gray



LEAGUE OF WOMEN VOTERS OF HOWARD COUNTY, INC.
LEAGUE OF WOMEN VOTERS OF HOWARD COUNTY EDUCATION FUND, INC.
9520 Berger Road, Suite 311, Columbia, MD 21046
Tel./fax: 410-730-0142
info@howard.lwvmd.org
www.howard.lwvmd.org

Chairperson Richardson and members of the Commission:

The League of Women Voters of Howard County appreciates the hard work you all have done in studying the charter and pulling out elements for consideration and all the hard work you have yet to do in considering public commentary and making recommendations to the County Council.

Section 202: 5 members elected by Council Districts

The League of Women Voters urges the Charter Review to recommend transitional language to increase the County Council membership from 5 to 7 members when the Howard County population reaches 300,000 or more. The 2010 Census population was 287,085. The League supports an at large selection of members to the County Council. Our current position supports a 5 member County Council, a position adopted by study in 1963. At the time of the adoption of that study the County population was a bit higher than 30,000 individuals. The ratio of service of Council members was 1 to 6,000 residents. The ratio at 300,000 residents will be 1 to 60,000. The Charter's legislative function is vested in the County Council and the County Council has assumed other functions of land use decisions, liquor board appeals and constituent services. It would be reasonable to assume that two additional Council members could enhance these functions.

The League position supports at large for all members but the voting residents of the County adopted a Charter amendment to elect Council members by District. Options could include 7 Council Districts with populations of around 42,850 residents, 6 Council Districts with populations of 50,000 and 1 at large member, or 5 Council districts with 60,000 and 2 at large members.

Adding an at large member increases the voting power of each individual registered voter and enables them in legislative actions that impact their district.

Section 202(c): Term of office County Council

The League of Women Voters of Howard County opposes term limits for members of the County Council. A position restudied in 1993 and affirmed. Section 202(c) essentially sets a 3 term limit on County Council members. There are a number of Charter Counties in Maryland that have no term limits for their Council members: Baltimore, Harford, Montgomery, Talbot and Wicomico Counties. The League knows that the right to vote is the keystone to our democratic system. Regular elections are a form of natural term limits. It is a voter's obligation to make informed and responsible choices in voting and voters should have the right to judge whom they will or will not elect to public office and not an arbitrary limit on service. The League urges the Charter Review Committee to recommend removal of the term limit provision.

Section 209 "substantive, emergency and extension of bill's life.

The Howard County League of Women Voters supports changing the posting notices and making items available to the public in a variety of sources including publication and other interactive means. The emergency legislation notice language should be changed to "as soon as possible but no later than 12 hours after introduction."

Council legislation can be very complicated and require a lot of research, public comment and multiple amendments. It is reasonable to assume that a bill's life needs to be extended. The current provisions have generally worked but we are aware that another 30 day extension can and would be helpful. We support the idea that there always needs to be a Council vote for these extensions.

Change of "substance" of an amendment has been debated numerous times. The protection is the requirement of a vote on the issue of substance by the County Council. The public might desire more calls for a determination of a substance issue. However, the County Council has taken numerous opportunities to have another public hearing on amendments prior to passage. The League supports retaining the existing Charter language.

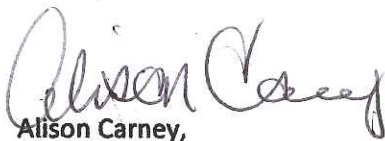
Section 611: Budget

The League of Women Voters of Howard County supports changing Section 611 of the Charter to allow for the ability of the County to carry over grant money from one fiscal year to another. There needs to be transparency about such carry over but this suggestion falls into an area of common sense, allowing for flexibility and can be easily understood. Transparency and flexibility are two of 7 characteristics identified by the Maryland State League important to operating budget process.

The League of Women Voters does not support any change to the action of passing the County Budget. Issues related to changes to fees and taxes should require a simple majority vote of the County Council. It is essential that fiscal restraints promote good fiscal planning and allow for budget procedures built into the process is accountability, which assess the impact, efficiency and sustainability of programs and services.

Section 709(a): Discrimination

The League of Women Voters of Howard County urges the Charter Review Commission to add one other provision of protection: No discrimination of employment based on political or religious opinions or affiliations, race or sex and sexual preference.



Alison Carney,

Action Chair, LWVHC