

CR 56-2020

Sayers, Margery

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Sent: Monday, April 6, 2020 2:33 PM
To: CouncilMail
Subject: CR56-2020 Rule 1.001 Amendments

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Dear Council,

Rule 1.001 as currently written does not envision that all or even a majority of the Council will be calling in to the meeting. In fact, as the Council recognized before today's public hearing, the public participation provision of Rule 1.001(e) does not permit virtual meetings when it specifies seating for the public. In addition, this amendment does not authorize a virtual meeting which was previously given in the public notice to be held in the Council hearing room pursuant to Rule 1.001(d). For these reasons and because these rule changes will have permanent applicability, amendments to additional subsections of Rule 1.001 also seem necessary.

By applying the provision to "a state of emergency" it must be recognized that this provision would be applicable during a snow or ice storm, flooding, hurricane, tornado, chemical or gas leak or explosion, or social unrest. In this regard, if there for example was a train accident or chemical leak in Laurel and a state of emergency was declared for the southwest part of the county, why would this necessarily effect the ability of the Council to meet in Ellicott City? To be clear, under this language, the Council would have been able to meet remotely for several months while there was a state of emergency for Historic Ellicott City which only affected a few blocks.

Moreover, jurisdictions have declared states of emergency due to opioids, droughts, or insect infestations.
<https://governor.wv.gov/News/press-releases/2019/Pages/Gov.-Justice-declares-State-of-Emergency-for-all-55-counties-due-to-drought-conditions.aspx>
<https://abcnews.go.com/Health/florida-gov-declares-state-emergency-counties-zika-virus/story?id=36696887>
<https://www.ca.gov/archive/gov39/2017/09/01/news19936/index.html>

None of these types of emergencies would effect the ability of the Council to conduct normal operations. In fact, Governor Hogan placed Maryland under a opioid state of emergency in 2017. <https://governor.maryland.gov/wp-content/uploads/2018/12/Executive-Order-01012018.30.pdf> <https://wtop.com/maryland/2020/01/maryland-sees-slight-decline-in-opioid-overdose-deaths-state-tackles-crisis-with-new-plan/> In no way, has this emergency affected the operations of the Council, and generally has become background noise as society and government continued to function until the COVID-19 state of emergency.

Most importantly, Governor Hogan first declared the COVID-19 state of emergency on March 5, 2020. The following week, the Council had its joint meeting with the School Board, an administrative meeting, and met as the Zoning Board. None of these meetings were materially affected by the March 5, 2020 state of emergency. So the declaration of a state of emergency, in and of itself, cannot be allowed to limit regular public meetings of the Council.

Therefore, it would be more appropriate to limit the provision akin to the current situation and use the language that is found in Line 16 and 17 of page 3 of CR57-2020. A once-in-a-century pandemic should be the reason to create an overly broad rule which will be applicable in totally disparate but more common emergency events--and unfortunately over the past several years quite regular.

Lines 24 and 25 should also parrot the language for technology in CR57-2020. In addition, it must be made clear that telephone participation is oral and does not include texting or other nonverbal formats to cast a vote.

Generally, having a Council meeting when the Howard Building is closed goes counter to the spirit of other language in the Rules, Code and Charter. See for example Rule 1.001 (b)(1)(i); Sec. 22.902 (b) -Computation of time; Sec. 16.128(c)(2) - Presubmission community meetings; Charter Section 209(h)(2) Life of bills.

Lastly, I assume that Line 16 is not supposed to be part of the Rule.

I hope that appropriate amendments will be submitted to address these issues.

Sincerely,

Joel Hurewitz