

County Council of Howard County, Maryland

2020 Legislative Session

Legislative day # 5

RESOLUTION NO. 56 - 2020

Introduced by: The Chairperson

A RESOLUTION amending the Howard County Council Rules of Procedure to allow voting during certain virtual meetings; and generally relating to the County Council's Rules of Procedure.

Introduced and read first time on April 6, 2020.

By order Diane Schwartz Jones
Diane Schwartz Jones, Administrator to the County Council

~~Read for a second time and a public hearing held on _____, 2020.~~

By order _____
Diane Schwartz Jones, Administrator to the County Council

This Resolution was read the ^{2nd} ~~third~~ time and was Adopted , Adopted with amendments _____, Failed _____, Withdrawn _____ by the County Council on April 6, 2020.

Certified by Diane Schwartz Jones
Diane Schwartz Jones, 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 **WHEREAS**, Article II, Section 208(f) of the Howard County Charter provides that the
2 Council shall adopt and publish such Rules of Procedure as it determines are desirable for its
3 efficient operation; and

4
5 **WHEREAS**, the Council has determined that the Rules of Procedure must be amended to
6 ensure that the Council operates efficiently and effectively.

7
8 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
9 Maryland this 6th day of April, 2020 that the Rules of Procedure of the Howard
10 County Council, set forth in Appendix A of the Howard County Code, are amended as follows:

11
12 **Appendix A.**

13
14 **Rules of Procedure for the County Council**
15 **of Howard County, Maryland**

16 Alternative 1

17
18 Rule 1.001 - General.

19 (c) Place of Meetings. The place of meeting of the Council shall be the Council hearing room
20 at Ellicott City, Maryland, provided, however, that at the discretion of the Chairperson or at
21 request of three Council members, legislative sessions, work sessions or public hearings may be
22 held at such locations as the Chairperson may provide. To participate in a legislative session, a
23 member must be present in person except that a member may participate in an emergency
24 legislative session, OR DURING A STATE OF EMERGENCY, by telephone or other teleconferencing
25 technology.

Office of the County Auditor
Auditor's Analysis

Council Resolution No. 56-2020

Introduced: April 6, 2020
Auditor: Michelle R. Harrod

Fiscal Impact:

Fiscal impact of this legislation includes the Council's portion of the video-conference platform.

According to the Department of Technology and Communication Services (DTSC), the annual cost to the County is approximately \$30,000. This includes 150 licenses at \$200 each. During the current State of Emergency, the County has been able to expand video-conference usage at no additional cost. However, moving forward if the Council maintains additional licenses, costs will increase by \$200 per additional license.

The DTCS has indicated that there are no additional hardware or software costs needed to support the remote Council meetings as proposed in this legislation.

Purpose:

Council Resolution 56-2020 further defines the **Place of Meetings** under *Rule 1.001(c) of Rules of Procedure for County Council of Howard County, Maryland*. If passed, this legislation would allow meetings to be held by telephone or other teleconferencing technology during a state of emergency.

Other Comments:

None.

Sayers, Margery

From: joel hurewitz <joelhurewitz@gmail.com>
Sent: Thursday, March 26, 2020 2:25 PM
To: CouncilMail
Subject: Rule 1.014 - Rules, suspension and amendments.

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

Dear Council,

Rule 1.014 requires a hearing on any emergency rules. And (a) provides in part " In no case shall these rules be suspended for the purpose of amending or repealing them at the meeting at which the suspension is effective."

Joel Hurewitz

CR 56-2020

Sayers, Margery

From: joel hurewitz <joelhurewitz@gmail.com>
Sent: Monday, April 6, 2020 2:33 PM
To: CouncilMail
Subject: CR56-2020 Rule 1.001 Amendments

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

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