

MINUTES
Howard County Board of Elections
8900 100 Parkway
Columbia, Maryland 21045
January 26, 2009

Present:

Board:

Ann M. Balcerzak, President
Donna K. Thewes, Vice-President
Raymond M. Rankin Member
Donna L. Rice, Alternate
Charles M. Coles, Jr., Alternate
Michael S. Molinaro, Board Attorney
Vivian L. Dixon, Board Secretary

Staff:

Betty L. Nordaas, Election Director
Guy Mickley, Deputy Director

Guests:

Marc Norman, HCCOG and Son Ethan
Angela Beltram

Ms Balcerzak called the meeting to order at 4:00 pm. Following the Pledge of Allegiance, it is noted that all members were present, constituting a quorum.

Approval of Minutes: Ms. Balcerzak asked if the board had any correction or additions to the December 01, 2008 Minutes. Following noted correct spelling of “council” a motion was presented, seconded and unanimously, carried.

Addition/changes to the Agenda: Board will convene in Executive Session that is closed to the public.

President: Mr. Norman, having indicated he wished to address the Board as a represented of Howard County Citizens for Open Government (HCCOG), was granted five (5) minutes.

Mr. Norman: Staff thanked for assistance thus far. Recent action taken by private individual, to overturn and interfere in actions taken by the Board’s December 8’ 2008 Advance Determination for Petition to take CB-58 to Referendum, viewed as a deliberate act to intimidate and harass the electorate. Mr. Norman questioned what the Board’s response would be and who (*attorney*), would be representing the Board.

President: The petitioner in the “notice of action” is Mr. Gibbons and his Corporation. They are allowed, by law to take such action. The Board has also notified the Court that they will be a Party to that action. Mr. Norman was asked whether HCCOG had elected to also be a Party. He indicated they have not “pulled together the necessary recourses.”

Ms. Balcerzak reiterated again, that the Board would continue to be as scrupulously dedicated to safeguarding the process in doing what needs to be done. The Board will not take one particular side over another, with a dedication to the process. When the legal notice was received, information was given to HOCCOG. Board President advised Mr. Norman that she had shared the content of their private telephone conversations, with the Board.

For the record and the public “we’re not advocating for one side or another, we are going to do everything we can within the confines of our Agency Mission and I do want to say to you, we are sitting here, we are representatives of the Republican Party and the Democratic Party, but here in this room, we’re really nonpartisan. We are simply your fellow citizens and we’re trying to uphold our Agency Mission to be fair to you, Mr. Gibbons and whom ever. We are dedicated to a clean process and we hope you appreciate that.”

Mr. Norman, being reminded that allotted 5-minutes were over, questioned whether Attorney Molinaro or someone else would be representing the Board. Board Counsel stated he did reclude himself; Mr. Norman asked when or how would they be notified if someone else had been selected? Response: When the Board has made such a decision and all necessary action has been taken, it will become a matter of “public record.”

Attorney Molinaro further noted that, the judicial review action occurs and will continue to occur under Court Rules. That’s in a forum that is different from the Board of Elections’ forum. Therefore it’s important for all interested parties to realize that there are other rules that will govern how that particular action proceeds, including deadlines for participation and other requirements. Referred to Title VII, Maryland Rules of Procedure, which are followed by the Court. Staffers in Ms. Rappaport, County Clerk’s office, are in a position to explain and/or confirm ones understanding of operative dates.

Mr. Norman questioned the release of FOA documents. His understanding was that no documents are released until 20 day. He alleged that documents had been released and wanted to know who took the action and why were the Rules changed?

Board Counsel advised Mr. Norman that the Board relies on advice from both State and County Counsel in all judicial matters.

President: Asked him to be mindful of the time and again asked that written questions be submitted, for the sake of time.

Mr. Norman: “This is the second time in the last 2-years that a zoning regulation amendment that became a Council Bill has come before you as a referendum item. There are questions that pop up as each of these come forward in terms of the proper process; the proper way the language would be stated on the reverse side of the signature page, the way the whole thing should go and there’s a very short time period that people have to get this off the ground and ... moving. The question I’m hoping you folks will start to get around as we move forward, there are a number of zoning regulations that are coming through this County, and in fact it’s easier for them to keep coming. I expect that at least one will come your way again. And I would ask, that possibly you take the opportunity now to start thinking, what is the proper format when a multi-part, multi-page bill by the Council, wants

to be brought to referendum what is the proper format so that it's easy for the person to walk in the door, and say's I want to challenge Bill number so-in-so, it's multi-part, multi-page and you're able to say yep, we've looked at it and this is the way you have to put together your documentation to receive advanced determination. So there's no question down the road. Oh the people signed the petition, didn't know what they were signing because it was such a big Bill and you couldn't fit the whole bill on the back, or the summary wasn't good enough." (*President gavelled for a conclusion. Mr. Norman used a totaled of twenty-two (22), minutes.*)

President then recognized, Angie Beltram, a previous Referendum Petitioner, and gave her time to address the Board.

Ms. Beltram: "I will get right to the point, which you might not like. When you say you're not going to take sides, it seems to me you take the side of the original decision. And the original decision is what the Board did. It's just like you're on the Zoning Board, for instance, and you don't rezone something, and it's appealed. I can't imagine the zoning board saying to the attorneys, "you gotta fight this, because that was our decision." So I would say that you ought to be on the side of what you did properly and defend it all the way."

President thanked Ms. Beltram who, along with Mr. Norman and son Ethan, exited the facility.

President welcomed Ms. Nordaas back from vacation and called for next Agenda item, Correspondence.

Correspondence: Copy of verification letter Dated January 22, 2009 to Marc Norman, HCCOG, giving total of valid signatures, and notice that an additional 2,397 valid signatures was needed to complete the petition process. Further notice that submission period is extended, until February 4, 2009, was included. Letter has also been posted Online.

President: Following Boards review, discussion and minor changes to Incident Weather Policy, Board Secretary was instructed to send copy to SBE, as an addendum to HCBE Bylaws and have it published on Website.

Director's Report: Handout of monthly FY09 Budget and League of Women Voters final report was noted. Director will be speaking to the LWV on Election Boards relationship with MDV (Maryland Dept. of Vehicles Adm.). Discussion of noted items followed:

- FY10 Budget – Serious changes to budget; State salaries reduced, based on furloughs mandated by the Governor. Changes will be seen in February payroll through end of June. Employees will be taking 2-5 days off. In this years County Budget furloughs should not be addressed. Budget due February 2nd. Director reported she will be working diligently to complete by end of this week. Director awaiting information from SBE relative to, Voting Registration Systems, the Voting System, and DRE's, Optical Scan Systems and Early Voting, and has been told it will be received by the end of this week (January 30th). This information will cover a big part of FY10 Budget. County is requiring that submission has to be "flat" with the FY09 Budget. If it is not "flat" an explanation of the ramification must be given. Tough decisions

will have to be made. Because of budget cuts, it will be difficult to meet some of the demands being made by the County and State. We're being asked to take a hard look at our Mission and the Core Services we provide, and to be able to provide statistics and data on how monies are being spent.

- Polling Place Changes – Deputy Director:
Change from Lobby of Wilde Lake High to Wilde Lake Cafeteria, where there are sufficient electrical outlets.
- Hammond High School Library/Media Center now contains additional bookcases, furniture, computer lab, etc, would return to gymnasium for upcoming election.

Attorney's Report: None

Old Business: President reminded Ms Thewes the MS22 Position Description for Election Director II, needed to be completed. Completion scheduled for Wednesday February 4th. Board recessed prior to convening in Executive Session:

Action: Completed action approved by the Board on Wednesday January 14, 2009, to retain Attorney, Gerald Richman, as separate Legal Counsel regarding Petition to refer Howard Council Bill 58-2008. Letter of Engagement was unanimously approved. Board accepted Board Counsel Michael's request to be secluded from Petition litigation.

The next meeting of the Howard County Board of Elections is scheduled for March 25, 2009 at 4:00 PM in the Howard County Board of Elections Boardroom. There being no further business, a motion to adjourn was made, seconded and unanimously agreed upon. Meeting Adjourned at 6:30 PM.

Respectively submitted,

Signed Vivian L. Dixon Mar 23, 2009
Vivian L. Dixon, Board Secretary

Signed Ann M. Balcerzak Mar 23, 2009
Ann M. Balcerzak, President