

County Council of Howard County, Maryland

2019 Legislative Session

Legislative day # 8

RESOLUTION NO. 100 2019

Introduced by: Christiana Mercer Rigby

A RESOLUTION amending the Howard County Council Rules of Procedure to alter the time to sign up to testify at a public hearing.

Introduced and read first time on June 3, 2019.

By order


Jessica Feldmark, Administrator to the County Council

Read for a second time and a public hearing held on June 17, 2019.

By order


Jessica Feldmark, Administrator to the County Council

This Resolution was read the third time and was Adopted , Adopted with amendments ___, Failed ___, Withdrawn ___ by the County Council on July 1, 2019.

Certified by


Jessica Feldmark, Administrator to the County Council

NOTE: [[text in brackets]] indicates deletions from existing language; TEXT IN SMALL CAPITALS indicates additions to existing language. ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

- 1 b. Three minutes for each representative of an entity with multiple representatives
2 speaking on behalf of the entity; or
- 3 c. Five minutes for a single representative of a nonprofit organization or government
4 board, commission, or task force regardless of the number of members or supporters
5 who may testify as individuals.
- 6 (ii) Whenever multiple items of legislation are grouped together for purposes of hearing
7 testimony, the chairperson may extend the limits for a person testifying once about all the
8 items in the group.
- 9 (iii) To qualify as a representative of a nonprofit organization, or government board,
10 commission, or task force, the representative shall submit written certification from the entity
11 or a sworn affidavit that:
- 12 a. Demonstrates that the representative is authorized to offer testimony and take a position
13 to support, oppose, or amend the legislation on behalf of the entity; and
- 14 b. Indicates the number of members in the entity.
- 15 (iv) A certification or affidavit required by this subsection (b)(2) of this Rule shall be submitted
16 to the Administrator:
- 17 a. Electronically in advance of the hearing; or
- 18 b. In person at the hearing before giving testimony.
- 19 (3) Any individual wishing to testify shall sign up through a system provided by the Administrator.
20 The system shall include an opportunity to sign up in advance of the hearing and an on-site sign
21 up option that shall be available for the period that begins at least 30 minutes before the scheduled
22 time of the hearing. ~~[[and that ends when testimony]] THE OPPORTUNITY TO SIGN UP TO TESTIFY~~
23 ends AT THE TIME THE HEARING IS SCHEDULED TO BEGIN on the hearing's first day. The system
24 shall require that each person provide:
- 25 (i) Name and city or town of residence; and
- 26 (ii) Telephone number, email address, or mailing address.
- 27 (c) *Public Participation.* Any person desiring to speak on the matters or issues under consideration shall
28 sign up under subsection (b)(3) of this Rule and shall proceed when recognized by the Chairperson.

1 Upon initial recognition by the Chairperson, the person shall give the following information before
2 speaking to the issue:

3 (1) Name.

4 (2) Home city or town.

5 (3) Persons or organization represented or that he or she is speaking as a private citizen.

6 (4) Whether he or she is speaking for or against the subject matter under consideration.

7 (d) *Questions by Council.* Any member, upon recognition by the Chair, may question any speaker or
8 witness.

9 (e) *Written Testimony.* Written testimony on bills may be submitted to the Council at any time following
10 introduction.

11

Sayers, Margery

From: Susan Garber <buzysusan23@yahoo.com>
Sent: Monday, June 17, 2019 6:20 PM
To: CouncilMail
Subject: 32,33, 99,100

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

Dear County Council Members,

Although I am presently out of town, I wanted to briefly weigh in on some of the important legislation you are hearing tonight.

CB32-2019 Supporting DPZ representatives to be subject to examination under oath

While the Planning Board was established as the means for the public to express opinions on important development and zoning matters, it no longer seems to perform that function. Nor does it reliably provide good guidance to the Council since it frequently ignores much of the public's testimony and simply accepts the Technical Staff Report from the DPZ representative. This is particularly the case on quasi-judicial hearings. Far too often it appears that technical staff reports have been copy and pasted whole cloth from a developer's application and protestants have no opportunity to question the DPZ representative.

There is a desperate need for citizens to be able to question the department of Planning and Zoning representative for clarification on the facts of the case and on DPZ's position. These responses should be provided under oath, just as citizens are required to provide their testimony under oath. I strongly recommend passage of CB 32 for that reason.

One amendment I would suggest is to also have the petitioner's attorney testify under oath. While in theory the attorney is to ask questions only during a quasi-judicial hearing, the reality is that much testimony is provided under the guise of loaded and leading questions.

Since DPZ representatives testify under oath now in Zoning Board cases, there is no reason not to extend this to Planning Board hearings as well

CB33-2019 Supporting broadening of 'standing' status.

The denial of standing in Planning Board Appeals is an all too frequent occurrence. It appears that the practice has weaponized the prevention of citizen participation.

Anyone who provides testimony or interrogates the petitioner and his witnesses in a Planning Board hearing should be considered a party to the case. The provision to prove that one is aggrieved more than anyone else is aggrieved is as impossible as any case of attempting to prove a negative. This practice must be corrected. I urge all Council Members to support CB 33.

CR 100 - 2019 Against further restrictions on citizen testimony.

I strongly urge you to vote against CR 100 - 2019 as written. I am concerned that the change may make it impossible for a person to speak under several scenarios:

- a.) there was a problem with the sign up process and the individual has no way of knowing it until they have been 'skipped'
- b.) persons who have multiple obligations may elect not to, or be unable to, arrive at the start of a meeting in which their issue is anticipated to occur in the latter portion of a session. If they sign up on line prior to a session and miss when they are called, they would forfeit the ability to speak despite having made quite an effort to be there
- c.) Cutting off registration at the *scheduled* start of a meeting eliminates the opportunity for a person not intending to speak on a particular topic to hear inaccurate information provided in testimony they feel compelled to rebut or correct.

While I understand it is helpful to have a fairly accurate count before the start of a meeting, there are circumstances where having to sign up prior to the *scheduled* start of a meeting would severely suppress citizen input. Just as the Council has circumstances where meetings don't start as scheduled, so too is the life of citizens not always predictable. Vote NO on CR-100 please.

CR 99-2019

I hate to see you in a position where you are told you have no alternative to accepting the chart as written, without delay or modification, as has happened year after year.

There is a significant difference this year, The new enrollment chart appears to indicate for the first time that the total number of students forecasted has now reached the point where we no longer have 'under capacity school capacity' to deal with additional students. In other words while we have heard

for years that redistricting would produce a seat for every child since we have vacancies in the West and in other isolated schools, **this is no longer the case.**

Please dare to challenge “how we’ve always done it” and produce better outcomes for students, families, and tax payers.

Thank you for your consideration of this input. I hope to be able to address additional bills and resolutions before you vote.

Respectfully submitted,

Susan Garber

North Laurel/Savage



HCCA

Howard County Citizens Association

Since 1961...

The Voice Of The People of Howard County

Date: 17 June 2019

Subject: HCCA Testimony CR100-2019

My name is Stu Kohn and I am the President of the Howard County Citizens Association, HCCA.

HCCA is against this proposal. We understand the intent of the Resolution is to perhaps attempt to streamline the testimony process, but unfortunately it is counter intuitive. When referring to lines 20 to 24 on page 2 any interested party is penalized because they did not sign-up in advance. The Council Chair for quite some time has had the courtesy to ask the audience is there anyone else who would like to testify. This tells the audience that Council Members are willing to hear further testimony and seem to want to obtain as much information as possible. Yes – you could ask for those not signing up in advance of the 30-minute deadline to please send written testimony. However suppose you as Council Members have a question to the person who wishes to provide perhaps compelling testimony which the public should have the opportunity to hear your question(s) to them and their response. You should want to hear all information provided by your constituents to assist in making your decision. There is also a situation whereby someone who previously did not sign-up in advance might want to counter what he or she heard during testimony of a given Bill or Resolution.

In conclusion we should not shutoff the valve because we want to save time by penalizing someone who did not previously register. This would be a negative for open government. In this case change is not good.

Thank You,

Stu Kohn
HCCA President



HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Stu Kohn, have been duly authorized by
(name of individual)

Howard County Citizens Association to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CR100-2019 to express the organization's
(bill or resolution number)

support for Opposition to request to amend this legislation.
(Please circle one.)

Printed Name: Stu Kohn

Signature: Stu Kohn

Date: 17 Jan 19

Organization: Heck

Organization Address: ELLICOTT CITY MD

Number of Members: 500

Name of Chair/President: Stu Kohn

This form can be submitted electronically via email to councilmail@howardcountymd.gov no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.

Council Resolution 100-2019

Lisa Markovitz – The People's Voice Ellicott City

The practice, over many years, of the Chairperson asking if there is anyone else who wishes to speak, after signed in testimony, has been a courtesy and not a requirement. This can be seen upon reading the existing code language. I believe that occurred in large part, due to the fact that although sign-in was to continue until the hearing ended, it actually stopped at, or shortly after, the beginning.

The only change to the required process in this Resolution is to have sign-up discontinue at the start of the hearing, versus the end; however, there are pros and cons to this change.

The benefit is that it will streamline the process of testimony, reducing the time it takes to hold hearings, by having only those signed up testify.

The downsides include having the public feel stifled not being able to testify when they hear something they didn't realize was an issue while attending a hearing, or maybe had a problem signing up. If there are technical issues, like someone did sign up, but wasn't called for some reason, or there are site issues not allowing testimony sign up right up until the start of the hearing, then that needs to be addressed.

I suggest the following compromises. First, please amend the resolution to require that at the end of signed up testimony, it is asked if anyone signed up who wasn't called, and if someone claims such, then testimony is allowed. Second, please continue to allow testimony without being signed up, when the legislation is the type that has untimed presentations before testimony. When there is a petitioner, attorney or other group representative, or even DPZ, presenting an untimed case in support of the legislation, then the public is hearing new information at the hearing, and it will feel far more unbalanced if so much untimed consideration is allowed in support, but the community, in support or opposed, are so limited. Thus, if there is a technical staff report, then the change should not apply.

We know, we know, that the Council reads all the testimony it receives, but sometimes testimony should be heard publicly.

Thank you for considering these details.



**HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

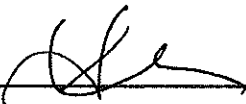
I, Lisa Markovitz, have been duly authorized by
(name of individual)

The People's Voice to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding ~~CR100~~ CR100 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Lisa M Markovitz

Signature: 

Date: 6/17/19

Organization: the People's Voice

Organization Address: 3205 Corporate Ct 21042

Number of Members: 2844

Name of Chair/President: C. Sa Markovitz

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