

**Sayers, Margery**

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**From:** joel hurewitz <joelhurewitz@gmail.com>  
**Sent:** Monday, March 2, 2020 11:13 AM  
**To:** CouncilMail  
**Cc:** Glendenning, Craig  
**Subject:** CB8-2020 Fiscal Analysis  
**Attachments:** Joel Hurewitz November 7 Response.pdf

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

Dear Council,

I strongly support CB8-2020 to provide a public fiscal analysis of Council legislation, including the amendment to include supplemental appropriation ordinances (SAO), transfer of appropriation ordinances (TAO), and resolutions other than appointments. With this legislation, hopefully the public will not be presented with any more "secret" bills such as CB56-2019. More information was provided in the explanation for the redactions in the Public Information Act response than was provided in the bill itself or the Administrative Testimony. (See attached letter).

However, I share the concerns about timing, including those expressed in the public hearing by Stu Kohn, that generally one business day before the public hearing is insufficient time for the posting of the fiscal analysis. In addition, it should be made clear that the Thursday 5 pm time is the deadline, not the time when all the fiscal notes are posted. This is all too often the case with the posting of amendments. I would recommend that the provision state that fiscal notes should be posted when they are complete beginning with the pre-filing of the legislation, **but no later than 5pm Thursday before the public hearing.**

In addition, the bill fails to clearly address the case of the compressed time requirements and scheduling for emergency legislation pursuant to Section 209 (d) of the Charter.

Lastly, I must note the disappointing apparent lack of communication between the Council sponsors and their staff with the Auditor. This bill was drafted with the input from and to meet the procedural and staffing requirements of the Office of the County Auditor. Only Council bills were included because of the mistaken belief that including resolutions (and SAOs and TAOs) would increase the workload of the office. Yet, rather than address this error and the inaccurate timing provision in an informal manner during the drafting process with a meeting, phone call or email, the Auditor found it necessary to address these points in his formal Fiscal Analysis and also publicly at the public hearing. One must wonder what other topics are being miscommunicated when the very legislation regarding the Office of the County Auditor cannot be appropriately drafted before pre-filing.

Sincerely,

Joel Hurewitz



## HOWARD COUNTY DEPARTMENT OF COUNTY ADMINISTRATION

3430 Courthouse Drive

■ Ellicott City, Maryland 21043

■ 410-313-2022

Mark Miller, Administrator, Office of Public Information  
msmiller@howardcountymd.gov

FAX 410-313-3390

November 21, 2019

Joel Hurewitz  
[joelhurewitz@gmail.com](mailto:joelhurewitz@gmail.com)

Dear Mr. Hurewitz:

The following is in response to your email to Howard County Government's Office of Public Information, requesting information in accordance with the Maryland Public Information Act, 4-101 *et seq.* of the General Provisions Article of the Annotated Code of Maryland (the "PIA"), which this office received on November 7, 2019.

Specifically, you have asked for "... copies of the executed Original, First Amendment and Second Amendment Leases specified in Exhibit A to CB56-2019."

The County has two records (10 pages in total length) responsive to your request, which you will find attached. Certain information has been redacted pursuant to PIA § 4-351(c), which exempts from disclosure records that contain "intelligence information or security procedures of . . . a police department." The leases provided are for properties used by the Howard County Police Department by undercover police officers involved in covert operations, and information that has been redacted consists of the physical address of the property and the identity of the landlord/property owner. Disclosure of the redacted information could be used to determine the physical location of the property, which could jeopardize the Police Department's covert operations and potentially jeopardize the safety of police officers who work out of those properties.

While Howard County has the right to charge a copying fee of \$0.25 per page for a black and white paper copy, as mentioned on page 10 of [Howard County Council Resolution No. 76-2019](#), electronic copies of the record requested exists and is therefore free of charge. In addition, Howard County has the right under the Public Information Act to charge you for search time in excess of two hours; however, no more than two hours was expended on your request.

Pursuant to MPIA § 4-362, you are entitled to seek judicial review of this decision by filing a complaint in the Circuit Court for Howard County or the Circuit Court in Maryland in the County where you reside or maintain a principal place of business. You may also refer any concerns about this decision to the Public Access Ombudsman pursuant to MPIA § 4-1B-01 *et seq.*

Sincerely,

Alexandra Bresani  
Office of Public Information

## Sayers, Margery

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**From:** joel hurewitz <joelhurewitz@gmail.com>  
**Sent:** Tuesday, February 25, 2020 4:54 AM  
**To:** Sayers, Margery  
**Subject:** CB8-2020 Testimony

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

Dear Margery,

I wish to bring to your attention the following errors with regard to the posting of the public testimony for CB8-2020:

It includes the Affidavit of Authorization from Angelica Bailey, however her actual testimony is posted separately with the written testimony.

The testimony of Kirk Thompson is included regarding his appointment for CR21-2020; however there is no testimony posted under CR21.

Thanks,

Joel Hurewitz



## Sayers, Margery

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**From:** Jung, Deb  
**Sent:** Monday, February 24, 2020 4:38 PM  
**To:** Sayers, Margery  
**Subject:** FW: MBIA Letter of Support for CB8-2020  
**Attachments:** MBIA Support Letter for CB8 – Fiscal Analysis.pdf

Deb Jung  
Council Chair, District 4  
Howard County Council  
3430 Court House Dr., Ellicott City, MD 21043  
410-313-2001

Sign-up for my District Update [here](#).

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**From:** Angelica Bailey <abailey@marylandbuilders.org>  
**Sent:** Tuesday, February 18, 2020 5:19 PM  
**To:** Jung, Deb <djung@howardcountymd.gov>; 'Opel Jones' <opel@opeljones.com>; 'Christiana Rigby' <christiana@christianarigby.com>; Yungmann, David <dyungmann@howardcountymd.gov>; Walsh, Elizabeth <ewalsh@howardcountymd.gov>; Sidh, Sameer <SSidh@howardcountymd.gov>; Ball, Calvin <cball@howardcountymd.gov>  
**Cc:** Williams, China <ccwilliams@howardcountymd.gov>; Harris, Michael <mrharris@howardcountymd.gov>; Facchine, Felix <ffacchine@howardcountymd.gov>; Kittleman, Mary <mkittleman@howardcountymd.gov>; Dvorak, Nicole <ndvorak@howardcountymd.gov>; Lori Graf <LGraf@marylandbuilders.org>  
**Subject:** MBIA Letter of Support for CB8-2020

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

Good Evening,

Please find MBIA's letter in support of CB8-2020 attached.

Thanks in advance for your consideration.

Best,  
Angelica Bailey

Angelica Bailey, Esq.  
Vice President of Government Affairs  
[abailey@marylandbuilders.org](mailto:abailey@marylandbuilders.org)  
Maryland Building Industry Association  
11825 W. Market Place  
Fulton, MD 20759  
Cell: 202-815-4445  
Dir: 301-776-6205  
Ph: 301-776-MBIA



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February 18, 2020

**Re: SUPPORT OF CB8-2020 – Fiscal Analysis**

Dear Chairwoman Jung and Members of the Howard County Council:

The Howard County Chapter of the Maryland Building Industry Association (MBIA) writes in support of Council Bill 8-2020, which would require the Office of the County Auditor to provide a publicly-available fiscal note for introduced bills before the Council.

This is a valuable bill that furthers the County's commitment to transparency and informs the public dialogue on often complex issues.

The public – individual constituents and the development community alike – has a right to know how their taxes and fees are used, and how they may be affected as a result of any given piece of legislation. Many bills and resolutions this Council considers have a significant fiscal impact on County revenue and expenditures. Making this analysis publicly available prior to a bill hearing gives the public the opportunity to learn about the bill's financial implications and form an opinion.

Indeed, policymaking is enhanced when stakeholders have the same facts and are empowered to form educated conclusions. This bill would level the playing field and elevate public discourse.

For these reasons, the MBIA strongly supports this legislation and asks you please vote in favor of Council Bill 8-2020.

Thank you for your attention to this issue and your continued support of the local home building industry. If you have any questions about these comments and would like to discuss MBIA's position further, please do not hesitate to contact me at [abailey@marylandbuilders.org](mailto:abailey@marylandbuilders.org) or (202) 815-4445.

Best regards,



Angelica Bailey, Esq., Vice President of Government Affairs

Cc: Councilman Opel Jones  
Councilmember Christiana Mercer Rigby  
Councilman David Yungmann

County Executive Calvin Ball  
Sameer Sidh, Chief of Staff to the County Executive  
Councilmember Elizabeth Walsh

## Sayers, Margery

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**From:** Rigby, Christiana  
**Sent:** Monday, February 24, 2020 10:46 AM  
**To:** Sayers, Margery  
**Subject:** FW: Requesting Amendment to CB8 to include environmental analysis  
**Attachments:** Testimony of Dr. Mark Southerland on CB8 Fiscal Note Requesting Amendment 22Feb2020.docx; Ned Tillman Vita 2019.docx

**From:** Ned Tillman <ned@sustainable.us>  
**Sent:** Sunday, February 23, 2020 7:27 PM  
**To:** Jung, Deb <djung@howardcountymd.gov>; Walsh, Elizabeth <ewalsh@howardcountymd.gov>; Rigby, Christiana <crigby@howardcountymd.gov>; Jones, Opel <ojones@howardcountymd.gov>; Yungmann, David <dyungmann@howardcountymd.gov>; Jones, Diane <dijones@howardcountymd.gov>  
**Subject:** Requesting Amendment to CB8 to include environmental analysis

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

Dear HC Council Members - I have reviewed Dr. Southerland's proposed environmental amendment to CB8 (see attached) and agree with him that it makes no sense to implement a Financial Analysis for all Bills without an Environmental Impact Analysis. That is a lesson we have learned over the past 2 decades. Traditional Financial Analyses routinely ignore the short, mid-term, and long term costs of the negative environmental impacts of many projects. We should no longer rely on just financial analyses. For economic growth and quality of life in Howard County to be sustainable, we must take into account all three legs of good sustainable strategic plans: financial, environmental, and social impacts. The current Bill does not do that. I strongly recommend the attached environmental amendment and encourage you to also look at the social/health impacts.

Respectfully,

**Ned Tillman**

Past Chair of the HC Sustainability Board (8 years)  
Past Chair of the HC Conservancy (8 years)  
Past Chair of the Howard County Sustainable Business Alliance  
Past Chair of the HC 2030 General Plan Task Force

443-472-3681

[ned@sustainable.us](mailto:ned@sustainable.us)

[www.SavingThePlaces.com](http://www.SavingThePlaces.com)

[Facebook](#)

[Instagram](#)

[Twitter](#)

[LinkedIn](#)

Author of:

*The Chesapeake Watershed,*

*Saving The Places We Love, and*

***A Brand New Novel - The Big Melt – Coming of age in a time of changing climates***





## **CB8-2020 Auditor - Fiscal Analyses for Bills**

### TESTIMONY OF DR. MARK SOUTHERLAND

I have a Ph.D. and Smithsonian Fellowship in natural science and have consulted for federal, state, and local agencies issues for 30 years, with a focus on environmental impact assessment (EIA). I have completed 100+ EISs and EAs and have authored NEPA guidance for CEQ, EPA, and FERC. I have also served on the boards of the Howard County Environmental Sustainability Board, Howard County Conservancy, Patapsco Heritage Greenway, Maryland Academy of Sciences' Science Council, Maryland Water Monitoring Council, and Safe Skies Maryland.

**I am requesting that CB8 be amended to include an equal Environmental Impact Analysis to accompany the Fiscal Analysis in the current bill.**

NEPA (or the National Environmental Policy Act) is the cornerstone U.S. environmental law, requiring EIA, and has arguably done more than any other law to reduce environmental degradation since its adoption in 1969. It has a simple but effective premise, that the planning of federal actions (including decisions that enable non-federal action) should include environmental concerns on par with the technical and economic concerns that alone had traditionally influenced decisions. Immeasurable harm to the environment has been avoided by simply knowing that it would result from indiscriminate implementation of projects.

1. Our Environment and our Climate are in Crisis. Our natural world continues to degrade under the assault of a thousand cuts. Losses of wetlands, forests, and wildlife continue even though we have made great progress in enabling and administering environmental laws. The United Nations states that Climate Change and the Loss of Biodiversity are the two greatest threats to our planet. Both can only be reduced, and ultimately reversed, by addressing the cumulative impact of the many decisions being made without the consideration of climate and the environment.
2. Howard County Legislation Needs to Consider the Environment. CB8 would require Fiscal Analysis be prepared for bills under consideration. It makes good sense to consider the immediate costs of actions that may be taken; it is absolutely essential to consider that longer term costs to the environment and quality of life of these actions. Without consideration of the environmental consequences of our actions, even more environmental laws will not ensure the proper stewardship of our county for all Howard Countians and future generations.

**Ultimately, Environmental Analysis is simply good decision-making and good government. Amending CB8 to include environmental analysis to accompany fiscal analysis is an important step toward considering the environmental consequences of the laws we make and addressing the environmental and climate crisis.**

# Ned Tillman

Author, Earth Scientist, Environmental Educator, Sustainability Advisor

**Objective:** To inspire and lead change within people, organizations, and governments to create a more sustainable future for our children.

## Experience:

- *Author of numerous papers, policies, regulations, and strategic plans on environmental issues. Alternative energy paper published in SCIENCE. Op Ed pieces in the Baltimore Sun. Keynote addresses at numerous annual mtgs.*
- *Maryland Academy of Science – Member of the Scientific Council*
- *Author of **The Chesapeake Watershed: A sense of place and a call to action.** 2009, Winner of two national awards:*
  - **2010 Winner** of the **Excellence in Journalism Award** chosen by the Renewable Natural Resource Foundation.
  - **2010 Winner** of the **Best Book on Environmental and Natural Resources** selected by The American Society for Public Administration.
- *Author of **Saving the Places We Love: Paths toward environmental stewardship.** **2016 Book of the Year** - Howard County Poetry and Literary Society, Library, and Community College.*
- *Author of **The Big Melt** – A novel about climate change. 2018 Finalist for 2 book awards.*
- *Guest presenter at numerous K-12 and college classes*
- *Guide for walks throughout the mid-Atlantic region.*
- *Howard County Preservationist of the Year 2016*
- *Chair of the Sustainability Task Force for Howard Community College*
- *Sustainability Policy Council for the Howard County Public School System*
- *Past Chair of the Howard County Conservancy*
- *Principal of Sustainable Growth, LLC which advises schools, corporations and government agencies on how to become more sustainable by adopting better operational practices.*
- *Chair (9 years) of the Howard County Board on Sustainability which has the responsibility to educate and advise the County Councils and the County Executives on sustainability issues*
- *Chair of Local Business Partnership that helps each firm become more sustainable.*
- *Facilitator of Urban Land Institute Technical Advisory Panel for Patapsco River Valley.*
- *Chair of Howard County 2030 General Plan Task Force*
- *Board member: Horizon Foundation, MPEA*
- *National board member of the Izaak Walton Conservation League of America*
- *Certified and Leading Implementer of Sustainability Benchmarking process developed for the International Society of Sustainability Professionals.*
- *President/CEO of Environmental and Energy Firms for 27 years providing services to many governments and corporations throughout the US and abroad.*

## Professional and Educational History

2006 – Present: Sustainable Growth, LLC

1999 – 2006: President of Columbia Technologies, LLC

1982 – 1999: CEO of Target Environmental, Inc.

1981 – 1982: Senior Staff of Gruy Federal, Inc.

1978 – 1981: Senior Staff of The Johns Hopkins University/Applied Physics Lab

1973 – 1978: Project Manager for Dames and Moore Consultants

1973 – Master's degree from Syracuse University in New York

1971 -- Bachelor's degree from Franklin and Marshall College in Pennsylvania

## Sayers, Margery

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**From:** Mark Southerland <mark.t.southerland@gmail.com>  
**Sent:** Sunday, February 23, 2020 6:07 PM  
**To:** CouncilMail  
**Subject:** Fwd: Testimony Requesting Amendment to CB8 to include environmental analysis  
**Attachments:** Testimony of Dr. Mark Southerland on CB8 Fiscal Note Requesting Amendment  
22Feb2020.docx

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

----- Forwarded message -----

From: **Mark Southerland** <[mark.t.southerland@gmail.com](mailto:mark.t.southerland@gmail.com)>  
Date: Sun, Feb 23, 2020 at 6:04 PM  
Subject: Testimony Requesting Amendment to CB8 to include environmental analysis  
To: Jung, Deb <[DJung@howardcountymd.gov](mailto:DJung@howardcountymd.gov)>, Walsh, Elizabeth <[EWalsh@howardcountymd.gov](mailto:EWalsh@howardcountymd.gov)>, Rigby, Christiana <[CRigby@howardcountymd.gov](mailto:CRigby@howardcountymd.gov)>, Jones, Opel <[OJones@howardcountymd.gov](mailto:OJones@howardcountymd.gov)>, <[DYungmann@howardcountymd.gov](mailto:DYungmann@howardcountymd.gov)>, <[dijones@howardcountymd.gov](mailto:dijones@howardcountymd.gov)>

Howard County Council,

I am requesting that CB8 be amended to include an equal Environmental Impact Analysis to accompany the Fiscal Analysis in the current bill.

Details are attached. I hope you will consider this in your work session.

Mark Southerland, Ph.D.  
443-538-9228 mobile

## **CB8-2020 Auditor - Fiscal Analyses for Bills**

### TESTIMONY OF DR. MARK SOUTHERLAND

I have a Ph.D. and Smithsonian Fellowship in natural science and have consulted for federal, state, and local agencies issues for 30 years, with a focus on environmental impact assessment (EIA). I have completed 100+ EISs and EAs and have authored NEPA guidance for CEQ, EPA, and FERC. I have also served on the boards of the Howard County Environmental Sustainability Board, Howard County Conservancy, Patapsco Heritage Greenway, Maryland Academy of Sciences' Science Council, Maryland Water Monitoring Council, and Safe Skies Maryland.

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