

**Charter Review Commission**

**Minutes**

**C. Vernon Gray Room**

**December 5, 2019**

Charter Review Commission Members Present: James Howard, Tahira Mussarat Hussain, Deeba Jafri, Stu Kohn, Fred Leong, Margaret Ann Nolan, Dawn Popp, Acting Chairperson, Carolan Stansky, and James Walsh

Charter Review Commission Members on Teleconference: Richard Butler and Margaret Ann Nolan

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

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

The Commission members approved the minutes of the November 20, 2019 meeting.

Ms. Popp introduced Councilmember Jones.

Councilmember Jones discussed the written testimony he submitted to the Commission.

Mr. Kohn requested Councilmember Jones to elaborate on his response to the question: Should the Councilmembers serve as members of the Zoning Board? Councilmember Jones discussed that he is fine with the current system and would also be okay if the Councilmembers did not serve as members of the Zoning Board.

Mr. Kohn discussed that this has been an issue for years. The public feels there is a perception of a conflict of interest when members of the Zoning Board take contributions from developers.

Mr. Leong discussed that some of the Councilmembers discussed during a previous meeting that when they are approving development plans they are placed in an awkward position because they are serving in a quasi-judicial role and therefore cannot talk to constituents about the plans.

Councilmember Jones discussed that if a constituent has a concern regarding an issue when the Councilmembers are serving in a quasi-judicial role, the constituent can email the Council email address or the Council Administrator.

Councilmember Jones discussed that he does not have an issue with increasing the Council to seven or nine members or increasing the Council to an even number of members with an elected President, similar to Baltimore City.

Mr. Walsh discussed that given the perception of a conflict of interest in addition to the workload, would more members on the Council be beneficial?

Councilmember Jones discussed that he does not think there is an overwhelming workload. The Councilmembers have staff, they focus, and they get the work done. He talked to his predecessors before he was elected to get a good idea of what to expect. The workload is about what he expected.

Mr. Kohn asked Councilmember Jones if the Councilmembers did not serve as members of the Zoning Board, what would be a good method to select the members?

Councilmember Jones discussed the possibility of the Councilmembers each appointing a Zoning Board member. He is fine with the current system and is open to other ideas.

Ms. Popp discussed the possibility of electing the members of the Zoning Board.

Councilmember Jones discussed that electing Zoning Board members could also work.

Mr. Howard discussed the process of appealing zoning decisions in other counties.

Mr. Leong discussed budget issues, including ways to modify the budget process to give the Council more ability to move items among categories or increase amounts, the transparency of how much items in the capital budget cost, and the impact of the school budget.

Councilmember Jones discussed that if the Council were a full time Council and the Councilmembers received salaries similar to the salaries of Prince George's County Councilmembers and Montgomery County Councilmembers, the members would have more time to effectively review the budget and more staff to handle the analytics. Councilmember Jones discussed his comfort level with the Budget Director and the analytics provided by the Director and the heads of Departments who share their thoughts with the County Executive with what works and what they would like more money for. If the County Council had additional budget authority, it would require a lot more time and analytics.

Mr. Leong discussed the impact of understanding future funding. He discussed adding more fiscal impact statements to make clear the costs.

Councilmember Jones discussed that the Montgomery County Council recently passed a bill concerning economic impact statements. He discussed that the fiscal impact statements prepared by the County Auditor for the Howard County Councilmembers are confidential.

Ms. Stansky discussed that State fiscal impact statements are available to the public.

Councilmember Jones discussed that he takes a lot of time researching bills and providing transparency, for example, the power point slides for CB64-2019 relating to a fee on disposable bags.

Mr. Leong discussed the issue of projections for large capital projects going forward and that what is on the books for large projects can exceed what can be funded. He discussed that when budgets are proposed, there is an understanding of the need for latitude. He discussed

language that states these are the income projections we expect so that it can be clear if projects are aspirational or realistic.

Councilmember Jones discussed the need for more transparency with projections and the need for the County Executive and the County Council to talk more closely to make sure budget items are lining up. They should be able to make a good judgment on what is attainable based on the analytics.

Mr. Leong discussed what information should be made available to the public so that the public is aware of any mismatch, and if there should be language in the Charter or an ordinance to address this issue. He discussed that it is good practice for people to be able to follow these issues and the need for transparency.

Ms. Stansky discussed that the Charter does not have a requirement for a Spending Affordability Committee and that other counties have this requirement in their Charters. In Howard County, it is the prerogative of the County Executive to appoint the Spending Affordability Committee. She discussed if there should be language in the Charter that requires a Spending Affordability Committee because a future County Executive may choose not to appoint one. She discussed that mismatches seem to occur in the five-year projections. It is the job of the local school system to project the number of students, but it is not the job of the school system to project revenue. This is when the mismatch occurs. She discussed the need to match revenues to expenses and the conflict that exists when a school is not built. She discussed if there are any changes that could be made to the Charter to solve this issue.

Councilmember Jones discussed looking back at prior years and looking at the dates in the Charter when certain reports need to be given. He discussed the need for subject matter experts to be talking to each other.

Mr. Leong discussed that the funding issue for High School Number 14 is why this issue is important. He discussed the need to recognize a mismatch when there is insufficient funding for something that is really needed.

Mr. Kohn discussed the issue of term limits for the Councilmembers and the County Executive, and if they should be the same.

Councilmember Jones discussed there are pros and cons to this issue. He discussed that the term limits for Councilmembers should not decrease. There was a time when there were no term limits. He discussed that he is satisfied with the current system. The prior Council had institutional knowledge and consistent policies. He discussed that he is fine with the two-term limit for the County Executive. Three term limits for the legislative branch is needed because of the nature of the legislative process.

Mr. Jones discussed that he is satisfied with the part-time status of Councilmembers that allows him time for his career. He discussed the advice of subject matter experts. He also discussed that the Prince George's County Council and the Montgomery County Council are both full time with more staff. He ran for the Councilmember office knowing that it was a part time commitment.

Ms. Stansky discussed the size and expense of government. The Maryland General Assembly meets for three months each year. There can be less legislation and a focus on what is essential. She discussed the issue of how many Councilmembers are needed. She discussed that the County has grown. Elkridge and Laurel have grown and changed. Even if the number of Councilmanic districts were kept at five, should the district boundaries be drawn differently?

Councilmember Jones discussed the impact of increasing the number of Councilmanic districts. There would be an increase in costs and the need to reconfigure the space in the Council Office. He discussed the even number of Councilmanic districts in Baltimore City with a President elected at large. The current number of people in each Councilmanic district in Howard County is manageable.

Mr. Leong asked how the number of staff that each Councilmember hired was established.

Councilmember Jones discussed that the budget allowed him to hire the amount of staff he has.

Ms. Popp discussed that the Commission members will review the parking lot issues and decide if an issue can be discarded or maintained for future discussion. If an issue is discarded, it can be brought back by any member who is not present today.

Mr. Gwynn discussed that the Prince George's County Charter does not indicate a part time or full time County Council. The Councilmembers are paid a salary of \$130,000. The members can have another job, but the workload may preclude them from doing so.

Mr. Kohn expressed his appreciation for the preparation of the Table of Charter Review Commission Issues prepared by Ms. Rosen and the Spread Sheet prepared by Mr. Leong.

The Commission members discussed Section 210(c) and discarded the issue.

The Commission members chose to keep the following issues in Section 202: Should the number of Councilmanic Districts be changed? and Should any members of the Council be elected at-large?

The Commission members chose to keep the following provisions of Section 202: 202(e) Should the provisions for a vacancy in the office of a Councilmember be amended? and 202(f) Is the timeframe establishing new Councilmanic Districts after the 2020 Census sufficient for the Board of Elections to prepare for a primary election in June 2022, or does the timeframe need to be changed? Should the appointment process for members of the Councilmanic Redistricting Commission be changed? Should the Council be required to appoint not later than January 15 of the year after each decennial census date, rather than April 1, a Councilmanic Redistricting Commission?

The Commission members chose to drop the language recommended in public testimony relating to the school board nominating three unaffiliated persons to serve on the Councilmanic Redistricting Commission.

The Commission members chose to keep the issue of should the Councilmembers continue to serve as members of the Zoning Board. If not, who should serve as members of the Zoning Board?

The Commission members chose to drop discussion of the following issues in Section 202: 202(b)1. Should the requirement that a candidate for the Council be not less than twenty-five years of age at the time of election be changed? (c) Is the length of time between the date of election and the first Monday in December following the election an appropriate amount of time to allow the members to prepare for office? (c) Should term limits be the same for Councilmembers and the County Executive? Should any changes be made to the current term limits for the Councilmembers? (d) Should the Charter specify that a Councilmember position constitutes full-time employment with appropriate compensation?

The Commission members chose to drop the following issue relating to Section 203(b): Should Officers of the Council be required to adhere to Section 202(b)2. of the Charter?

The Commission members chose to drop the following issue relating to Section 204: Should the current requirement that the County Council act as a body and have no power to create standing committees or to delegate any of its functions and duties to a smaller number of its members be applied to administrative functions?

The Commission members discussed the format of the report of the Commission, and if the report should include specific language for recommended amendments or recommendations for changes to the Charter in concept.

Ms. Popp discussed that the 2011 Report of the Charter Review Commission included specific language for amendments.

The Commission members agreed to revisit the following issue relating to the definition of “moral turpitude” in 202(b)3 at the next meeting: Should moral turpitude as a condition for forfeiture of office be replaced with specific criteria related to felonies?

The members agreed to keep all the issues relating to the timeframe for establishing new Councilmanic Districts in Section 202(f) together in the parking lot for further discussion, except dropping the school board language suggested in public testimony.

The Commission members agreed to drop the issue relating to Section 208(b): Should the requirement that the Council meet for the purpose of enacting legislation on the first Monday of each month be changed to the first Tuesday of each month?

The Commission members agreed to drop the issue relating to Section 209(c): Should the amendment change of substance language be changed?

Ms. Popp discussed that the next meeting will be January 14, 2020. Ms. Popp discussed that the Commission members did not complete their review of all the parking lot issues today. If any changes to the Commission meeting schedule are needed due to the need for additional time to discuss the parking lot issues, Ms. Sonnier will make that determination.

Ms. Popp adjourned the meeting at 10:28 a.m.