

**FINAL REPORT,  
RECOMMENDATIONS, AND  
ADVISORY NOTES OF THE  
2019-2020  
CHARTER REVIEW COMMISSION**

**Submitted:  
APRIL 30, 2020**

**2019-2020**  
**CHARTER REVIEW COMMISSION FINAL REPORT,**  
**RECOMMENDATIONS, AND ADVISORY NOTES**

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**CHARTER REVIEW COMMISSION**  
**FINAL REPORT & RECOMMENDATIONS**

**I. General Information**

On March 4, 2019, the County Council enacted Resolution No. 18-2019. The Resolution established a Charter Review Commission. 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...".<sup>1</sup> The Commission consists of fifteen (15) residents of Howard County. Five of the members were selected from a list of ten names which were submitted by the County Executive. No more than ten of the members of the Charter Review Commission are of the same political party. The members of the Commission are as follows:

**Commission Members:**

**Yolanda Sonnier, Ellicott City, MD - Chair**  
**Ron Brade, Clarksville, MD\*\***  
**Richard Butler, Columbia, MD\*\*<sup>2</sup>**  
**Judith Center, Columbia, MD**  
**Ayesha Holmes, Sykesville, MD**  
**James Howard, Columbia, MD**  
**Tahira Mussarat Husain, Fulton, MD**  
**Deeba Jafri, Elkridge, MD**  
**Elgin Klugh, Columbia, MD**  
**Stu Kohn, Laurel, MD**  
**Fred Leong, Laurel, MD**  
**Margaret Ann Nolan, Ellicott City, MD**  
**Dawn Popp, Elkridge, MD**  
**Paul Skalny, Ellicott City, MD**  
**Carolan Stansky, Ellicott City, MD**  
**James D. Walsh, Woodbine, MD**

The Commission began by studying the Howard County Charter and the structure of County government. Additionally, the Commission invited the County Executive, County Council, County delegation, leaders of County departments and chairs of boards and commissions in the County to provide input regarding 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 where it posted recordings of its twenty-four (24) meetings and posted minutes for public review. All the Commission meetings were advertised and open to the public. At each of the meetings, the Office of Law was present to provide advice and

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<sup>1</sup> Resolution No. 18-2019

<sup>2</sup> \*\*Richard Butler was appointed on November 4, 2019 by Council Resolution 125-2019 to replace Ron Brade, who resigned due to work obligations on September 24, 2019.

guidance when needed. In addition to the Commission's regular meetings, the Commission held four (4) public hearings that were located throughout the County to encourage residents to take part in the Charter review discussions. Please refer to the Appendix in this report for their written testimony. The Commission advertised the public hearings in various formats including, but not limited to, local newspapers, on the Commission website, on the County's GTV, posted on the Council bulletin board, Council Chair announcements at public meetings prior to the Commission public hearings, and the Commissioners shared with their respective networks and on their social media outlets.

**Commission Meeting Dates and guest who attended the meetings:**

The Charter Review Commission held extensive meetings on the following dates and invited guests to attend some of the meetings. Each of the meetings were held for approximately two (2) hours from 8:30 a.m. to 10:30 a.m. on the following dates:

April 10, 2019 – Organizational Meeting

April 24, 2019

May 8, 2019

May 23, 2019

June 6, 2019 - Ms. Shives and Ms. Thakkar attended to discuss SharePoint

June 20, 2019 – Ms. Shives attended to further discuss SharePoint

July 11, 2019 – Presentation by Jeff Bronow, Division Chief, Division of Research, Department of Planning and Zoning on How the Population in Howard County has changed by Councilmanic District since 2010 and Future Projections of Population Growth in Howard County by Councilmanic District

July 24, 2019 – Councilmembers Walsh, Mercer Rigby, Jung and Yungmann, County Auditor Craig Glendenning, former Council Administrator/ Delegate Jessica Feldmark attended to answer questions and provide recommendations.

Sept. 4, 2019

Sept. 24, 2019 – Jennifer Sager on behalf of the County Executive Calvin Ball, Budget Director Dr. Holly Sun, and Deputy County Auditor Michelle Harrod attended to answer questions and provide recommendations.

Oct. 8, 2019 – Delegate Jen Terrasa attended to answer questions and provide recommendations.

Oct. 22, 2019

Nov. 6, 2019

Nov. 20, 2019

Dec. 5, 2019 – Councilmember Jones attended to answer questions and provide recommendations.

Jan. 14, 2020

Jan. 28, 2020 – Council Administrator Diane Schwartz Jones and Board of Elections Director Guy Mickley (via teleconference) attended to answer questions and provide recommendations.

Feb. 11, 2020 – Council Administrator, Diane Schwartz Jones, attended to answer questions and provide recommendations.

Feb. 18, 2020

Feb. 25, 2020 – Dr. Holly Sun and Michelle Harrod attended to answer questions.

March 11, 2020

March 24, 2020<sup>3</sup>

April 14, 2020<sup>4</sup>

April 28, 2020<sup>5</sup>

**Public Hearing Dates:**

Each of the public meetings were held at 7:00 pm.

June 4, 2019 - Banneker Room, 3430 Court House Drive, Ellicott City, MD

September 19, 2019 - North Laurel Community Center, 9411 Whiskey Bottom Road, Laurel, MD

October 24, 2019 - Gary J. Arthur Community Center, 2400 Route 97, Cooksville, MD

March 3, 2020 - Banneker Room, 3430 Court House Drive, Ellicott City, MD

The following members of the public testified at these meetings:

1. June 4, 2019 – Kenneth Stevens, Angie Boyter, and Lisa Markovitz
2. September 19, 2019 – Joel Hurewitz
3. October 24, 2019 – William Campbell, Steven Wilson, Amber Butler, and Diane Butler.
4. March 3, 2020 – Bernard Noppinger, Lisa Kim, Tae Kim, Frank Hecker, and Diane Butler.

The written testimony and suggested Councilmanic Districts map received are included in the Appendix.

**Additional Meeting Dates:**

The Commission will no longer meet unless the County Council requests we reconvene for a specific reason.

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<sup>3</sup> Meeting was held virtually due to Covid-19.

<sup>4</sup> Meeting was held virtually due to Covid-19.

<sup>5</sup> Meeting was held virtually due to Covid-19.

## **II. Charter Review Commission Recommendations:**

The Charter Review Commission discussed many possible proposed revisions to the County Charter. The Commission agreed on nine (9) recommendations. First, a synopsis of the nine (9) recommendations will be listed followed by an in-depth analysis of the Commission's recommendations and additional advisory notes.

### **SYNOPSIS OF RECOMMENDATIONS**

1) The Commission recommends expanding the County Council from five members to seven members, comprising seven individually-elected districts. [Sec. 202.]

2) The Commission recommends that the Charter be changed so that the Councilmanic Redistricting Commission shall have seven members appointed by the County Council from a list of applicants, that no more than three members may be from the same political party, and that no person shall be eligible for appointment to the Commission who holds elective office or any office with a political party or resides in the same household of any such person. [Sec. 202 (f).]

3) The Commission recommends moving the deadline forward for the actions associated with the Councilmanic Redistricting Commission. Specifically, we recommend: a) moving the date by which the County Council must appoint the Commission members to not later than March 1 of the year after each decennial census date; b) moving the date by which the Councilmanic Redistricting Commission must prepare and present a plan of Councilmanic Districts to the Council to September 15 of the year in which the Commission is appointed; c) moving the date by which, if no ordinance re-establishing the boundaries of the Councilmanic Districts has been enacted, the plan submitted by the Commission becomes law on November 30 of the year in which the Commission is appointed. [Sec. 202 (f).]

4) The Commission recommends reducing the terms of members of standing boards and commissions from five (5) years to three (3) years. [Sec. 404(a).]

5) 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. We also recommend consideration of moving the Office of Law to a separate article so that it is not structurally included under the Executive Branch. [Sec. 405.]

6) The Commission recommends updating the notice requirements in Sections 209(c), 212, 602(b), 605, 1001, and 1003 to include publication in at least one electronic medium, in addition to the newspaper publication currently required in those sections.

7) The Commission recommends changes to Section 202(g) to move certain zoning functions to the Board of Appeals in an effort to diminish the perception that zoning may be influenced by a perceived nexus between political activity and campaign financing and to permit Councilmembers to provide constituent services without concern regarding charges of improper *ex parte* communication if a particular type of zoning matter is pending. The recommended delegation excludes piecemeal map amendments, comprehensive rezoning, and zoning text amendments, all

of which would remain with the Council. The recommendation also includes changes in the number of Board Members, decrease in length of term, and updated language regarding the compensation of Board Members.

8) The Commission recommends revising the powers granted to the County Board of Appeals to include Reclassification Map Amendments established under the “Change and Mistake” Principle set out by the Maryland Court of Appeals, Map Amendments and for Decisions on Development Plans.

9) The Commission recommends changing calendar dates to business dates in Section 209 (g).

### **III. ANALYSIS OF RECOMMENDATIONS**

**Text in bold and capitalized are the additions recommended to the Charter. The text with a strike though denotes recommended deletions to the Charter.**

#### **RECOMMENDATION #1 - Increase Council from 5 to 7 members**

The Commission recommends expanding the County Council from five members to seven members, comprising seven individually-elected districts.

We noted several reasons for this expansion. First, we note that under the current Council structure, each member represents approximately 66,000 people. This number is substantially less than other counties in Maryland, such as Montgomery, where each district represents an average of nearly 200,000 members. However, the average across Maryland counties is approximately 33,000 persons per legislature member. Presently, each district is larger than the entire population of Howard County when the charter form of government was adopted in 1968. Increasing the Council will bring members closer to their districts and in line with the rest of the state, allowing for better support for constituents and their needs. Further, we note that the geographic and cultural diversity of Howard County could be better represented with two more County Council members allowing for districts that represent constituent groups more directly. The Commission received this suggestion more than any other at its public hearings. A map provided by Steven Wilson at the October 24, 2019 public hearing shows his recommendation of the new Councilmanic Districts.

We have identified some drawbacks to this proposal. We believe the biggest drawback is the increased cost. The Commission notes there are increased staffing and subsidiary costs to increasing the number of members of the Council. We have also noted that certain aspects of state law, especially the structure of the Board of Education of Howard County, is dependent upon the current five district structure. Accordingly, any change to the district structure of the Howard County Council would require accompanying changes in state law.

Finally, we note that the current time is an excellent time to make this change. With the 2020 Census occurring now and the results pending, the County Council is required to

appoint a Councilmanic Redistricting Commission in 2021 to redraw the district lines. Whether there are five or seven districts, this process happens automatically, and the Redistricting Commission will have to complete this task regardless. In addition, as any Charter revision requires voter approval at a general election, the 2020 General Election can set this stage and the pieces follow on simply and easily with the new Census and new districts, which would then be effective for the 2022 election cycle, if the Council were to approve this recommendation. Note that the Commission discussed, but did not support, the addition of any at-large Council members.

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## **Section 202. - The County Council.**

The legislative power of the County is vested in the County Council of Howard County which shall consist of ~~five~~ **SEVEN** members who shall be elected from the Councilmanic Districts.

### **RECOMMENDATION #2 - Structure of Redistricting Commission**

The Commission recommends that the Charter be changed so that the Councilmanic Redistricting Commission shall have seven members appointed from a list of applicants, that no more than three members from the same political party, and that no person shall be eligible for appointment to the Commission who holds elective office or any office with a political party or resides in the same household of any such person.

The goal of this recommendation is to create an independent redistricting process. Recent years have seen a stronger push toward independent redistricting processes at every level of government. Howard County's current system leaves the process in the hands of those appointed by the local political party central committees, and the Commission does not believe this is appropriate or reasonable. The proposed process ensures that the final decision about appointees lies in the hands of elected officials, where it belongs, and that the commission is structured to maintain a balance of political interests, while minimizing risk of conflict of interests among the members.

The Commission notes that this recommendation will actively remove power from the local central committees, but we do not see this as a negative.

See Charter Change outlined after Recommendation #3.

### **RECOMMENDATION #3 - Changes affecting the Redistricting Commission Dates**

The Commission suggests moving the deadline forward for the actions associated with the Councilmanic Redistricting Commission. Specifically, we recommend: a) moving the date by which the Council must appoint Commission members to not later than March 1 of the year after each decennial census date; b) moving the date by which the Councilmanic Redistricting Commission must prepare and present a plan of Councilmanic Districts to the Council to September 15 of the year in which the Commission is appointed; and c) moving the date by which, if no ordinance re-establishing the boundaries of the Councilmanic



Districts has been enacted, the plan submitted by the Commission becomes law on November 30 of the year in which the Commission is appointed.

We recommend this so that the Howard County Board of Elections has adequate time to accomplish its work to prepare for the primary election in June 2022. In addition, under the current timeline, it is possible the final boundary lines could be decided after the deadline for filing as a candidate in the following primary election. Obviously, candidates cannot file to run for a district-based position if nobody, including the Board of Elections, knows where the district boundaries are. We also note that because primary elections were moved to June from September to June in 2014, the 2021 redistricting will be the first redistricting cycle affected by this change.

We note that this change does place increased pressure on the Councilmanic Redistricting Commission, the County Council, and the County Executive to finalize district boundaries. However, this is a necessary consequence of the reduced amount of time between the release of the Census results and the next primary election.

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#### 202 (f) *Redistricting.*

##### 1. Boundaries

The Council shall appoint, by resolution, not later than April ~~April~~ **MARCH 1** of the year after each decennial census date, a **SEVEN MEMBER** 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 **FROM A LIST OF QUALIFIED RESIDENTS** ~~as well as one additional member of the Commission.~~ **THE REDISTRICTING COMMISSION SHALL HAVE NO MORE THAN THREE MEMBERS FROM THE SAME POLITICAL PARTY.** 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 **WITH A POLITICAL PARTY OR RESIDES IN THE SAME HOUSEHOLD OF ANY SUCH PERSON.**

By ~~October~~ **SEPTEMBER 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~~ **NOVEMBER 30 OF THE YEAR IN WHICH THE COMMISSION IS APPOINTED** ~~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.

**RECOMMENDATION #4 - Reduce Terms of Boards and Commissions**

The Commission recommends reducing the terms of members of standing boards and commissions from five (5) years to three (3) years.

The basis of this recommendation is a request from the Office of the Howard County Executive due to the difficulty of finding potential members willing to commit to a five (5) year term. The Executive believes that if the default term were reduced to three years, some individuals would be more willing to volunteer for those positions. The Commission agrees with this assessment and therefore makes the recommendation. We hope this will open positions in County boards and commissions to a larger swath of the Howard County population.

We observe two potential drawbacks to this recommendation. First, this will require additional work in recruiting new members with increased turnover. This workload will fall primarily on the staff of the Office of the County Executive and the County Council will see an increased number of appointments resolutions. We do not believe these are substantial impediments to the proposal. Further, the workload can be mitigated, by expanding the number of terms a member is limited to from two to three. This would have the effect of reducing the total term possible from ten to nine years and would allow someone interested in serving more than three years the opportunity, subject to the approval of the County Executive and County Council.

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**Section 404. - Citizen boards.**

(a) Citizen boards appropriate to the functions of the Executive and the Legislative branches of government shall be established by law, and the members shall be appointed by the County Executive with confirmation by the County Council. The boards may conduct studies and reviews, advise and recommend, and assume other functions as defined by law. Each board, other than those boards provided by Sections 501, 703 and 902 hereof, shall consist of at least five residents of Howard County who shall serve for overlapping terms of ~~five~~ **THREE** years, or until a successor is confirmed. Board members shall receive no compensation for their services except reasonable and necessary expenses as may be provided in the budget. No member shall be reappointed after having served eight consecutive years immediately before reappointment.

#### **RECOMMENDATION #5 - Office of Law**

The Commission recommends that the independence of the Office of Law be clarified and increased, making it clear that the County Solicitor is the sole appointing authority for attorneys within that Office, giving the Solicitor increased budget authority, independent of the Executive Office's budget. It is also recommended to move the Office of Law to a separate article in the Charter so that it is not structurally included under the Executive Branch.

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#### **Section 405. – The Office of Law.**

(b) *Assistants to the County Solicitor.* The County Solicitor, ~~with the approval of the Executive~~ may appoint, subject to the provisions of Article VII of this Charter, such assistants to serve as members of the legal staff as may be required for proper performance of the duties of the Office of Law.

#### **Section 602. - Comprehensive scope of budget; public hearing.**

(a) The County budget shall consist of the current expense budget and operating expense program, the capital budget and capital program, and the budget message. It shall represent a complete financial plan for the County reflecting receipts and disbursements from all sources, including all revenues, all expenditures and the surplus or deficit in the general fund and all special funds of the County government, and it shall also include the budgets as submitted by the County Council, **THE OFFICE OF LAW**, and the Board of Appeals.

#### **RECOMMENDATION #6 - Notice Requirements**

The Commission recommends in Sections 209(c), 212, 602(b), 605, 1001 and 1003 of the Charter to include publication in at least one electronic medium, in addition to the newspaper publication currently required in those sections.

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**Section 209(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 **AND IN AT LEAST ONE ELECTRONIC MEDIUM READILY AVAILABLE TO THE PUBLIC**. 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.

**Section 212:** The Council shall, by resolution, appoint a County Auditor who shall hold office for an indefinite term at the pleasure of the Council and shall receive such compensation as the Council may determine. The County Auditor shall be a certified public accountant licensed for the practice of his or her profession under the laws of this State and shall be appointed on the basis of his or her knowledge of governmental accounting and auditing and his or her experience pertaining to the duties of his or her office. The County Auditor shall, not later than November 30 of each year, prepare and submit to the Council and to the County Executive, a complete financial audit for the preceding fiscal year of all offices, departments, institutions, boards, commissions, corporations, courts and other agencies of the County government. The Council may in its discretion except those agencies whose entire records, accounts and affairs are completely audited each year with the approval of or by the State government. Such audit shall include a report thereon together with such explanatory comments as the Auditor may deem appropriate. Notice of the availability of the report shall be published in at least one newspaper of general circulation in the County **AND IN AT LEAST ONE ELECTRONIC MEDIUM READILY AVAILABLE TO THE PUBLIC**, and copies of

the complete audit shall be available to the public and the press in the County Auditor's office and at the public libraries. In addition to any financial audit required by this section, the County Auditor shall have the authority to conduct other financial or management audits. All records and files maintained by all officers, agents and employees of the County and all offices, departments, institutions, boards, commissions, courts and corporations and other agencies thereof, shall at all times be open to the inspection of the County Auditor where necessary for the conduct of his or her office. The County Auditor shall promptly call to the attention of the Council and the County Executive any irregularity or improper procedure which he or she may, from time to time, discover. The Council shall have the power to implement the provisions of this section and to assign additional functions, duties and personnel to the County Auditor not inconsistent with those provided herein. All actions of the Council pursuant to this section shall be exempt from the executive veto.

**Section 602(b):** During preparation of the budget the County Executive shall hold at least two public hearings to receive public comment. One hearing shall be held in December to receive proposals for inclusion in the budget. The other shall be held in March to receive comments on budget requests. Notice of the time and place of the hearings 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.**

**Section 605:** Upon receipt of the proposed County budget; the Administrator of the Council shall cause to be published in at least two newspapers of general circulation in the County **AND IN AT LEAST ONE ELECTRONIC MEDIUM READILY AVAILABLE TO THE PUBLIC** a notice of the place and time of a public hearing on the budget by the Council. Such hearing shall be held not less than fifteen nor more than twenty days after the date of the filing of the proposed budget by the Executive. The Council may hold such other preliminary public hearings on the budget for the purpose of obtaining information as it may determine but no action shall be taken by the Council on the budget except in public meeting and after the public hearing specified above.

**Section 1001:** Amendments to this Charter may be proposed by a resolution of the Council approved by not less than two-thirds of its members. Amendments may also be proposed by petition filed with the Chairperson of the County Council and signed by not less than twenty per centum of the registered voters of the County, or 10,000 of such registered voters in case twenty per centum of the number of registered voters is greater than 10,000. When so proposed, whether by resolution of the Council or by petition, the Chairperson of the County Council shall make available to the press and public a reasonable number of copies of the question which shall be submitted to the voters of the County at the next general or Congressional election occurring after the adoption of said resolution or the filing of said petition; and if at said election the majority of votes cast on the question shall be in favor of the proposed amendment, such amendment shall stand

adopted from and after the thirtieth day following said election. Any amendments to this Charter, proposed in the manner aforesaid, shall be published by the Chairperson of the County Council in at least one newspaper of general circulation published in the County **AND IN AT LEAST ONE ELECTRONIC MEDIUM READILY AVAILABLE TO THE PUBLIC** for five successive weeks prior to the election at which the question shall be considered by the voters of the County.

**Section 1003:** The Council may, by ordinance, approved by the affirmative vote of at least two-thirds of the members, propose the termination of this Charter and return of the County to the County Commissioners form of government in effect prior to the adoption of this Charter. The same proposal may be made by petition signed by twenty per centum or more of the registered voters of the County, or 10,000 of such registered voters in case twenty per centum is greater than 10,000. Such petition shall be filed with the Executive. The question so proposed by act of the Council or by petition shall be published by the Executive in at least two newspapers of general circulation published in the County **AND IN AT LEAST ONE ELECTRONIC MEDIUM READILY AVAILABLE TO THE PUBLIC** once each month for five successive months prior to the next general election or Congressional election occurring [after] the passage of such act or the filing of such petition. At such election, such question shall be submitted to the voters of the County, and if the majority of votes cast on the question shall be in favor of repealing this Charter, then, at the next quadrennial election, County Commissioners shall be elected under the public general laws of the State of Maryland. When the County Commissioners so elected have qualified for office, this Charter shall terminate. All laws, regulations and ordinances in effect at the termination of this Charter shall remain in force until changed by action of the General Assembly of Maryland, or the Board of County Commissioners, as provided by the Constitution and public general laws of this State.

#### **RECOMMENDATION #7 - County Board of Appeals**

The Commission recommends that each Council district have representation on the Board of Appeals, whether that be 5 or 7 districts in the future. The Commission recommends that the Board of Appeals, by Charter, shall become the appellate body for any zoning appeal under Maryland's "change or mistake" provision or for an appeal of any development plan (whether Council chooses by ordinance to vest original jurisdiction for such matters with the Hearing Examiner or the Board of Appeals). Other zoning decisions would be left to the County Council.

While this Commission recognizes that current members of the Council may not favor this change, we strongly believe such a change is in the best interests of the citizens of Howard County. When sitting as the Zoning Board (the current practice), the Council acts in a

quasi-judicial role and thus Council members may not accept testimony from citizens or interested parties.

For years, citizens have expressed concern about the asymmetry this creates: interested developers have money, knowledge, and lead time. This contrasts with when zoning changes occur as part of the General Plan process when communication can occur with elected officials and many citizens are encouraged to take part in creating a “vision” for the County’s future. There is a public perception of a conflict of interest when County Council members receive political contributions from certain persons or entities, especially from the development community.

The Commission thoroughly discussed the best solution and voted to have an independent zoning board. However, at a subsequent meeting, the Office of Law stated under State Law, an independent zoning board could not be established. The Commission further discussed the options and decided the best alternative would be the Board of Appeals acting in the role of the Zoning Board but with some zoning powers reserved for the County Council.

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Section 501. - The County Board of Appeals.

(a) *Appointment; term; compensation.* The County Board of Appeals shall consist of **ONE** ~~five~~ registered voters ~~and residents of the County~~ **FROM EACH COUNCIL DISTRICT. EACH MEMBER OF THE BOARD SHALL BE** appointed by the Council **TO** ~~Appointees shall~~ serve overlapping terms of **THREE** ~~five~~ years from the first day of January of the year of their appointments, or until their successors are appointed. **IF, HOWEVER, THE NUMBER OF MEMBERS IS CHANGED, FOR THE NEXT APPOINTMENT(S) AFTER SUCH CHANGE, COUNCIL MAY APPOINT ANY MEMBER TO A TERM OF LESS THAN THREE YEARS TO THE EXTENT NECESSARY TO MAINTAIN, AS NEAR AS POSSIBLE, THE SAME NUMBER OF TERMS EXPIRING IN EACH YEAR.** Vacancies, except those at the expiration of a term, shall be filled in the same manner as the original appointment and for the unexpired term. No member shall be reappointed after having served eight consecutive years immediately prior to reappointment. No more than **A SIMPLE MAJORITY OF** ~~three~~ members shall be registered with the same political party. The members of the Board shall be paid at the rate of **SIX THOUSAND** ~~Twelve Hundred Dollars (\$1,200.00)~~ **(\$6,000.00)** per year unless such compensation be changed as provided in Section 501(f) of this article. Members of the Board shall receive reasonable and necessary expenses as may be provided in the budget.

(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 **THE LOCAL GOVERNMENT** Article-25A, Section 5(u) **10-305** of the Annotated Code of Maryland, **INCLUDING**

**RECLASSIFICATION MAP AMENDMENTS ESTABLISHED UNDER THE "CHANGE AND MISTAKE" PRINCIPLE SET OUT BY THE MARYLAND COURT OF APPEALS, AND FOR DECISIONS ON DEVELOPMENT PLANS, BUT** excluding those matters affecting the adopting of or change in the general plan, **PIECEMEAL MAP AMENDMENTS, COMPREHENSIVE zoning-map REZONING, AND ZONING TEXT AMENDMENTS**, rules, regulations or ordinances.

(c) Rules of practice and procedure. The Board of Appeals shall have authority to adopt and amend rules of practice governing its proceedings which shall have the force and effect of law when approved by legislative act of the Council. Such rules of practice and procedures shall not be inconsistent with the Administrative Procedure Act of the Annotated Code of Maryland. The rules may relate to filing fees, meetings and hearings of the Board, the manner in which its Chairperson shall be selected and the terms which he shall serve as Chairperson and other pertinent matters deemed appropriate and necessary for the Board. **A SIMPLE MAJORITY OF** ~~Three~~ members of the Board shall constitute a quorum of the Board, and its hearings shall receive public notice as required by law. All hearings held by the Board shall be open to the public, and provision shall be made for all interested citizens and citizens groups to be heard. The Board shall cause to be maintained complete public records of its proceedings, with a suitable index.

(d) Appeals from decisions of the Board. Within thirty days after any decision of the Board of Appeals is entered, any person, officer, department, board or bureau of the County, jointly or severally aggrieved by any such decision, may appeal to the Circuit Court for Howard County, in accordance with the Maryland Rules of Procedure. The Board of Appeals shall be a party to all appeals and shall be represented at any such hearing by the Office of Law.

(e) Employees of the Board. The Board may appoint, within budgetary limitations, such employees, and the Executive shall make available to the Board such services and facilities of the County, as are necessary or appropriate for the proper performance of its duties.

(f) Implementing legislation. The powers and functions of the Board of Appeals as herein provided for shall be defined by implementing legislation heretofore or hereafter enacted by the Council, subject to and to the extent required by applicable State law. The Council may by legislative act increase the compensation of the members of the Board of Appeals as provided in Section 501(a) of this Article and thereafter decrease such compensation; provided, however, that no reduction shall affect the compensation of a member of the Board of Appeals during his or her current term, and in no event shall the council have the power to decrease the compensation of members of the Board below the figure provided in this Charter. To the extent permitted by State law, the Council shall also have the power, by legislative act, to prescribe other appeals to be heard by, or to limit the jurisdiction of, the Board of Appeals in addition to those specified in this Article.



#### **RECOMMENDATION #8 - Section 202(g) revisions**

The Commission requests this modification to remain consistent with the proposed recommendations to the Board of Appeals and the zoning authority granted in Section 501 of the Charter and outlined in Recommendation 7.

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#### **Section 202. - The County Council.**

(g) *Planning and zoning.* 4. **EXCEPT AS PROVIDED IN SECTION 501(B),** 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.

#### **RECOMMENDATION #9 - Change calendar dates to business dates - Section 209 (g)**

The Commission agrees with testimony from the previous Council Administrator that making this limited change will eliminate the need for weekend work without harming citizen interests.

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#### **Section 209. - Legislative procedure.**

(g) *Executive veto.* Upon the passage of any legislation by the Council, with the exception of such measures as may in this Charter be made expressly exempt from the executive veto, the same shall be presented within three **BUSINESS** ~~calendar~~ days to the County Executive for his or her approval or disapproval, and within ten calendar days after such presentation the County Executive shall return any such legislation to the Council with his or her approval endorsed thereon or with a statement in writing of his or her reasons for not approving the same. Upon approval by the County Executive, any such legislation shall stand enacted. Any such legislation presented to the County Executive and returned with his or her veto may be reconsidered by the Council. The County Executive's objections shall be entered upon the Journal of the Council, and not later than at its next legislative session, the Council may reconsider the enactment thereof; and if two-thirds of the members of the Council vote in the affirmative, the legislation shall stand enacted. Whenever the County Executive shall fail to return any such legislation within ten days after the date of its presentation to him or her, the Administrator of the Council shall forthwith record the fact of such

failure in the Journal and such legislative act shall thereupon stand enacted. The County Executive may strike out or reduce any item in a supplementary appropriation bill and the procedure in such a case shall be the same as in the case of the veto of a bill by the County Executive.

#### **IV. ADVISORY NOTES**

Some issues generated substantial discussion, but the Commission declined to make a formal recommendation at this time for reasons noted below. Additionally, there was a fine line about whether the issues were Charter issues, policy or procedural matters.

1. The Howard County government should formally include the projected revenue for all years covered by the multi-year capital improvement plan budget. The Commission notes the testimony of the County's Budget Officer that Howard County's practice in this matter is atypical compared to other counties in Maryland, including but not limited to, Prince George's County.
2. The Commission advises the County Council to study the role of the County Auditor and determine what changes, if any, should be made to the Charter, Howard County Code, and/or any county policy and procedures to enhance the independence and oversight abilities of the County Auditor and staff.

The Commission considered the testimony of the County Auditor regarding the duties of that Office but felt changes to the role of the County Auditor need further exploration beyond making incremental changes to certain policies and procedures.

3. The Commission advises the County Council, at some point in the future, to commence an examination of the wording, grammar, and organization of the Charter, without changing the meaning of the Charter.

In an effort to make the number and scope of the recommendations reasonable, the Commission declined to make comprehensive recommendations in this area but note that it would be valuable to have a Charter whose language is more accessible and updated for County citizens.

#### **V. CONCLUSION**

Each Recommendation is worthy of the County Council hosting a public hearing to receive the comments and feedback of the Howard County community. The questions for the ballot must be certified by the Office of Law no later than July 31, 2020.

It has been an honor for each member to serve on the 2019-2020 Charter Review Commission. Thank you.

# APPENDIX

- (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

*Angie Boyter*  
*3914 MacAlpine Road*  
*Ellicott City MD 21042*  
*boyter@boyter.net*

*410 465-1444*

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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## **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

**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.

# Howard County 7 Council Districts



Proposed Districts by  
PUSH - People United Serving Howard

Amber Dawn Butler  
4056 Saint John Lane  
Ellicott City, MD 21042  
410-461-0066

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.



## 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

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.

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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.



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.

**From:** LINDA Wengel <[lwengel@msn.com](mailto:lwengel@msn.com)>

**Sent:** Monday, March 9, 2020 1:22 PM

**To:** Charter Review Commission <[charterreviewcommission@howardcountymd.gov](mailto:charterreviewcommission@howardcountymd.gov)>

**Subject:** LWVHC TESTIMONY ON FAIR REDISTRICTING

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

The League of Women Voters of Howard County is pleased to offer its criteria for fair councilmanic redistricting based on the position of the League of Women Voters of the United States, which is applicable to all levels of government.

Responsibility for redistricting should be invested in an independent special commission, with membership that reflects the diversity of the County, including citizens at large, representatives of public interest groups, and members of minority groups.

The standards on which a redistricting plan is based must require substantially equal population, geographic contiguity, and effective representation of racial minorities. A plan should provide for promotion of partisan fairness, preservation of "communities of interest".

A plan must explicitly reject protection of incumbents or protection and preferential treatment for a political party through such devices as considering party affiliation, voting history and candidate residence.

I apologize for the lateness of this testimony. I hope you will find it useful.

Linda Wengel

Action Chair

League of Women Voters of Howard County