

**Cecil County Charter Board
Worksession Meeting Minutes**

April 20, 2009

PRESENT: Joyce Bowlsbey, Henry Burden, Ross Cameron, Robert Gell, Harland Graef, Nicholas Ricciuti, Daniel Schneckenburger, Chris Ann Szep, Executive Office Administrator Vicky Rinkerman, and Consultant Victor Tervalá, Esquire via telephone, and members of the public.

ABSENT: John Burkley.

OPEN SESSION called to order at 6:00 p.m.

SUMMARY OF DISCUSSION

Approval of Minutes – The minutes of the April 6, 2009 meeting were approved with the following amendment on page one-section 210 vacancies: remove “appoint” and replace with “nominate”.

ACTION: On motion by Mr. Graef, seconded by Mr. Cameron, the minutes of the April 6, 2009 meeting were approved unanimously as amended.

Old Business

Review of Draft Charter version 2 dated April 6, 2009 – Section 214 Redistricting – Discussion ensued regarding the 2011 Census, the State redistricting plan, and how this will impact the elected county executive and council if the charter is adopted by the voters in the 2010 election.

If charter is adopted in 2010, the current proposal in the draft states, “The Council shall appoint a Redistricting Commission not later than April 1 of the year following each decennial census date. The central committee of each party polling at least 25 percent of the total vote cast for the Executive at the last preceding general election shall nominate five persons to serve on the Commission”.

COUNSEL: Mr. Tervalá stated that the Board has the ability to develop the transition process to move from commission to charter government in any way it deems suitable for that purpose in the charter. The current proposal in the draft is based on the composition of the redistricting commission being created using the votes cast for the county executive since the position is voted for at large. The redistricting commission will be charged with developing and presenting a plan of council districts that would be presented at a public hearing. Developing new voting districts is always controversial.

Section 301 Legislative Powers – Discussion ensued regarding clarification of the power of the county to enact laws for municipal government.

COUNSEL: Mr. Tervalá stated the county and town have similar authority to enact legislation. He clarified that under state law, the county has the authority to enact laws for municipalities. State law provides that if a town is “silent” on a law, the county law shall apply; however, the town has the authority to pass its’ own legislation. The county charter provides no more authority over a municipality than exists today.

ACTION: The Board concurred unanimously to remove from the last sentence of the paragraph, “Except as may be provided by law”.

Section 303 Legislative Procedure – Discussion ensued regarding the term journal as used in this section.

COUNSEL: Mr. Tervalo stated that the term “journal” refers to any action that relates to passage of an Ordinance, or anything designated by the council as part of the journal.

Discussion ensued regarding defining the media used as it pertains to the future availability of advertising in a newspaper of circulation, posting minutes on a bulletin board, and use of the website for legal purposes.

COUNSEL: Mr. Tervalo stated that the information included in the draft reflects current state law on the subject.

NOTE In the draft on page six, change the term “Chairperson” to “Chair”.

Referring to the Dorchester Charter

Section 304 Enactment of Legislation –

- (a) Insert the word “written” in the sentence before the word bill.
- (b) Review state language for defining “reference to its title” to clarify that a law must encompass the language that is being changed, or must reference the initial act. Clarification will be forwarded in the next draft.
- (c) Change “person” or “persons” to “councilmember(s)”.
- (d) Discussion ensued regarding the requirement for four councilmember votes to reject a bill. A bill must be seconded after it is introduced to proceed to a public hearing. The council rejects a bill if it does not receive a second, and it will not move forward in the process. The concern regarding the continuation of newspapers as a form of media and the requirement to advertise in a paper of general circulation was discussed.
- (e) The council determines if a bill has been changed substantially enough to warrant being re-advertised for a public hearing.
- (f) The Board agreed with section f.

A concern raised during the last charter attempt was the potential for an increase in legal fees based on the need for more legal advice. The change in the process for adopting legislation does not substantially increase legal fees.

Section 305 Emergency Legislation – For clarification a Resolution is an informal act and an Ordinance is an act of legislation, which affects the law.

- (a) Emergency legislation must be for a specific purpose that affects the public health, safety, and welfare. The Board concurred to keep the following in the section: “An emergency bill shall not: (i) create or abolish any office, (ii) change the compensation, term or duty of any officer, (iii) grant any franchise or special privilege, or (iv) create any vested right or interest”.
- (b) Discussion ensued regarding the time designated for enactment of an emergency bill. The Board preferred the reference of time to be “reasonable” or “as soon as possible”.
- (c) Discussion ensued regarding the four votes needed to enact emergency legislation. The Board concurred that a simple majority of the council members present and voting would constitute enough to pass emergency legislation, and the emergency law shall terminate no later than six months after the date of enactment.
- (d) The Board concurred with section d.

Section 306 Effective Date of Laws – The Board concurred with the sixty-day provision after enactment.

Section 307 Referendum – The Board concurred to include a provision for referendum in the charter.

COUNSEL: Mr. Tervalva stated that a provision for referendum gives the voters an opportunity to decide on legislation.

- (a) The Board concurred to consider the 10 percent of registered and qualified voters of the county signature provision, which must be submitted prior to a bill taking affect. Discussion ensued regarding the laws to be withheld from the referendum process, the definition of “imposing a local tax”, and imposing a cap on tax increases. COUNSEL: Mr. Tervalva stated that taxation is not in general a home rule power. The Board concurred to add four exceptions for referendum (i) a law imposing a tax, (ii) a law appropriating funds for current expenses to maintain the government, (iii) a law changing the voting districts, (iv) a law authorizing the issuance of bonds or other instruments of indebtedness for a term of less than 12 months.
- (b) A portion or section of a law could be a subject for referendum.
- (c) The Board concurred to remove the additional time to acquire signatures provided in section c.
- (d) The Board concurred with section d.
- (e) Discussion ensued regarding the ability for the council to use a primary election for a referendum vote on legislation. This was tabled for further discussion at the next meeting.

Adjournment

ACTION: Motion made by Mr. Graef, seconded by Ms. Bowsbey, to adjourn the meeting. The meeting was adjourned at 8:00 p.m.

Next Meeting Date – The Board will meet on Monday, May4, 2009 at 6:00 p.m. in the Perryville Room in the County Administration Building.

Approved:

Joyce Bowsbey, Chair

Attest:

Vicky Rinkerman
Executive Office Administrator