

County Council of Howard County, Maryland

2020 Legislative Session

Legislative day # 5

RESOLUTION NO. 57 - 2020

Introduced by: The Chairperson

A RESOLUTION amending the Howard County Council Rules of Procedure to provide for oral testimony via electronic means during certain states of emergency; 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 <sup>2nd</sup> ~~third~~ time and was Adopted  Adopted with amendments \_\_\_\_\_, Failed \_\_\_\_\_, Withdrawn \_\_\_\_\_ by the County Council on April 6, 2020.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.



- a. Three minutes per person, whether speaking as an individual or on behalf of an entity not included in subparagraph c below;
- b. Three minutes for each representative of an entity with multiple representatives speaking on behalf of the entity; or
- c. Five minutes for a single representative of a nonprofit organization or government board, commission, or task force regardless of the number of members or supporters who may testify as individuals.

(ii) Whenever multiple items of legislation are grouped together for purposes of hearing testimony, the chairperson may extend the limits for a person testifying once about all the items in the group.

(iii) To qualify as a representative of a nonprofit organization, or government board, commission, or task force, the representative shall submit written certification from the entity or a sworn affidavit that:

- a. Demonstrates that the representative is authorized to offer testimony and take a position to support, oppose, or amend the legislation on behalf of the entity; and
- b. Indicates the number of members in the entity.

(iv) A certification or affidavit required by this subsection (b)(2) of this Rule shall be submitted to the Administrator:

- a. Electronically in advance of the hearing; or
- b. In person at the hearing before giving testimony.

(3) Any individual wishing to testify shall sign up through a system provided by the Administrator. The system shall include an opportunity to sign up in advance of the hearing and an on-site sign up option that shall be available for the period that begins at least 30 minutes before the scheduled time of the hearing and that ends when testimony ends on the hearing's first day. The system shall require that each person provide:

- (i) Name and city or town of residence; and
- (ii) Telephone number, email address, or mailing address.

1 (c) Public Participation. Any person desiring to speak on the matters or issues under  
2 consideration shall sign up under subsection (b)(3) of this Rule and shall proceed when  
3 recognized by the Chairperson. Upon initial recognition by the Chairperson, the person shall give  
4 the following information before speaking to the issue:

5 (1) Name.

6 (2) Home city or town.

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

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

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

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

14 (F) *ADJUSTMENTS DURING STATE OF EMERGENCY.*

15 (1) THIS SUBSECTION APPLIES DURING A STATE OF EMERGENCY DECLARED BY THE  
16 COUNTY EXECUTIVE, GOVERNOR, OR PRESIDENT OF THE UNITED STATES IF PUBLIC  
17 GATHERINGS ARE PROHIBITED OR DECLARED TO BE A PUBLIC HEALTH RISK.

18 (2) THE PROVISIONS OF THIS SUBSECTION SUPERSEDE SUBSECTIONS (B) AND (C) OF THIS  
19 RULE DURING THE TIMES THAT THIS SUBSECTION APPLIES.

20 (3) (I) AT A PUBLIC HEARING HELD ON PENDING LEGISLATION, THE BUDGET, OR  
21 OTHER MATTER SUBJECT TO PUBLIC HEARINGS, THE CHAIRPERSON MAY ALLOW ORAL  
22 PUBLIC TESTIMONY BY TELEPHONE OR BY USE OF A WEB-BASED OR VIDEO-CONFERENCE  
23 PLATFORM.

24 (II) TESTIMONY IS LIMITED TO:

25 A. TWO MINUTES PER PARTICIPANT;

26 B. THREE MINUTES FOR THE SOLE REPRESENTATIVE OF AN ENTITY  
27 DESCRIBED IN SUBSECTION (B)(2)(I)C. OF THIS RULE; OR

28 C. THE TIME THE CHAIRPERSON SETS.

1           (4)    (i)     A PARTICIPANT MUST SIGN-UP USING THE SYSTEM ESTABLISHED UNDER  
2           SUBSECTION (B)(3) OF THIS RULE BY 7 P.M. THE DAY BEFORE THE HEARING AND PROVIDE  
3           CONTACT INFORMATION.

4                   (ii)    A PARTICIPANT MUST PROVIDE A TELEPHONE NUMBER, WHICH WILL BE USED  
5           TO NOTIFY THE PARTICIPANT ABOUT WHEN AND HOW TO TESTIFY.

**Office of the County Auditor**  
**Auditor's Analysis**

**Council Resolution No. 57-2020**

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

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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 (DTCS), 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.

There are no additional hardware or software costs needed to support receiving testimony via telephone, or a web-based or video-conference platform as proposed in this legislation, according to DTCS.

Purpose:

Council Resolution 57-2020 further defines the **Conduct of public hearings** under *Rule 1.012 of Rules of Procedure for County Council of Howard County, Maryland*.

If passed, this legislation would add the following guidelines for public hearings during a state of emergency declared by the President of the United States, Governor, or County Executive in which public gatherings are declared to be a public health risk:

- Oral testimony may be allowed by telephone, or a web-based or video-conference platform;
- Testimony is limited to:
  - Two minutes per participant;
  - Three minutes for the sole representative of an entity; or
  - An amount of time as determined by the Council Chair;
- Participants must sign-up online by 7:00 p.m. the day before the hearing and provide contact information; and
- Participants must provide a telephone number to be used to notify the participants when and how to testify.

Other Comments:

None.

CR57-2020

**Sayers, Margery**

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**From:** joel hurewitz <joelhurewitz@gmail.com>  
**Sent:** Monday, April 6, 2020 2:37 PM  
**To:** CouncilMail  
**Subject:** CR57-2020 Rule 1.012 -Conduct of public hearings - States of Emergency

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

Dear Council,

In CR57-2020 on Page 3, Lines 18 and 19, it is disingenuous to claim that subsections (b) and (c) are superseded and then relate back to them in Page 3, Line 27 and Page 4, Line 2. Claiming that the subsections are superseded is confusing and not even accurate; subsection (b)(1) is still applicable. Furthermore, it is confusing for the public which will be required to parse the language to determine which time limits and other provisions apply and which do not. This is even more difficult due to the fact the the so-called current language of the Rule is in fact the pre-CR100 language. For these reasons and for clarity and transparency, the emergency provisions must be restated in toto and not relate back to subsection (b).

On Page 3, Lines 16 and 17 it must be made clear that any state of emergency declared by the President or Governor is one that is effective in Howard County and not elsewhere.

On Page 4, Lines 1 and 2 the requirement that signups occur by 7 pm on the day prior to the hearing invariably means that the this will be on Sundays or public holidays--including religious holidays. This is counter to other provisions in the Rules, Code and Charter that do not count weekends and holidays for computation of time or allow for the conduct of official business. 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. Doing this on a day and time when the Council offices are closed also means that those with problems will have no ability to contact the Council staff for assistance. The same could be said for today's 8 am deadline, unless the staff were readily available during the 7 am hour for assistance.

On Page 4, Lines 4 and 5, having signed up today for Webex, it is unclear why a telephone number is needed. It is also unclear whether this provision envisioned the receipt of a text. If so this is not clear, and unfair to persons with phones which do not have texting ability.

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

Sincerely,

Joel Hurewitz