

Charter Review Commission

Minutes

C. Vernon Gray Room

February 25, 2020

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

Charter Review Commission Members on Teleconference: Richard Butler and Dawn Popp

Staff Present: Lynne Rosen, Legislative Analyst and Gary Kuc, County Solicitor

Ms. Sonnier opened the meeting at 8:34 a.m.

Ms. Sonnier discussed that the public hearing is next Tuesday, March 3, 2020 at 7:00 p.m. and for members to arrive by 6:45 p.m. and discussed the members sending out notices of the public hearing. She discussed that Dr. Holly Sun, Budget Director and Ms. Michelle Harrod, Deputy County Auditor are here today to respond to any questions regarding the budget. Mr. Glendenning and Dr. Sun submitted written responses to the Commission questions regarding the budget.

Mr. Skalny made a motion to approve the Minutes for the February 18, 2020 meeting. Mr. Walsh seconded the motion. The members approved the Minutes, with Mr. Butler and Mr. Leong abstaining.

Mr. Leong discussed a list of issues that he wrote up that were discussed by the Commission that may not warrant recommendations for changes to the Charter but could be included in an advisory section of the Commission Report as changes for the Council to consider in the future.

Ms. Sonnier discussed that the Commission Report can include a section that would be advisory in nature consisting of changes for the Council to consider in the future. The Commission members will decide what should go in the advisory section.

Mr. Howard withdrew his request to further discuss the issue whether the current provision for the removal of a Councilmember if the member is convicted of any crime involving moral turpitude under Section 202(b)(3) should be changed to conviction of a felony.

Mr. Kuc discussed the issue whether the County Council can delegate zoning power to a body other than the County Council. Mr. Kuc discussed that he needs clarification from the Commission members regarding what the Commission is contemplating so that he can address

the issue. The Zoning Board deals with reclassification map amendments under the change and mistake principle, piecemeal map amendments, and approval of development plans pursuant to the County Code. Mr. Kuc asked which of these three the Commission is suggesting should be deposited with another decision-making body.

The members discussed examples of different functions of the Zoning Board.

Mr. Kuc discussed the need to identify which functions the decision making-body would perform.

The members discussed transferring certain functions of the Zoning Board to the Board of Appeals.

Mr. Kuc reviewed Section 501(b) relating to the powers and functions of the Board of Appeals.

The members discussed that they are revisiting the issue of the establishment of a separate zoning board with each Councilmember appointing a member of the board.

Ms. Sonnier discussed that after the members voted at the last meeting, Mr. Kuc had advised that he would research this issue further to confirm if what they voted on could be done.

Mr. Walsh discussed that the proposal was to give the powers of the Zoning Board to another body.

Mr. Kuc asked what is the nature of that other body.

Mr. Howard discussed withdrawing the previous motion on this subject voted on by the Commission and adding to the list of advisory recommendations that the Council should create a zoning task force to study these issues.

Mr. Walsh discussed amending Section 501 relating to the Board of Appeals with each Councilmember appointing a member of the Board of Appeals. Each board member would serve a three-year term of office with staggered terms of office. The minimal compensation of the members will be as specified in the Charter, subject to increase by the Council. Mr. Walsh discussed amending the jurisdiction of the Board of Appeals.

The members discussed the impact of vesting the Board of Appeals with specified zoning authority on the workload of the Board of Appeals.

Mr. Howard made a motion to strike the Walsh motion to establish a separate zoning board that passed at the February 18, 2020 meeting. Mr. Walsh seconded the motion. The motion passed with 12 votes in favor and none against.

Mr. Howard discussed a proposal that the Commission advise the County Council to establish a zoning review task force to determine if the current structure of the Zoning Board should continue.

Ms. Sonnier discussed that the Councilmembers have indicated they are fine with the current system.

Mr. Walsh discussed the proposal to amend Section 501 relating to the Board of Appeals with each Councilmember appointing a member of the Board of Appeals and adding to the powers and functions of the Board.

Mr. Kuc discussed that the Commission members should also evaluate Section 202(g) relating to certain planning and zoning amendments, restatements, or revisions that are legislative acts when they evaluate any motions to Section 501.

The members discussed revisiting the issues relating to the Councilmembers serving as the Zoning Board at the next Commission meeting and that people may testify on these issues at the public hearing.

The members agreed to table discussion of Section 501 until the March 11, 2020 meeting of the Commission.

The members discussed if the County Council should have additional authority to modify the budget.

The members discussed this issue with Dr. Sun and Ms. Harrod.

Mr. Kuc reviewed Section 606 relating to action on the Annual Budget and Appropriation Ordinance by the County Council.

The members did not vote on any motions relating to Section 606.

The members discussed should the County be required to: 1) publish future income projections when releasing the multi-year Capital Improvement Plans; and 2) constrain approved projects to the recommendations of the Spending Affordability Committee.

The members discussed this issue with Dr. Sun and Ms. Harrod.

Mr. Leong made a motion to modify Section 603(b) of the Charter to require that capital improvement budgets include good faith estimates of future revenue.

Ms. Stansky seconded the motion.

The members voted on the Leong motion as follows: Against: 8, For: 3, and Abstention: 1.

The members discussed whether the County Executive should be required to submit the budget to the County Council at an earlier date.

The members did not make any motions on this issue.

The members discussed should a fiscal note that would be available to the public be required for each bill and resolution.

Mr. Kohn discussed Council Bill 8 relating to fiscal analysis of legislation that is pending before the Council.

Ms. Sonnier discussed Council Bill 7 relating to whistleblower protection that is pending before the Council.

The members did not make any motions relating to fiscal notes.

Ms. Sonnier thanked Dr. Sun and Ms. Harrod for their feedback.

Ms. Popp discussed that she identified sections in the Charter that deal with notice and do not include at least one electronic medium. Ms. Popp made a motion to recommend updating the notice requirements in Sections 212, 602(b), 605, 1001, 1003 to include publication in at least one electronic medium, in addition to the newspaper publication currently required in those sections.

Mr. Klugh seconded the motion.

The members discussed the motion made by Ms. Popp.

Mr. Kuc discussed that a ballot question would have a summary of the proposed change to the Charter.

Mr. Kohn made a motion to amend Ms. Popp's motion to include notice on the County Council web site.

The motion made by Mr. Kohn did not receive a second.

The members voted on the motion made by Ms. Popp as follows: For: 12 and Against: 0.

Ms. Sonnier discussed that Mr. Kohn submitted a potential list of recommendations for housekeeping revisions in the Charter that will be discussed at the next meeting. Zoning related issues and the draft advisory notes submitted by Mr. Leong will also be discussed at the next meeting. She discussed that Mr. Howard is working on a summary of draft recommendations that he will continue to work on. Ms. Sonnier will send to Commission members the summary of draft recommendations on Wednesday and would like any comments on the summary by

Thursday at 1:00 p.m. with the goal of posting the summary on the website by noon on Friday, February 28, 2020.

Ms. Sonnier adjourned the meeting at 10:34 a.m.