

CB63-2021

Sayers, Margery

From: joel hurewitz <joelhurewitz@gmail.com>
Sent: Monday, October 4, 2021 9:21 AM
To: CouncilMail
Subject: Re: CB63-2021- Favorable with Amendments

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

Dear Councilmembers,

I unfortunately need to supplement my prior email for CB63-2021 regarding the public's virtual participation in meetings. Last November, I had to go to great lengths to get the Webex link for a Board of Health meeting. The staff would arrogantly only provide a phone call-in number for the meeting. This meant that the public would not have an opportunity to see any documents shared during the meeting.

Hopkins, Kandyce <kahopkins@howardcountymd.gov>

Fri, Nov 20, 2020, 12:40

The standard the Board must uphold is to offer the public an opportunity to observe and an agenda, which is attached to this email. The Webex link for the special meeting was extended as a courtesy. Moving forward, we will be providing dial-in information for the conference line and an agenda, allowing the public access to the required means of observation. Have a great weekend!

Kandyce Hopkins

Management Associate

Executive Assistant to the Health Officer

Howard County Health Department

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Columbia, MD 21045

410-313-6363

kahopkins@howardcountymd.gov

Now the same situation is occurring for next week's meeting of the Citizens' Election Fund Commission. The agenda states the meeting will be conducted via Webex:

Howard County Citizen's Election Fund Commission: The Howard County Citizens' Election Fund Commission will consider amendments to its Rules of Procedure at its October 12, 2021 public meeting. The Commission will consider amendment to change the process to amend the Frequently Asked Questions and Summary Guide. The proposed amendments will be available on the Commission's website 30 days before its October 12th meeting when they may be proposed for adoption. The meeting will be conducted as a virtual web meeting/conference call. Instructions for attending are on the Commission's webpage. <https://www.howardcountymd.gov/Departments/Finance/Citizens-Election-Fund>

<https://www.howardcountymd.gov/resource/meeting-agenda-10-12-2021> However, the public is being invited to participate only via phone and will thus not see any documents that might be shared.

Next Schedule Meeting

Our next meeting has been rescheduled from Tuesday, September 7th to **Tuesday October 12th**. The meeting will be conducted as a virtual Webex meeting/conference call. To join, please call 1-650-479-3207. The meeting number (access code) is 172-591-1950.

<https://www.howardcountymd.gov/boards-commissions/citizens-election-fund-commission>

Also note that there is no time specified on the website for this meeting on October 12th.

Please make appropriate amendments to CB63 to address these issues.

Sincerely,

Joel Hurewitz

On Wed, Sep 29, 2021 at 12:44 PM joel hurewitz <joelhurewitz@gmail.com> wrote:

Dear Council,

CB63-2021 by its terms allows an open meeting to be conducted in person by telephone, video conferencing, or other electronic means, or **any combination thereof**. One possible combination would be where the body meets in person and the public has to participate remotely. While apparently this is authorized by the Open Meetings Act, I believe that if a quorum of a body is meeting in person, then the public should be invited to that location. I worry that some of the County boards and commissions might interpret the provision to allow such bifurcated hybrid meetings. This would be particularly problematic in contested cases where some of the parties are allowed to attend in person while others are not given the same opportunity.

In addition, related to the concerns expressed by Councilmember Jung during the public hearing, any hybrid meeting should be clearly posted with the physical location. I note the recent September 9, 2021 meeting of the Zoning Board. It

was not clear at the time or even when now reviewing the postings that this was a hybrid meeting. The agenda does not state the physical location for the meeting:



**Howard County Council
Zoning Board of Howard County**

George Howard Building
3430 Court House Drive
Ellicott City, Maryland 21043-4392

BOARD MEMBERS
Christiana Rigby, Chairperson
Deb Jung, Vice Chairperson
Opal Jones
Liz Walsh
David Yungmann
Ashley Aguilar Administrator

A G E N D A
Thursday September 9, 2021
10:00 am
Deliberation Day 1
ZB 1118M Erickson

- I. Update/Discuss ZB 1119 Hickory Ridge Village Center Mediation

Nor did the calendar page make it clear the location of the meeting. While it says "hybrid," it also says that the location is "virtual." There seems to be no clear announcement that the Board was meeting in the Banneker Room.

SUMMARY:

Zoning Board

Date: 09/09/2021 10:00 AM

DETAILS:

Category: Zoning Board

Location: Virtual Hearing

Description: **ZB 1118M - Erickson at Limestone Valley**

AGENDA

Zoning Board Deliberations

AM work session: 10:00 am – Noon

Lunch: Noon – 1:00 pm

PM work session: 1:00 pm – 3:00 pm

Hybrid WebEx Hearing - Register [Here](#)

Call-in toll number (US/Canada)

1-650-479-3207

Access code: 2314 852 5427

Improvingly, the September 29, 2021 Zoning Board calendar page does say "Banneker Room and WebEx."

Furthermore, "other electronic means" could be read to include texting, instant messaging, posting on Facebook, or by email. See 14 OMCB 33 (2020) (email exchanges of the HCPSS Board).

Lastly, because the bill only applies to open meetings, it is unclear what means are permissible for closed meetings.

I hope that the bill can be amended to clarify these issues.

Sincerely,

Joel Hurewitz