

Charter Review Commission

Minutes

C. Vernon Gray Room

March 11, 2020

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

Charter Review Commission Members on Teleconference: Judith Center and Paul Skalny

Staff Present: Lynne Rosen, Legislative Analyst, Gary Kuc, County Solicitor, and Kristen Perry, Office of Law

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

The Commission members approved the Minutes of the Charter Review Commission meeting on February 25, 2020 with the correction of the time adjourned. Ms. Jafri abstained from the vote.

Ms. Popp began the discussion of the issue: Can the County Council delegate zoning power to a body other than the County Council?

Ms. Perry requested the Commission members to review the written advice provided by Mr. Kuc in response to the above question.

Mr. Walsh discussed his proposal to change Sections 202(g) and 501(a), (b), and (c) of the Charter. He discussed his policy judgment that comprehensive rezoning should not be delegated to the Board of Appeals. The proposal includes appropriate quasi-judicial functions that could be exercised by the Board of Appeals. He discussed taking an approach to delegate authority to the Board of Appeals using the Charter.

The members discussed Mr. Walsh's proposed language.

Ms Stansky discussed how to proceed on this issue within the timeframe of some of the Commission members presenting recommendations to the County Council at the Council Monthly Meeting on March 16, 2020 and the May 1, 2020 due date of the Commission report.

Ms. Sonnier thanked Ms. Popp for chairing the Commission until she arrived.

Ms. Nolan discussed moving forward with the Walsh proposal by voting on the proposal.

The members discussed whether the Commission should study the proposal further, recommend the Council establish another Commission to study zoning issues, or vote on the proposal.

Ms. Nolan made a motion to adopt Mr. Walsh's proposal.

Ms. Nolan discussed that the Report of the Commission should include a summary explanation of the recommendations and an appendix with the draft language for the recommended changes to the Charter. She discussed the importance of having a record of the decisions of the Commission in order to address any reluctance to make the recommended changes.

Mr. Howard discussed the need to draw attention to the problem regarding perceived conflicts of interest and that the proposal is one way to fix the problem.

Ms. Popp discussed including in the Report the original vote to recommend the establishment of a separate zoning board with each Councilmember appointing a member of the board. 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. The Report could include that the Commission was advised of potential issues with the recommendation. Mr. Walsh's proposal is a second option the Commission chose. Ms. Popp discussed that the Commission felt the specified zoning powers needed to be separated from the Council.

The members discussed leaving piecemeal map amendments with the County Council.

Mr. Walsh offered an amendment to his proposal that would remove piecemeal map amendments from the list of functions and powers the Board of Appeals may exercise relating to the hearing and deciding specified matters. The amendment is to insert "PIECEMEAL MAP AMENDMENTS," before "COMPREHENSIVE", and after "COMPREHENSIVE zoning", insert "AND REZONING", with the effect of excluding piecemeal map amendments and rezoning from the authority of the Board of Appeals.

Ms. Popp seconded the Walsh amendment.

The Walsh amendment passed unanimously.

The members discussed Ms. Nolan's motion as amended by Mr. Walsh's motion.

The members discussed the appointment of the members of the Board of Appeals.

Mr. Walsh discussed that the County Council would still appoint the members of the Board of Appeals. The proposal provides that the Board must consist of one registered voter from each Council District for three-year staggered terms. Mr. Walsh discussed that members should recuse themselves if they have a conflict.

Mr. Walsh discussed an additional amendment to add “SIMPLE” before “MAJORITY” in the following sentence in Section 501(a): No more than A SIMPLE MAJORITY OF members shall be registered with the same political party. This change should also be made in Section 501(c): “A SIMPLE MAJORITY OF members of the Board shall constitute a quorum of the Board,...”.

Ms. Popp made a motion to add “SIMPLE” in front of “MAJORITY” in Section 501(a) and (c).

Ms. Jafri seconded the motion.

Ms. Popp’s motion passed unanimously.

Mr. Kohn asked Mr. Walsh how he came up with the \$6,000 per year salary for members of the Board of Appeals.

Mr. Walsh responded that \$6,000 per year is the current salary.

The Commission members voted unanimously on a motion made by Ms. Nolan and seconded by Ms. Popp to adopt the proposal submitted by Mr. Walsh as amended.

The members discussed if legislation that is passed by the Council should be required to be presented within three business days, rather than three calendar days, to the County Executive for the County Executive’s approval or disapproval under Section 209(g).

Ms. Popp made a motion to recommend that legislation that is passed by the Council must be presented within three business days, rather than three calendar days, to the County Executive for the County Executive’s approval or disapproval under Section 209(g).

Mr. Leong seconded the motion.

Ms. Popp’s motion passed unanimously.

The members discussed the list of revised potential housekeeping Charter recommendations submitted by Mr. Kohn.

Mr. Kohn asked about the implementation of any recommended changes to the Charter.

Mr. Kuc discussed that there would be a ballot question to ask voters to approve changes to the Charter.

Ms. Sonnier made a motion to add “and in at least one electronic medium readily available to the public” after “Council” in the following sentence of Section 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.”.

Mr. Leong seconded the motion made by Ms. Sonnier.

The members discussed the motion made by Ms. Sonnier.

The motion passed unanimously.

Mr. Kohn withdrew his recommendation regarding Section 903 relating to absenteeism of members of boards and commissions.

No other motions were made relating to the housekeeping charter recommendations.

The members discussed the Advisory Notes regarding "...recommendations for the Council to consider implementing in its procedures or via ordinance..." submitted by Mr. Leong relating to: 1) the boundaries of districts established by the Councilmanic Redistricting Commission; 2) the timeline for appointing the Councilmanic Redistricting Commission and establishing the boundaries; and 3) funding of multi-year capital improvement plan budgets.

No motions were made regarding Advisory Note recommendation 1).

The Commission adopted recommendations regarding Advisory Note recommendation 2) at a previous meeting.

The Commission members discussed Advisory Note recommendation 3).

Ms. Popp reviewed that the members discussed including an appendix in the Report of the Commission of non-charter material recommendations. She would like more time to think about the exact language relating to Advisory Note recommendation 3.

Ms. Sonnier discussed that some of the members of the Commission are scheduled to present the Report of the Commission at the Council Monthly Meeting next Monday. The Commission will continue to meet after next Monday. Ms. Sonnier discussed that there could be a supplement to the Report that is presented next Monday that can be discussed at future Commission meetings. Ms. Sonnier discussed that she would like to give additional thought to Advisory Note recommendation 3.

Mr. Leong discussed his agreement with Ms. Sonnier that Advisory Note recommendation 3 can be discussed at a future meeting of the Commission.

Ms. Sonnier discussed which Commission members will attend the Council Monthly Meeting next week.

The members and Mr. Kuc discussed the application of the Open Meetings Act if there were to be a quorum of the Commission members at the Monthly Meeting.

Ms. Nolan discussed her revised language she submitted regarding the independence of the Office of Law: "The Commission recommends increasing the independence of the Office of

Law by giving the County Solicitor the sole authority to appoint and dismiss deputies and assistants, and requiring the County Executive to include the budget for the Office of Law, as submitted by the Solicitor, as part of the County Budget.”.

Ms. Sonnier adjourned the meeting at 10:37 a.m.