

Minutes  
Public Hearing  
Banneker Room  
George Howard Building  
March 3, 2020

Charter Review Commission Members Present: Judith Center, Ayesha Holmes, James Howard, Fred Leong, Dawn Popp, Paul Skalny, Yolanda Sonnier, Chairperson, Carolan Stansky, and James Walsh

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

Ms. Sonnier began the public hearing at 7:01 p.m.

Ms. Sonnier thanked everyone for attending the fourth public hearing of the Charter Review Commission. Ms. Sonnier reviewed that the purpose of the Commission is to ensure that the Charter is clear in meaning, addresses the needs of contemporary government, and remains a functional, working document that effectively outlines the framework for the efficient operation of County government. The Commission began meeting in April 2019. The Agenda has a synopsis of the draft preliminary recommendations of the Commission. Ms. Sonnier discussed that individuals can provide testimony on any issue in the Charter or any issue on the synopsis. She reviewed the time limits for testimony of three minutes for individuals and five minutes for individuals who are representatives of organizations. After an individual testifies, the Commissioners may have questions.

The following individuals provided testimony: Bernard Noppinger, Lisa Kim, Tae Kim, Franck Hecker, and Diane Butler. (The written public testimony is attached to these minutes.)

Ms. Sonnier thanked everyone for providing their testimony. The Commission will meet to discuss the testimony received tonight.

Ms. Sonnier adjourned the meeting at 8:02 p.m.

- (1) I strongly recommend that you amend sections 202(b)(3), 302(b)(3), and 405(f) to provide for forfeiture of office for any Council member, Executive, or 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." The latter term seems to me to be an unmeasurable relic of puritanism that should have been erased from our county charter long ago.
- (2) Despite language in section 914(d) which 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 leave no doubt as to whether or not a resolution is properly subject to referendum.

*Kenneth A. Stevens*

Kenneth A. Stevens  
Columbia, MD

## Charter Review Commission Testimony

March 3, 2020

Lisa Kim

8504 Pamela Way

Laurel, MD 20723

In 2017 Martin O'Malley the former Democrat Governor of Maryland stated it was his hope and that of Maryland Democrats to oust Republican Rep. Roscoe G. Bartlett from the seat he had held for nearly two decades. He also stated it was his "intent to create ... a district where the people would be more likely to elect a Democrat than a Republican". He and fellow Maryland Democrats accomplished this through Gerrymandering districts. Also, in 2017 a Howard County Democrat Councilmember declared a Republican would never win in District 4 and she should know because she was on the County Council during the redistricting.

As one can see the fear of less than a fair redistricting process in Maryland and Howard County is real, legitimate and valid. Currently, the Howard County government leans supermajority in favor of one party, the Democrat Party.

The question then becomes how can we ensure a fair process? This question can be answered looking at Maryland's Voir Dire Process. As stated by the Maryland Criminal Defense Attorneys' Association, Maryland employs a "limited voir dire" meaning that the sole recognized purpose of voir dire "is to ensure a fair and impartial jury by determining the existence of [specific] cause for disqualification" rather than, as in many other jurisdictions, facilitating "the intelligent exercise of peremptory challenges."

We Howard County citizens and voters seek to ensure a fair and impartial Redistricting Committee by determining the existence of cause for disqualification such as bias. Redistricting should be fair and impartial to serve the citizens of Howard County and not simply a way to pack the County Council with one mindset to speak for all the citizens of Howard County which is an economically, politically, education level, racially, and ethnically diverse citizenry.

I propose the process we adopt here be modeled on the very fair and impartial Maryland Voir Dire process in order to ensure an equitable outcome for the citizens of Howard County in the public interest.

We can achieve a fair and impartial Redistricting Committee by ensuring that a broad section of Howard County is represented on the Redistricting Committee. The County Council will recommend prospective Redistricting Committee members and both the Republican and Democrat Central Committees of Howard County will have the power to vote up or down any candidate. This process will continue until the Redistricting Committee has the desired number

of members. The process will have no time limit, no candidate limit and no rejection limit. This way, the Members that are ultimately appointed will be assured of being truly impartial arbiters of the redistricting process.

We rely on the collision of partisan self-interest. This is when we achieve balance in our governmental systems. Please adopt a Redistricting Committee prospective member process that achieves the goal of a fair and impartial Redistricting Committee that serves all of Howard County's citizenry.

Thank you.

## Charter Review Commission Testimony

March 3, 2020

Tae Kim

8504 Pamela Way

Laurel, MD 20723

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Thank you.





My name is Frank Hecker, of Ellicott City. As I understand it, the Charter Review Commission is likely to recommend increasing the number of Howard County Council districts from five to seven. However, I would like to go on record as asking the commission to consider recommending an alternative approach: to get rid of council districts, and instead elect seven council members on a county-wide basis using ranked-choice voting, in which voters rank the various candidates in order of their preference.

I also understand that the commission is likely to make other recommendations to improve the process of council redistricting. But beyond the time-consuming and contentious task of drawing new district lines, electing council members by districts has an inherent flaw that cannot be remedied: Suppose you are a voter who is a member of a minority group spread relatively evenly across the county, whether that be a minority ethnic or racial group, a minority political party, or a minority interest group of any type. Your chances of having a council member representing your group are low, because your group is not likely to be a majority in any individual council district.

But in a ranked choice county-wide election your vote will count again: With a seven-member council, if your group makes up at least 10-15% of the voting population you have a good chance of electing at least one council member sympathetic to your interests. If your group makes up at least 20% of voters, that chance becomes almost a certainty.

As documented by FairVote ([fairvote.org](http://fairvote.org)), the Ranked Choice Voting Resource Center ([rankedchoicevoting.org](http://rankedchoicevoting.org)), and others, ranked-choice voting schemes do a much better job of electing candidates who reflect voters' true preferences. They help to preserve the voting power of minority populations, by ensuring that their votes are not wasted: even if their most preferred candidate loses, their second, third, and other preferences can help elect other suitable candidates.

When implemented using properly designed ballots, ranked choice voting is both simple for voters to understand and compatible with optical scan systems like those used in Howard County. The actual tabulation of results can be carried out either by computer or, if desired, by hand, for example in a recount of paper ballots.

Ranked choice voting has been successfully implemented in a number of US jurisdictions, including at the state, city, and county level. In particular, I recommend for the commission's consideration the charter language and detailed voting rules implemented by the city of Cambridge, Massachusetts, for elections to its nine-member City Council and six-member School Committee.

Like Cambridge, Howard County prides itself on its high-tech economy and educated population. It deserves no less than a modern voting system that helps ensure that the Howard County Council reflects as much as possible the rich diversity of the county and the true preferences of its voters. Thank you.

## **Howard County Charter Review Commission**

### **Testimony of Joel Hurewitz**

#### **202(f) Redistricting Commission**

Improve time-line for 2022 and nominal participation of school board (See Attachment)

#### **209(c) and (d)**

Organize paragraphs

Clarify resolutions and bills

#### **211(a)**

Ambiguity of measurement of 5 percent of governor

What is subject to a referendum

606 exception to referendum needs clarification and reference in 211

#### **302(f) and (g)**

County Executive vacancy – make formal the appointment of Chief Administrative Officer

#### **302(i)**

Nominations of Department heads confirmed by Council

#### **304(c)**

Conform Council appointment of acting department heads with lack of need to confirm permanent heads

#### **1003**

60% super majority to terminate Charter

#### **State Code Citations**

All statutory references need to be updated to re-codified state code especially those referencing Article 25A



## HOWARD COUNTY CHARTER AMENDMENTS FOR COUNCILMANIC SCHOOL BOARD ELECTIONS

### Section 202. - The County Council.

#### (f) *Redistricting.*

##### 1. Boundaries.

The Council shall appoint, by resolution, not later than ~~April 4~~ **JANUARY 15** 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.

**IF THE GENERAL ASSEMBLY SHALL PROVIDE FOR THE ELECTION OF THE HOWARD COUNTY SCHOOL BOARD FROM EACH OF THE COUNCILMANIC DISTRICTS, THEN THE SCHOOL BOARD SHALL NOMINATE THREE POLITICALLY UNAFFILIATED PERSONS TO SERVE ON THE COMMISSION.**

The Council shall appoint all such nominees as members of the Commission.

**PROVIDED HOWEVER, IF SCHOOL BOARD MEMBERS ARE NOT TO BE ELECTED FROM EACH OF THE COUNCILMANIC DISTRICTS THEN THE**~~The Council shall appoint all such nominees as members of the Commission as well as one~~ **THREE additional UNAFFILIATED members**~~S of the Commission. The Council shall appoint the Chairperson of the Commission from among the Commission members.~~ **THE COMMISSION SHALL SELECT A CHAIR AND VICE-CHAIR FROM AMONG THEIR MEMBERS.** No person shall be eligible for appointment to the Commission who holds elective office.

**BY JULY 15 OF THE YEAR IN WHICH THE COMMISSION IS APPOINTED, THE COMMISSION SHALL PREPARE A PLAN OF COUNCILMANIC DISTRICTS. THE COMMISSION SHALL AFTER 30 DAYS NOTICE TO THE PUBLIC HOLD A PUBLIC HEARING ON THE PLAN. THE FINAL PLAN OF THE COMMISSION SHALL BE ADOPTED NO LATER THAN DECEMBER 15 AND SHALL BECOME LAW.**

~~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, 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.

Update 06-04-2019

Joel Hurewitz

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Testimony for the

Howard County Charter Review Commission

June, 2019

As someone who has served twice on the county's charter review commission I can both appreciate and sympathize with the duty the commission members have undertaken. Your job is to assure that the charter defines the powers, functions, and structure of our county government in a way that is precise enough to give guidance for today and flexible enough to endure for the future. No matter how good a job past commissions have done or you will do in your own review, there will certainly be items that need addressing every time there is a review. When I read the charter for this iteration I saw several areas I would recommend for revision and have written them up in the order in which they appear in the charter.

Section 202.a County Council Mode of Election When the council structure was changed from election at large to councilmanic districts, I recognized the benefits but was concerned lest council members be too narrow in their interests and not sensitive enough to needs of other parts of the county that were not shared by (but not necessarily counter to) their own district. Over the years we have had many responsible, caring council members who recognize their responsibility to ALL of the residents of the county, but that attitude has been far from unanimous. The problem is especially bad if some residents of a district have an issue on which their own councilmember disagrees with them, and they feel they have no one to turn to. As a result, I think we need to have some at-large seats on the council to assure that more perspectives and concerns are likely to be heeded. Electing two members at large, creating a 7-member council, would accomplish this. If two at-large members agreed with two district members, action could be taken.

I would NOT favor a council larger than 7 members. I want the council to be of a size that the members can work as a group. As someone who regularly had to convene groups as part of my work, I know that the ideal size for a group is generally considered to be 5-7 members. Groups larger than that tend to fracture into subgroups, and it is significantly more difficult to work as a whole or to get consensus.

Section 202.c Term of Office The wording in this paragraph would disqualify someone who has served on the county council 3 terms (or 2 terms plus an appointment) from running again, even after taking a break from the council or if the terms were not consecutive. This contrasts with the language limiting

the county executive's terms, which only prohibits more than two CONSECUTIVE terms, and I suspect it is an oversight. If so, I would recommend revising it.

Section 202. f Redistricting **I consider this perhaps the most significant recommendation I am making.**

I need not repeat the concerns about gerrymandering at all levels of redistricting, and I believe we need to do everything we can to assure that the primary objective of districts in our local elections is to represent geographic and demographic elements of the population, not to maximize the strength of a particular political party. To show the need for this, I would just like to recount a conversation I had with a Redistricting Commission member during the last redistricting. I had some ideas I wanted to share on ways to achieve the objectives of a good district. That member replied that he had only one objective, and that was to elect members of his party. Currently all but one of the redistricting commission are nominated by the central committee of parties getting at least 25% of the vote for county executive in the last election. The council then (without a chance to reject any nominee) confirms those nominees and adds one more member. First of all, if we had a landslide election one year, there would only be one party eligible to nominate members, and the commission would only have four members. More likely, there would be nominees from the two major central committees. I have great respect for a number of central committee members, but their job, legitimately, is to elect members of their own party. They should not be the ones selecting the people who draw district lines, because they would naturally favor highly partisan members. The council, while elected in a partisan election, owe allegiance to all the voters and to broader issues and would be more likely to name active, interested but ideally less partisan citizens. If the size stays at seven, which sounds like a good number, there should be requirements that no more than 3 members be of the same party.

Section 209.(c) Procedure for Passage of Laws Elsewhere the charter recognizes the electronic age by providing for electronic posting of various items, and I suspect this section's lack is simply an oversight. I suggest that the requirement to post new legislation on a bulleting board within 24 hours be amended to add "and electronically on the county's website".

Sections 404, 501, 703, 902, 907, and 1002 Boards and Commissions There are a number of boards and commissions referred to in the charter and a general provision allowing the county to appoint boards and commissions for any public purpose. Some of these are short-term and narrow in their responsibility, while others can have a significant impact. Howard County has a highly unusual population of residents with tremendous expertise in a huge array of fields who are willing to share it. We should require that ALL openings for appointments to ALL boards and commissions be publicized so that potential members can hear about them and apply. This is not currently done. I have on numerous occasions heard about an appointment and thought, "Darn! \_\_\_\_\_ would have been perfect for that board! I wish I had known so that I could tell them about it."

## Charter Review Commission

Testimony from Lisa Markovitz, President The People's Voice, Ellicott City MD

### Suggestions for changes to the Howard County Charter

1. We should have at least 7 Council Members.

Our County has grown significantly since having 5 Council members. I found a copy of the charter online from 1968 that says there were five members, elected at-large. I couldn't find the exact year we changed to districted elections but that was a good thing, and was a very long time ago. Census analyses show that the Council Members are representing over 50,000 constituents, even more than State legislative districts. Thank you to Mr. Howard for blogging some details on that. In recent years, new staff has had to be added to keep up with constituent services in what is supposedly this part-time job. Other Counties pay their Council Members far more than we do, and acknowledge the full-time need of the position.

If you look at other Counties, they add Council Member positions over time to keep up with population growth, and we have not. You will likely be discussing how to advise to change this and I suggest that new districts be drawn versus just adding at-large positions. Adding countywide positions will not lessen the number of constituents per district. Also, those running countywide will likely be elected with less focus on issues and grass roots productivity, making only the big money candidates able to procure those seats.

Our delegation recently districted our Board of Education elections and we need to keep our Council members districted, for all the same good reasons, accountability, constituent relation and regional issue experience. We just need more of them to help serve such a larger population.

2. Give more power to the County to direct budget funding. Having been on the School System's Operating Budget Review Committee, where we poured over the foot tall budget binders over the years, I have seen many areas in need of more efficiency. I think some attention should be given to areas of the Charter where more authority to direct funding within categories of the School Budget could be given. After all, taking up such a large percentage of the County budget, the Executive and Legislative branch should have more ability to avoid certain cuts legally, if they so desire.
3. Attorney representation for the Council should be directed within the Office of Law with their own Counsel. There is precedent of examples of this in the State policies where attorneys and staff are assigned to different bodies. Also, allowances are made where the legislature has the authority to hire their own counsel when they feel they need further advice.

We do believe that it is not best to fix personnel problems with Charter changes, but for a very long time now, we have been seeing an overwhelmed Office of Law with unfilled positions, and there needs to be more ability to get answers, get them quickly, and fully flushed out. I have seen too many examples of incomplete answers, and frustration on the part of Council Members who have to abide by deadlines in the legislative process, who should have more resources to get their legal needs met quickly and thoroughly.

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Thank you for listening to my concerns as you consider changes to the Howard County Charter.

First, I believe that we should go to 7 County Council Representatives with 7 distinct Council Districts. We went to the 5 man councilmanic districts around 1960. The population growth has been nearly six fold and is concentrated much differently now, in many areas, besides Columbia. The current representatives are trying to represent more than 50,000 citizens, each. Elkridge and Laurel have virtually no representation. This was debated at the last Commission Committee, 8 to 10 years ago, and Courtney Watson was in favor of this back then. I think that the time is perfect to do this now. We have the census coming up, which will solidify the population numbers and certify the growth by area. We also went to Board of Ed representation by councilmanic district and since we have 7 members, we could continue in this vein easily with a representative for each district. Howard County is much more diverse than just Columbia, and the rest of the county is severely under-represented. Columbia has its own Adequate Public Facilities rules and laws for density, roads, and Homeowners Associations By-Laws. Columbia should have its own two districts with their representatives who understand their unique laws and rules, and the other five districts should be aligned with their own specific growth issues, and a representative who is familiar with these. The representatives would then be better versed to work with the rest of the council to represent the needs of its citizens. During my research on this, I found that some ranking county officials liked the "7 districts" idea.

Second, the county Council should not be the planning board, first and foremost because it precludes Council members from discussing zoning matters with their constituents.

Third, I would like to see a way written into the Charter for citizens to referendum County Resolutions, not just County Bills, as well as old legislation and policies (Example Policy 6010), at any time. Currently, the citizens have no say on past bills and policies that have turned out poorly. The people of Howard County should have the ability to collect signatures and put any item on the ballot, for the citizens to vote on. For example, a way to slow growth, if we need more businesses, instead of homes that require school seats, or higher developer fees. The citizens have no avenue for legal input. The council sessions do not have a public input session at their meetings. Other counties and cities have this language. But this is, far and away, one of the most important issues that needs a solution. I have never seen so many Howard County constituents as angry as they are, with certain County policies, and they feel that they have no recourse. The current Council has a poor track record of answering their Emails. The citizens need a concrete way to participate and vote on issues.

**Citizen Testimony Presented to the Howard County, Maryland Charter Review Commission**

**By William H. Campbell of Columbia, MD 21045**

October 24, 2019

After an extensive review of the existing Howard County, Maryland County Charter, I/we (insert names) request that the following recommendations be included and supported in your final report:

**County Zoning Board**

**Background** – Currently the Howard County Council performs the duties of the County Zoning Board. This is unacceptable for several reasons. The Council is the County's legislature, while the Zoning Board performs duties more appropriately performed under the County Executive, like all other administrative and enforcement agencies. Zoning deliberations and public hearings demand a significant amount of time which could be better spent on legislation and constituent service. As long as developers are allowed to contribute to County Council election campaigns, while the County Council is acting as the Zoning Board there is the appearance of a serious conflict of interest. How can Howard County residents know that election campaign contributions are not influencing zoning decisions?

The County Council should exercise an oversight role in zoning decisions to ensure that they comply with the public's best interests. Therefore, the County Council should oversee the zoning appeals process, to maintain appropriate checks and balances are maintained. We urge you to recommend the following in your report:

**Recommendation** – The County Council should transfer the duties, authority and responsibility for all zoning decisions to an agency within the County Administration, and under the management of the County Executive. The County Council should also establish adequate oversight and zoning appeals entity under the management of the Council.

