Agenda for Council Meeting Thursday, March 16, 2023, 7:30 PM

The Council may entertain a motion in open session to enter into a closed session, in accordance with Section 3-305(b) of the Open Meetings Act (Maryland Code, General Provisions Article).

- Call to Order: Kauders
- Approve Previous Meeting Minutes: Kauders (Minutes Page 2, attachment 1 page 6, attachment 2 page 10)
- Opportunity for Council to Hear Residents' Comments
- Building Administrator's Report: Lohmeyer (Page 26)
- Discuss Shepherd St. Park: Alexander
- Committee Updates: Kauders
 - o Community Engagement
 - o Election
 - o Ethics (Attachments page 29)
- Public Hearing and Possible Adoption of Ordinance (No. 2022-10-1) to amend the ethics ordinance to expand the definition of "official" to include members of all committees and ad hoc committees appointed by the Council. (Page 55)
- Public Hearing and Possible Adoption of Resolution (No. 2023-1) to amend policy regarding the taking of oaths and disclosure of conflicts of interest to remove the requirement for a notary to administer the oath. (Page 58)
- Discussion and Possible Introduction of a Charter Amendment (No. 2023-1) to amend section 301 of the Village of Martin's Additions Charter. (Page 65)
- Discussion and Possible Introduction of Fiscal Year (FY) 2024 Budget Ordinance (No. 2023-2) and Tax Rates Resolution (No. 2023-3). (Page 69)
- Treasurer's Report: Alexander
- Discussion and a possible vote to sign onto a resolution prepared by the Town of Chevy Chase condemning antisemitic acts. (Page 75)
- Manager's Report: Silliman (Page 78)
- Opportunity for Council to Hear Residents' Comments

Council Meeting Minutes – February 9 2023

VIA ZOOM CONFERENCE CALL AND IN-PERSON

Council Members Present: Andrew Kauders; Susan Fattig; Arthur Alexander; Katie Howard; Jeff Blander

Residents and other Attendees: Village Manager: Michael Silliman; Building Administrator: Doug Lohmeyer; Village Attorney: Ron Bolt; Auditor: Eva Webb; off duty Montgomery County Police Officers Mike Pratt and Nick Picerno; Keith Allen (Turner Ln.); Marty Langelan (Chestnut St.); Lorie Mitchell (Cummings Ln.); Susan Kahn (Bradley Ln.); George McAleese (Melville Pl.); Peter Kahn (Bradley Ln.); Joel Kliksberg (Quincy St.); Lynn Welle (Oxford St.); David Saulter (Brookville Rd.)

7:30 PM Call to Order: Kauders. Kauders noted that Jeff Blander would join the meeting late.

Weather: Keith Allen said his previous prediction a cold wet winter was true across the Country but not the case in this area. We're looking at Spring like weather the next few weeks.

7:31 PM Approve Previous Meeting Minutes: Kauders. Arthur motioned and Susan seconded. Passed Unanimously.

Opportunity for Council to Hear Residents' Comments.

Susan Kahn supported a separate ethics listening session and said she thinks the Council should be the first stop for ethics complaints. She loves the election plan but raised the issue of timing for ballot curing. She also hopes the comments on the annual survey are made available.

Marty Langelan thanked Arthur for the Audit and Katie for improvements to the newsletter. She expressed desire to see the comments from the annual survey and expressed support for a public listening session of the ethics ordinance.

Lorie Mitchell confirmed there have been zero ethics complaints since the new ethics ordinance.

Peter Kahn added his voice supporting a hearing on the ethics ordinance. Thinks this should be a wide-ranging conversation about the ethics ordinance overall.

7:53 PM Jeff Blander joined the meeting.

for the Village 10 hours a week: Mike Pratt and Nick Picerno

Nick reported crime has been low. Since starting in the Village, he said there have only been a few issues, including several cars being stolen. He did say we experienced some first amendment right protests a few years ago, but those have died down. Mike said crime is very low in the VMA.

Katie Howard asked about the safety of students walking home in the area and reports of students being followed. Nick said to document anything that looks out of place and call 911.

Nick also said they are always armed. They have an obligation to act if they witness something. The use of force is regulated by their use of force policy. Mike clarified that they have full police power.

Lorie Mitchell asked if they provide ticketing services for the Village. The police officers said yes, they can ticket under the county code. Nick said he doesn't do this much in is day job or in the Village. They do get involved if there's an abandoned car.

Jeff Blander said traffic control is concerning. Then asked about the purple line coming and if that will change things.

8:25 PM Review Audit: Eva Webb. Michael Silliman noted that the governance letter and the full audit report can be found in the back of the packet for this meeting. Eva Webb delivered her report.

Building Administrator's Report: Lohmeyer. Doug Lohmeyer delivered his report.

Discuss proposal and process to widen the end of Quincy St: Silliman

Michael Silliman presented the problem, the different solutions that were considered, and provided a recommendation to widen the south side of the dead end of Quincy St only where those two parking spaces are. Moving those two parking spaces up against the sidewalk will create about three additional feet for emergency vehicles to pass. This will require a public bidding process. Michael requested direction to processed with writing an RFP. The Council approved by consensus.

8:55 - Committee Updates: Kauders

Keith Allen noted that planning for the March 5th Community event at La Ferme is ongoing. He then expressed the Community Engagement Committee's recommendation to the Council to help the communities efforts to make needed updates to the privately run community listserv. Many thanks to Jean Sperling for her work on the listserv updates and to Bill Lebovich for running the listserv to date.

Lorie Mitchell reported no comments have been received to date about the amendment introduced at the last meeting. Today the committee is recommending the introduction of an amendment to remove the notarization requirement. Lastly, Lorie noted the Ethics Committee will hold fewer meetings going forward as their remaining work can be done administratively and this is consistent with the practices of other ethics bodies.

George McAleese reported the election committee had a very productive meeting and that they are updating the communication plan, process for voter roll verification, and instructions to the election service provider. First thing that is happening is nomination period opens on February 20. George responded to comments about the ballot curing timeline. The plan is very specific; ballot curing and counting happens on May 24th.

8:31 PM Discussion and possible introduction of resolution (No. 2023-1) to amend policy regarding the taking of oaths and disclosure of conflicts of interest to remove the requirement for a notary to administer the oath.

Susan made the motion. Arthur seconded. The resolution was introduced with four yea votes and one abstention by Jeff.

Consider motion to host community listening session on the Introduced Ordinance 2022-10-1. Ordinance to Amend the Ethics Ordinance to Expand the Definition of "Official" to Include Members of All Committees and Ad Hoc Committees Appointed by the Council: Blander

Jeff made a presentation calling for a forum concluding with making a motion to hold such a public forum before the March 2022 Council Meeting.

Susan commented that to date there have only been four objections to this ethics amendment in question, all of which were made at public hearings. She contested the statement that the ethics ordinance is a deterrent to volunteering, and instead suggested that bullying of volunteers by a handful of residents has been responsible for a reluctance of some volunteers to seek reappointment, although we have had more volunteers since the ordinance was enacted. Susan also expressed that she would have an issue with the timing of the proposed forum, which seems patently political.

Arthur noted that this forum and the issues raised do not have anything to do with this amendment at hand.

Andrew noted this is a small amendment expanding the ethics ordinance to committees. And further expressed concerns about the timing and scheduling of a forum.

Jeff made his motion. Katie seconded. Andrew voted for it. Susan and Arthur voted no. This passes and we will schedule a date.

9:56 PM Review 2022 Annual Survey Results: Alexander

Arthur noted the new survey tool was used and that about half the number of households in the Village submitted a response. Jeff Blander made a presentation oh his analysis of the data. Michael Silliman asked the Council for take aways and actionable items for the Village office to follow up on.

Treasurer's Report: Alexander

Arthur gave his reported and noted one edit to the posted report.

Manager's Report: Silliman

Michael gave his report and noted one additional item that was not on his written report. The Maryland state legislator introduced House Bill No. 269 which would require the Village to amend our Charter to disallow voting by non-resident property owners. Michael recommended the VMA amend the Charter presumptively. By consensus the Council agreed and directed the Village Attorney to draft the Charter amendment.

Opportunity for Council to Hear Residents' Comments

Marty Langelan asked for the comments of the survey. Village Attorney said you do not need to submit a formal written request. Verbal request is fine, and we will process it.

Susan Kahn also asked for a copy of the survey comments.

Adjournment: Kauders

Katie motioned and Arthur seconded.

Ethics Ordinance

Objectives prior to possible vote on Adoption (March 2023)

Council Meeting – February 2023

- Have a motion to host a community forum/listening session on the new Ethics Amendment BEFORE the March meeting where the vote on adoption is expected.
- Request formal written responses from our Attorney to questions. With particular focus on a) timing of information exchange, b) capping "costs" associated with investigations, and c) resident volunteers and existing council authorities to problem solve through administrative action.
- Information "gaps" and suggested pre-requisites before a vote on "Adoption" for expansion of the current ordinance takes place:
 - Impact of the **current** ethics ordinance on resident volunteers willingness to volunteer.
 - What level of resident support is there for the **proposed expanded** Ethics Ordinance amendment to cover all resident volunteers.
 - Pre-requisites to consider an adoption to expand the current ordinance as applied to all resident volunteers
 - 1) Answer questions in writing from Village Attorney and/or Committee
 - 2) Have insight (forum and "flash poll) specific to the impact the current or newly proposed amendment has on resident's willingness to volunteer.

Some Questions.....

- Information sharing and timing: Under the current ordinance and review process, when exactly does the council first find out about ethics complaints submitted to the committee for a determination and if needed investigation. Is this only AFTER a determination & recommendation that a violation has occurred (or not) by the committee? Is this the same for council members, committee members, and village staff? Is there a specific window of time when the council must be informed upon a submission of a complaint?
- Costs associated with implementation: Can the committee initiate an independent investigation AND request VMA Legal Counsel for billable hours to research a complaint of a resident volunteer, employee, or council member without first consulting the council to "start the clock." In other words, does the council have any input or decision-making authority on whether an investigation of a complaint specific to a resident volunteer is pursued & legal advice is sought. Is there any "cap" on what these costs might incur with or without council intervention?
- **Duel submissions and reconciliation:** What happens if the same complaint is submitted both to the council and the ethics committee. What is the process for communication and reconciliation for the dual submission.
- Why expand beyond positions of public trust & examples: Under what administrative, legal, or risk management rationale should the council broaden the current scope of the ordinance which is "to apply only to the Council, employees, Ethics and Election Committee members, and the Tree Supervisor, as these are the significant positions/"offices of public trust" that involve statutory duties."
- Tweak the process and empower council specific to resident volunteer complaints: How might we amend the code to say the Ethics Committee must inform the council of all complaints received on behalf of all resident volunteers. The council reserves its independent authority to take administrative actions to engage conflict resolution or as needed remove a resident volunteer from their appointed position as deemed necessary to resolve urgent matters impacting Village affairs or business.

Other Thoughts – Common Sense Lens

- Why the rush and burning urgency? Shouldn't we carefully consider important resident concerns and possible gaps in process and procedure before expanding to all resident volunteers?
- Not about wholesale change or whether the council "likes" or is considered a gatekeeper on Ethics.
- About resolving an identified communication "gap", timing issue, and suggestions for process improvement.
- For example, the ethics committee in its current form of operation under the expanded jurisdiction first reviews and investigates ALL ethical complaints. This is done so without being required to inform or disclose to the council about complaints received, thus potentially preventing the council from taking some immediate administrative action or conflict resolution steps to resolve what could be a contentious brewing situation.
- By not communicating upfront to the council that a complaint has been submitted against a resident volunteer, it prevents the council, through lack of timely information sharing, its ability to use existing authorities to immediately look to mediate and resolve problems.
- Bottom-line:
 - 1) How can we improve communication between the committee and council when a complaint targeted towards a resident volunteer is first submitted.
 - 2) Clarify the Council's right to use existing authorities to resolve problems on committees and among resident volunteers that have an administrative solution, while a committee's review might take place independently, without delay, on the ethical issues raised.

Discussion Methods, Trends, Considerations

VMA Annual Survey 2022

In God we trust, all others must bring Data.

Torture the data and it will confess to everything!

If we have data, let's look at data. If all we have are opinions, let's go with mine.

"Errors using inadequate data are much less than those using no data at all."

Sampling....

	201	7	202	20	20	21	20)22
Street	N	Percent	N	Percent	N	Percent	N	Percent
Bradley Ln	18	11%	14	10%	13	10%	16	11%
Brookville Rd	10	6%	4	3%	3	2%	3	2%
Chestnut St	8	5%	6	4%	10	8%	10	7%
Cummings Ln	8	5%	9	6%	9	7%	11	8%
Delfield St	10	6%	7	5%	3	2%	5	4%
Melville Pl	2	1%	3	2%	5	4%	4	3%
Oxford St	3	2%	3	2%	3	2%	2	1%
Quincy St	12	7%	11	8%	12	10%	16	11%
Raymond St	19	11%	10	7%	21	17%	18	13%
Shepherd St	12	7%	7	5%	11	9%	13	9%
Summit Ave	11	7%	11	8%	10	8%	11	8%
Taylor St	8	5%	7	5%	3	2%	10	7%
Thornapple St	6	4%	7	5%	6	5%	8	6%
Turner Ln	14	8%	17	12%	15	12%	15	11%
Total Responses	168		144		124		142	
Households: 321								
Qualified Voters (2022): 627								

Note on Sampling Frame

- 572 emails sent using constant contact + 18 hand delivered surveys
- Response rate of 25% (148/590): 147 completed surveys from the 572 emails sent using the Constant Contact system. And 1 of 18 hand delivered survey's were returned and responses manually entered.
- There are approximately 321 households located within VMA.
- The voter roll for 2022 was 627

Questions:

- Who are we missing and why?
- What should our sampling frame be going forward?
- What about youth representation (parental consent)?

Item and Response Design

Example #1 – "Item Loading"

Example #1: 11. Should we resume in-person voting plus the 'Celebration on the Sidewalk' in addition to voting by mail?

- Total responses 131
- Yes 108 82
- No 23 18

Question: What is being measured? In-person voting or celebration or proxy for "other"

Example #1 – "Unloading"

- The last three (2020, 2021, 2020) Village elections have been conducted all by mail-in. Would you like to continue to have an all-mail voting process? Yes No
- In 2022, the Village elections included a drop-off box for residence to support the all mail-in election. Would you like to continue to have an all-mail voting process AND drop-box option? Yes No
- A longstanding tradition of election day has been to host a "Celebration on the Sidewalk" event. However, with COVID this celebration has been paused the last several years. Please answer the following questions about the celebration:
 - A. Would you in general like to see a return of a "Celebration" event? Yes No
 - B. If "Yes", to see a return to a "Celebration", what preference would you most prefer:
 - During the week, at the commercial strip/side walk, on "election day".
 - On a weekend, at Chevy Chase Park, not specifically on election day (Springtime Celebration)

Example #2 - Item Loading

 Example #2: Community engagement events such as the Independence Day celebration are currently budgeted at \$35,000 for all events over the year. Should community engagement activities be expanded to include more social activities? Yes No

Questions:

 What is being captured: Demand for events or feedback on cost elasticity? What is \$35,000 referencing: All events, Independence Day? Are all events the same cost? How does this relate to the stated \$750,000 annual expenditure and overall VMA net position of \$4,525,364.

Example #2: Unloading and clarity on referencing

- Example #2: Community engagement events such as the **Independence Day** celebration are popular among residents.
- Would you like to have more community engagement events or social gatherings?
 Yes or No
 - If Yes, what kinds of events or social gatherings would you like to have?
 - Book clubs
 - Educational
 - Crafts and art
 - Community service
 - Exercise or cooking
 - Do you have a preference for what kind of events
 - For families and young children
 - Adults and seniors
 - Other?
- Knowing that the total budget for all events is approximately 4.6% of VMA annual expenditures (\$750,000) or .7% of overall VMA net position (\$4,525,364) would you be in favor of increasing the budget for events to accommodate new offerings? Yes or No

Example #3 – Item Response consistency

- Items 16 through 23: Most of the Village budget is spent providing services to residents. Please indicate how you value these services:
 - Highly valued, Valued, Neutral, Not valued
- Items 24 through 30: Now, we want to hear from you about possible future services and activities.
 - Yes No

Observations

Making heads or tails

7. Do you believe the 2022 Village election was conducted in a fair and open manner?

	Number	%
Total responses	132	100
Yes	131	99
No	1	1
Comments	15	

10. The 2022 Village election was conducted partly by mail. If you used the mail option, was the process of voting by mail easy?

	Number	%	
Total responses	123	100	
Yes	119	97	
No	4	3	

Comments 17

11. Should we resume in-person voting plus the 'Celebration on the Sidewalk' in addition to voting bymail?

_	Number	%
Total responses	131	100
Yes	108	82
No	23	18
Comments	26	

Dig Deeper - Is Voting Easy, Fair, and Open Multi-Year Trends

Easy	2020		2021		2022	
Yes	100	97%	108	92%	119	97%
No	3	3%	9	7%	4	3%
Fair and Open						
Yes	89	94%	101	90%	131	99%
No	5	6%	11	10%	1	1%

Other Context - Ballots Cast (Qualified Voters)

	2017	2018	2019	2020	2021	2022
Ballots Cast	227*	207*	236*	295	424	329
Qualified Voters				601	616	627
Top Vote-Getter %				202 (69%)	263 (63%)	200 (60%)

Estimated average increase of ballots cast using All Mail-In = 126 (56%)

Qualitative Data (Comments) Seek and Ye Shall Find

- Framing (est.)
 - 116 (79%), had one or more comments
 - 1 (.06%), comments for all 27 open ended questions
 - 10 (6%), comments for 15 or more open ended responses
 - 17 (11%) comments on "in-person" elections
- Election and voting
 - "This is a confusing question."
- Ethics
 - "The Council has always had the power to remove committee members from a Village committee..."
- Volunteerism
 - "Question: is the decline in volunteer enthusiasm a feature or a bug? I ask the Council to examine carefully what is causing residents not to volunteer..."
- Events
 - "New proposals for Village activities have been routinely quashed. I'm thinking particularly of the Community Engagement Committee's interesting proposal to develop a number of social and service activities within the Village."
 - "LOVED movie night!"
 - "The fun events are GREAT! I wish we did a few more a year. I also think the events are great for residents with children, but wish we had at least one event a year that was geared towards adult residents only."
 - Would be great to consider a few more family events. Perhaps in the Winter and Spring.
 - VMA should have more events, including events for adults, like the prior wine events held at La Ferme.

Future considerations

Sampling

- Being clear about what is our sampling frame?
- Who are we missing and how to increase response rate.

Item Design

• To improve the overall quality of the survey consider "unloading" of items as well as consistency of item responses to improve the richness and interpretation of the data collected

Analysis

 Consider running some cross tab statistics and further drive item design to improve response variation & item design.

Miscellaneous

- Snap polling on 'important' issues impacting the entire community and all volunteers e.g. Ethics Ordinance, etc.
- Conduct deeper trend analysis to bench mark performance.
- Host a community forum to share results and discuss new ideas/concerns. Public safety and events/support services

TO: The Council at the Village of Martin's Additions

FROM: Doug Lohmeyer

DATE OF MEMO: March 13, 2023

SUBJECT: Building Administrator's Report

3506 Bradley La.

Demolition and building permit applications were submitted to the Village office. The Village issued the building permit on Dec. 9, 2021. Work is progressing. On Nov. 29, the applicant requested an extension until Feb. 28th. The project is still under construction and another Village permit extension has been issued. It will expire May 31, 2023.

3508 Bradley La.

The property owner has submitted a building permit application to add a two story addition at the rear of the ex. house. The Village issued the permits on Nov. 25, 2022. Work has begun.

3417 Cummings La.

The owner submitted an application to demolish the existing house and to construct a new home on Nov. 22, 2022. The property is two lots, 6 and 7, recorded in 1919. The staff has completed the initial review and provided the applicant with review comments. The resident information meeting was held on Tuesday, Mar. 14th.

3419 Cummings La.

The owner submitted an application to demolish the existing house and to construct a new home on Nov. 22, 2022. The property is two lots, 6 and 7, recorded in 1919. The staff has completed the initial review and provided the applicant with review comments. The resident information meeting was held on Tuesday, Mar. 14th.

7200 Delfield St.

The new homeowners propose to add a porch, with steps and a patio on the eastern side of the new house. The staff has reviewed the non-vegetative analysis and the proposed plans. They have also installed new plants along Delfield and Taylor St. and added an arbor along Delfield. A right of way licenses agreement has been prepared and is pending signatures.

203 Oxford St.

The applicant has submitted an application to add a two story addition and a deck at the rear of the house. The staff has completed the initial review of the plans.

120 Quincy St.

The homeowner submitted plans to the County and the Village for review. The application proposes constructing several additions at the side and rear of the existing house. MCDPS issued their building permit on Jan. 5, 2022. The Village issued their permits on Feb. 6, 2022. Work is ongoing. The applicant has requested a building permit extension until May 31st. A Village permit extension has been issued. It will expire on June 30, 2023.

151 Quincy St.

The property owner submitted a building permit application to remove the ex. house and to construct a new house. A zoom residents information meeting was held on Tues. Oct. 25th. The Village issued the permits on Nov. 23, 2022. The old house has been removed and the new house construction is underway.

155 Quincy St.

The homeowner has submitted an application to remove the existing deck and construct a new deck and screened porch at the rear of the house. They also plan on installing a generator on the left side of the house. The Village building permit was issued on Mar. 8, 2023.

162 Quincy St.

The new homeowner is making interior improvements to the existing house and has said the existing house footprint will not increase. The homeowner has built a 10 inch high retaining wall along the front of the property on Quincy, next to the public sidewalk. A Village right of way license agreement has been prepared and is pending signatures.

3500 Raymond St.

The homeowners are considering several additions to the existing house. They have applied to the MCDPS and to the Village. The Village issued their permits on Jan. 6, 2023. The work is ongoing. The Wall Check survey indicates the addition complies with the Village setbacks.

3504 Shepherd St.

The homeowner plans to construct an addition at the rear of the ex. house. The Village issued their permits on Dec. 8, 2022. Work has begun.

7200 Summit Ave.

The homeowners submitted a Variance Application for additions to the existing house. The variance was approved by the Council on July 16, 2020. The MCDPS issued their permit on April 12th. The Village issued their building permit on April 26 2022. The improvements are completed but MCDPS has not closed their building permit.

3412 Taylor St.

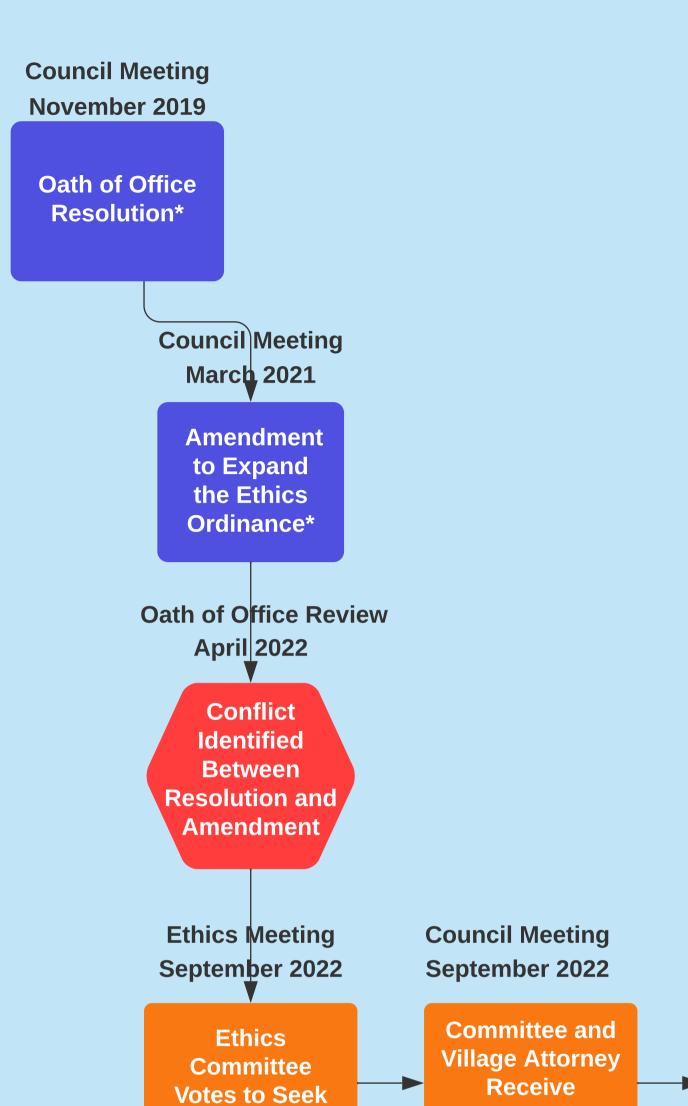
The homeowner has submitted plans to enclose and remove the existing below street garage and to remove and raise the driveway, so it will slope towards the street and away from the house. The staff has sent comments to the applicant's team.

3502 Taylor St.

The staff has met with the architect to discuss planned additions to the existing house. Plans have not been submitted to the MCDPS or the Village.

3515 Taylor St.

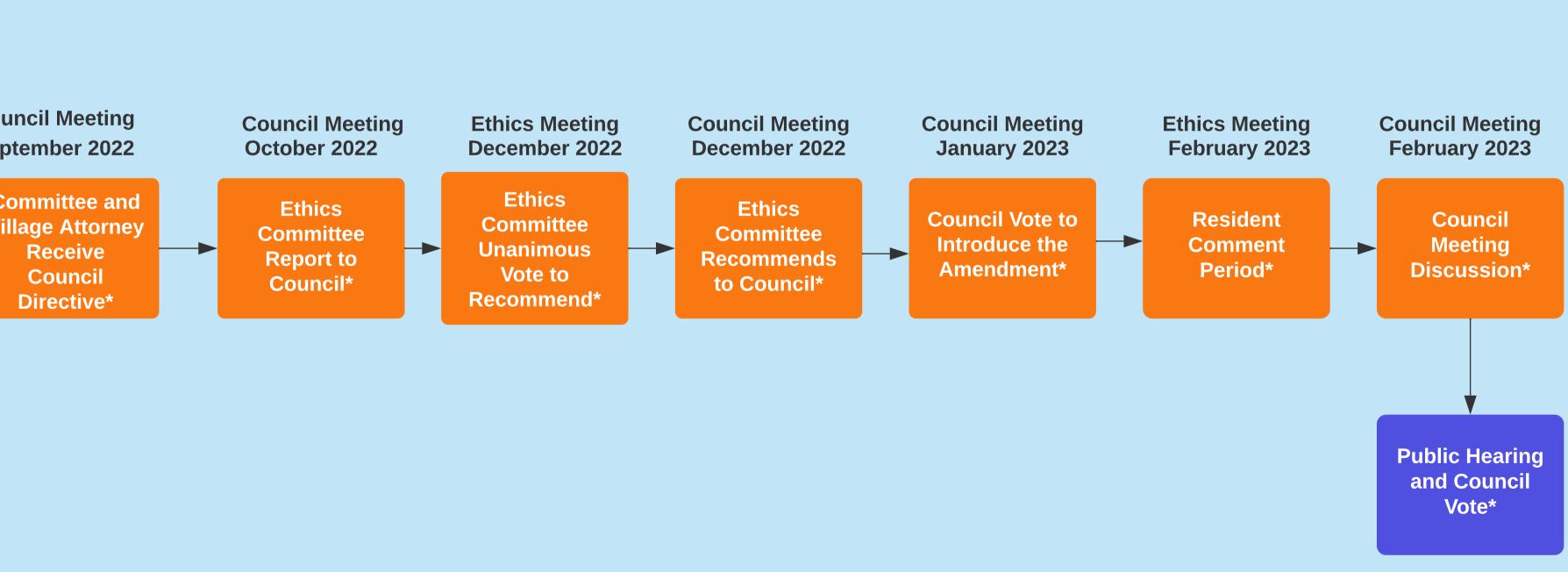
The new homeowner plans to construct a shed at the left rear of the lot. No plans have been submitted to the MCDPS or the Village.



Council Advice*

Ethics Amendment 2022-10-1

To Expand the Definition of "Offical"



* Opportunity For Residents to Comment

Council Meeting March 2023



Village of Martin's Additions Ethics Training

NOTE: THIS SUMMARY IS FOR TRAINING PURPOSES ONLY. WHILE IT SUMMARIZES CERTAIN SECTIONS OF THE VMA CODE, IT DOES NOT PURPORT TO BE COMPLETE OR TO REPLACE THE CODE. PLEASE REFER TO THE CODE BEFORE TAKING ANY ACTIONS REGARDING THE ETHICS REQUIREMENTS OF THE VILLAGE OF MARTIN'S ADDITIONS.

Why Does the Ethics Committee Offer Ethics Training?

(1) Because the Village Ethics Code, **consistent with Maryland Ethics Law**, must be followed by all Village Public Officials and employees.

(2) Because ensuring that Village decisions are impartial and free from conflicts of interest is at the heart of **good governance**.

Promoting an Ethical Culture

Chapter 4 of the Code **establishes the Ethics requirements** for VMA. Its purpose is to "ensure the **utmost ethical service** by [VMA] Officials, specifically that Officials (i) act with impartiality when executing their official duties ('duty of impartiality), and (ii) avoid conflicts between their private interests or relationships and Village interests ('conflicts of interests')."

The "VMA Officials" subject to the Code's ethics requirements are all members of the Village Council, all members of the Election Committee, all members of the Ethics Committee, the Village Tree Supervisor, and all persons employed by the Village. Code, Section 4-101(d).

"The basis of effective government is public confidence."

(John F. Kennedy)

What is the VMA Ethics Committee?

Section 2-101(a) of the VMA Code requires that there be an "Ethics Committee composed of three (3) members appointed by the Village Council. Members of the Ethics Committee shall be qualified to vote in Village elections and shall not be members of the Village Council or the Elections Committee...[They] shall serve until the end of the fiscal year in which they were appointed."

VMA Ethics Committee Responsibilities

Section 2-101(a) also defines the **responsibilities** of the Ethics Committee:

- (1) To provide advisory opinions subject to the provisions of Chapter 4 of...[the] Code as to its applicability; and
- (2) To make **determinations as authorized by Chapter 4** to ...[the] Code.

Ethics Training Objectives

- Understanding the Ethical Obligations of Public Service in VMA
- Oath of Office and COI Forms
- Conflict of Interest/ Gifts
- Impartiality

- Self-Governance
- Affirmative Duty to Update Disclosure Forms
- Recusals
- Advisory Opinions

- Accountability
- Complaint Process

Oath of Office and COI Forms

Upon entering their positions and prior to executing any duties related to their positions, VMA Officials are required to file with the Committee (i) a conflicts of interest disclosure form and (ii) an oath of office, which includes a duty of impartiality. Code, Section 4-201(f).

Completing the Oath and COI questionnaire are requirements to be completed each year before the first day of August.

^{*}The disclosure form and oath of service are attached.

Conflicts Of Interest/ Gifts

Officials are prohibited from soliciting or knowingly accepting any gift from any person seeking to do business "of any kind" with the Village or who has financial interests that may be affected by the performance of official duties, except that unsolicited gifts having a value of less than \$50.00 tendered for personal or social reasons may be accepted. Code, Sections 4-201(b) and (c).

Impartiality

"Impartiality" is defined as "making decisions based on objective criteria, rather than on personal bias, prejudice, or favoritism. It requires that Officials be fair and not give preferential treatment to any persons or organizations in performing their duties on behalf of the Village." Code, Section 4-101(c).

Affirmative Duty to Update Disclosure Forms

Throughout their terms of service, Officials have "an affirmative duty to update the disclosure form...and thereby disclose to the Council actual or potential conflicts of interest." Updated disclosures must be made "before executing any duty that in reality or in the reasonable perception of others could be influenced by an actual or potential conflict of interest." Code, Section 4-202(g).

Recusals/Advisory Opinions

After complying with the disclosure and oath-taking requirements, an Official must (1) voluntarily disqualify or recuse him/herself and withdraw from any matters with respect to which there is a conflict of interest or an inability to execute his/her duties with impartiality, or (2) request an advisory opinion from the Council, with the assistance of the Ethics Committee, to determine the presence or absence of a conflict of interest or an ability to execute duties with impartiality and advise the Official of an appropriate course of action.

Complaint Process

- To be filed, a complaint must be under oath that it is fact-based, "that the relevant facts are contained in the complaint, and that those facts are accurate and complete."
- If the complaint passes the "initial assessment," the Committee must notify the person who is the subject of the complaint and give him/her an **opportunity to "cure"** the alleged ethics violation.
- The Ethics Committee and the Council are required to seek **informal resolutions** of any ethics complaints throughout the complaint process.
- The complaint process is subject to **confidentiality requirements**, except as necessary for the due process protections for the subject of the complaint and as required by law and/or court order.
- The remedy for any ethics violation is for the Official to be disqualified from participating in a specific matter or from his/her Village position. The scope of any disqualification must be tailored to remedy the ethics violation and cannot be broader than necessary to ensure compliance with the Village's ethics requirements.

Ethical Dilemma (1)

In February, the Village Council, after reviewing multiple bids, awarded a contract to the catering company Platinum Plates to provide refreshments for a Village event in May. In March, Councilmember Jackson contacts Platinum Plates for a quote to prepare a dinner for his parents' anniversary party. The owner of Platinum Plates responds to the request with a price quote for catering the anniversary meal that includes a 30% discount valued at \$300.

- What, if any, concerns are raised by this scenario?
- Should Councilmember Jackson proceed with the work at the discounted price?

^{*}This scenario is for training purposes only. Neither it nor any discussions of it is intended to provide advice or serve as precedent with respect to actual situations that may arise in the Village.

Ethical Dilemma (2)

The Elections Committee and the Council have established a rule that nominations for election to the Council must be received by March 1 and must be followed by statements of qualifications and completed conflict-of-interest forms by March 10. Three days before the March 1 deadline, and after three nominations were submitted and received, one Village resident expresses an interest in running for the Council and asks Elections Committee Member Brown to extend the deadlines to March 8 and March 17 because of a work project that has her fully occupied.

- What, if any, concerns are raised by this scenario?
- What, if anything, should Elections Committee Member Brown consider and do?

^{*}This scenario is for training purposes only. Neither it nor any discussions of it is intended to provide advice or serve as precedent with respect to actual situations that may arise in the Village.

Ethical Dilemma (3)

Martin, the Village Manager, is responsible for supervising Village contractors, including XYZ, which has the contract for collecting Village garbage, trash, and recyclables. Martin has just learned that his adult brother is in what appears to be a serious romantic relationship with the daughter of the President of XYZ.

- What, if any, concerns are raised by this scenario?
- What, if anything, should Martin consider and do?

^{*}This scenario is for training purposes only. Neither it nor any discussions of it is intended to provide advice or serve as precedent with respect to actual situations that may arise in the Village.

Key Takeaways

- Impartiality is a core principle of ethics, and guarantees Village residents that government action benefits the public, not friends, family, or individuals.
- Understanding the Ethics Code is essential to ensure Public Officials and Village employees recognize the importance of examining their actions and decisions carefully to consider ethical issues.
- If at any time a Public Official or Village employee is concerned that they may have an ethical problem, they should consult with the Ethics Committee for an advisory opinion.

"There is no pillow so soft as a clear conscience."

(French Proverb)

*Attachments Oath of Office and Conflict of Interest Forms

Oath of Committee/Board Member

)			
)			
unittee of the Village of luly sworn, do depose and s partiality and according to the a's Additions, the Code of Or	Martin's Additions, say that I will faithful e best of my ability, ir	a municipal corporation in ly execute my duties as such accordance with the Charter	
er Name:			
re me, a notary public, this	day of	, 201	
	amittee of the Village of buly sworn, do depose and so partiality and according to the according to the according to the second by the Village Council.	igned, duly appointed to act as a member of mittee of the Village of Martin's Additions, duly sworn, do depose and say that I will faithful partiality and according to the best of my ability, in it's Additions, the Code of Ordinances, and any cord by the Village Council.	Igned, duly appointed to act as a member of the Board amittee of the Village of Martin's Additions, a municipal corporation in the sworn, do depose and say that I will faithfully execute my duties as such partiality and according to the best of my ability, in accordance with the Charter and Statistical Additions, the Code of Ordinances, and any committee/board charter or rules do by the Village Council.

My commission expires:

0

Oath of Executive Officer

c		
5.		
rporation in Maryland, and lies as such officer with strice the Charter of the Village of	being duly sworn, do depo ct impartiality and accord of Martin's Additions, the	ose and say that I will ing to the best of my
Jame:		
me, a notary public, this	day of	, 201
Name:	,Not	tary Public
My commission expire	s:	
	rporation in Maryland, and be ies as such officer with strict the Charter of the Village of the Charter of the Village of the	d, duly appointed to act as the Tree Supervisor of the reporation in Maryland, and being duly sworn, do depoies as such officer with strict impartiality and accord to the Charter of the Village of Martin's Additions, the tree adopted by the Village Council.

Oath of Employee

tate of Maryland)) ss. Montgomery County)	
Montgomery County) ss.	
I, the undersigned, being duly employed in an at-will capacity as Village Manager/Ass illage Manager, of the Village of Martin's Additions, a municipal corporation in Maryland, and uly sworn, do depose and say that I will faithfully execute my duties as such employee with a partiality and according to the best of my ability, in accordance with the Charter of the Villa fartin's Additions, the Code of Ordinances, and any rules and procedures adopted by the V	being strict age of
ouncil.	
Member Name:	
igned and sworn before me, a notary public, this day of, 201_	
N P. I.V.	
Name:,Notary Public	
ical)	
My commission expires:	

OATH OF OFFICE COUNCIL MEMBER

[,	United States; and that	do swear and af	firm that I w	vill support the
	United States; and that and support the Constitu			
	gment, diligently and fail member according to			
ine office of Counci	i member according to	ane constitution and	a Laws of this	State.
Term expires July 1	, 20			
Subscribed and swo	orn to before me this aryland.	day of	, 20, i	in Montgomery
Notary Public				
My commission exp	pires			

OF MARTIN'S ADDITIONS CONFLICT OF INTEREST QUESTIONNAIRE

The Village of Martin's Additions is governed by a municipal Charter that provides for a five-member elected Council to appoint an Ethics Committee (Committee). The Committee shall provide advisory opinions to persons subject to the provisions of Chapter 4 of the Village Code (Code) as to its applicability and to make determinations as authorized by Chapter 4 of the Code. This questionnaire is required by Village Charter Section 903 and will assist the Committee in doing its work.

The purpose of this questionnaire is to ensure that each member of the Village Council and each Village employee (salaried and contract) is free of or has disclosed all Conflicts of Interest, as that term is defined below.

1. During the prior calendar year and in this year up to the date of your signature (the Period), have you or any Related Party of yours had any material interest, direct or indirect, in any Transactions to which the Village of Martin's Additions (VMA) was, or is to be, a party?

Yes No If Yes, please provide details.

2. Do you or any Related Party of yours have any material interest, direct or indirect, in any pending or incomplete Transactions to which VMA was, or is to be a party?

Yes__ No__ If Yes, please provide details.

3. During the Period, have you or any Related Party of yours been indebted to VMA? Yes No If Yes, please provide details.

4. During the Period, have you or any Related Party of yours been an employee, officer, director, partner, or trustee of any organization with which VMA now has, or you have reason to believe may in the future have a business relationship?

Yes__ No__ If Yes, please provide details.

•	eve may in the future ha	sing or negotiating employment or any other relationship with any organization with which VMA now has, or we a business relationship.		
6. During the Period, have you or any Related Party of yours received any gift from any organization with which VMA now has, or you have reason to believe, may have now or in the future a business relationship? Do not include any unsolicited gifts from any donor having a total value during the Reporting Period of less than fifty dollars (\$50.00). Yes No If Yes, please provide details.				
7. Is there any other cir Yes No If Yes, pl		n that could be a Conflict of Interest between you or any Related Party of yours and VMA?		
8. I acknowledge the du I Agree	uty to update this disclos	ure form should any of my answers become no longer accurate.		
My answers to the ques	stions above are correct	o the best of my knowledge and belief.		
Signature	Printed Name	 Date		

Definitions for Purposes of this Questionnaire

Related Party Means any person who has the potential to influence the

actions of another person, including without limitation immediate family members (spouses, domestic partners, parents, children, siblings, and in-laws) and business colleagues and associates.

Material Interest Means a financial interest greater than \$50.00 or any

interest that has the potential to influence the

independent judgement of a person.

Conflict of Interest Means the potential to influence or in the perception of

others to erode the undiminished loyalty of a person

to the interest of VMA.

Transactions Means dealings with which one party agrees to perform

one or more obligations in exchange for one or more

obligations of another party, whether or not such

arrangement is memorialized in writing.

	Ethics Training Attendance 2022/2023		
	(Current Volunteers/Staff)		
Name/Position		Session Attended	
Election Comm	ittee		
George McAlees	e	2/2022, 11/2022	
Eric Shaw		2/2022	
Alison Price		2/2023	
Community Eng	gagement		
Paul McGowen		2/2023	
Keith Allen		11/2022	
Phillip Hurst		11/2022	
Council Membe	rs		
Susan Fattig		11/2022, 2/2023	
Katie Howard		2/2022, 11/2023	
Andrew Kauders		11/2022	
Arthur Alexander		2/2023	
Village Staff			
Michael Silliman		11/2022, 2/2023	
Erin Byrnes		2/2023	

The Village of Martin's Additions (Ethics Ordinance – Definition of Official)

Ordinance No.: 2022-10-1 Introduced: 1-19-2023

Adopted: Effective Date:

ORDINANCE TO AMEND THE ETHICS ORDINANCE TO EXPAND THE DEFINITION OF "OFFICIAL" TO INCLUDE MEMBERS OF ALL COMMITTEES

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, grants to the legislative body of every incorporated municipality in Maryland general power to pass such ordinances not contrary to the Constitution of Maryland, or the public general law, as deemed necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, Section 501 of the Charter of the Village of Martin's Additions authorizes the Village Council to pass such ordinances as it may deem necessary for the preservation of the property, rights, and privileges of the Village and its residents;

property, rights, and privileges of the Village and its residents;
WHEREAS, after proper notice to the public, the Village Council introduced the following Ordinance in an open meeting conducted on theth day of, 2022;
WHEREAS, after proper notice to the public, the Council considered this Ordinance in public session assembled on theth day of, 2022; and
WHEREAS, upon consideration of the testimony and evidence presented at the public hearing, and the recommendation of the Village Ethics Committee, the Village Council finds that the foregoing Ordinance would assure the good government of the municipality, protect and preserve the municipality's rights, property, and privileges, preserve peace and good order secure persons and property from danger and destruction, and protect the health, comfort and convenience of the citizens of the Village of Martin's Additions, and is necessary for the preservation of the property, rights, and privileges of the Village and its residents.
NOW, THEREFORE, the Village Council does hereby adopt the following Ordinance.
BE IT ORDAINED AND ORDERED, thisth day of, 2022, by the Village Council, acting under and by virtue of the authority given it by the Maryland Code and the Charter of the Village of Martin's Additions, that the Village Code is hereby amended as follows:

* * *

CHAPTER 4 ETHICS

ARTICLE 1. GENERAL

Section 4-101. Definitions

For purposes of this Chapter, the following words and phrases shall have the following meanings:

(a) The "Committee" means the "Village Ethics Committee" as constituted and described in Section 2-101.

* * *

(d) "Public Official" or "Official" means all members of the Village Council; all members of the Election Committee; all members of the Ethics Committee; all members of any other standing or ad-hoc committee or task force; the Village Tree Supervisor; and all persons employed by the Village.

* * *

(Ord. No. 08-15-01, adopted 9/17/15, effective 10/7/15; Ord. No. 11-15-1, adopted 1/21/16, effective 2/10/16; Ord. No. 2021-1-1, adopted 3/18/21, effective 4/7/21)

Section 4-204. Enforcement

- (a) The Council may file a petition for injunctive or other relief in a court of competent jurisdiction for the purpose of requiring compliance with this Chapter.
- (b) In addition to any other enforcement provisions in this Chapter, any member of either the Election Committee, or the Ethics Committee, or any other standing or ad-hoc committee or task force, or the Tree Supervisor, who is found by the Committee, the Council, or a court to have violated this Chapter with respect to Oath of Service shall be subject to removal by the Council; and any member of the Council who is found by the Committee or a court to have violated this Chapter shall be subject to recall, as provided in the Village Charter.
- (c) In addition to any other enforcement provisions in this Chapter, any employee found by the Committee, the Council, or a court to have violated this Chapter shall be subject to disciplinary or other appropriate action, including dismissal or suspension of compensation.

shall not include the penalties	set forth in Chapter 3 of this Code.
(Ord. No. 2021-1-1, adopted 3/18/21, effecti	ve 4/7/21)
*	* *
	R ORDAINED AND ORDERED, by the Council of nder and by virtue of the aforementioned authority,
	this ordinance is declared by a court of competent ion held to be invalid shall not affect the validity of art thereof; and
(2) This Ordinance shall take eff 20 days after adoption).	ect on theth day of, 2022 (at least
ATTEST:	THE VILLAGE OF MARTIN'S ADDITIONS
Susan Fattig, Secretary	Andrew Kauders, Chair Village Council

A violation of this Chapter shall not constitute a civil or criminal infraction. Enforcement of this Chapter shall be limited to the provisions of this Chapter and

<u>Bold Underline</u> indicates new material <u>Strikethrough</u> indicates material deleted * * * indicates material unchanged

(d)

Resolution No. 2023-1 Introduced: 2-9-2023 Adopted: Effective:

RESOLUTION OF THE VILLAGE OF MARTIN'S ADDITIONS

SUBJECT: RESOLUTION TO AMEND POLICY REGARDING THE TAKING OF OATHS AND DISCLOSURE OF CONFLICTS OF INTEREST TO REMOVE THE REQUIREMENT FOR A NOTARY TO ADMINISTER THE OATH

WHEREAS, to promote the public trust and the utmost ethical service by appointees, and to ensure impartiality and the avoidance of conflicts of interest, the Village Council finds it appropriate to require all elected officials, committee and board members, employees, and those appointed to an executive office, including the Village Tree Supervisor, to execute an Oath of Service and to complete a Conflicts of Interest Questionnaire prepared by the Village Ethics Committee; and

WHEREAS, the Maryland Code, General Provisions Article Section 2-101, provides that local law may require an individual appointed to a public position to take an oath; and

WHEREAS, said law does not require the oath to be administered by a notary, as required by the current Village policy, and the Village Council finds that allowing the oath to be administered or witnessed by someone who is not a notary would allow for greater convenience and efficiency; and

WHEREAS, the Village Council finds that the adoption of the attached policy and regulations would assist in assuring the good government of the Village; protect and preserve the Village's rights, property and privileges, including protection under the Village's insurance policy for appointees acting in good faith; and protect the general welfare of the Village.

NOW, THEREFORE, BE IT RESOLVED this day of, 2023, by the Council of the Village of Martin's Additions that:
1. The Village of Martin's Additions hereby adopts the attached Policy; and
2. This resolution is effective as of the day of, 2023.
I, Susan Fattig, Secretary of the Village Council, hereby certify that the foregoing Resolution was adopted by the Council at its open meeting on the day of, 2023.
Susan Fattio Secretary



Village of Martin's Additions 7013 B Brookville Road Chevy Chase, MD 20815 301-656-4112 (Phone) 301-656-0030 (Fax)

Policy No. 2023-1 (Amending and Replacing Policy No. 2019-10-3)

Oath and Conflicts of Interest Disclosure Policy

Council members are required to take an oath of office, as provided in the Village Charter Section 901 and the Maryland Constitution. Village employees and Council members are required to complete the Conflicts of Interest Questionnaire according to the Village Code, Section 4-201.

To promote the public trust and the utmost ethical service by appointees, and to ensure impartiality and the avoidance of conflicts of interest, it is the policy of the Village to further require all committee and board members, employees, and those serving in an executive office (including the Tree Supervisor) to execute an Oath of Service, in the form attached hereto, and to require all committee and board members, and those serving in an executive office (including the Tree Supervisor), to complete a Conflicts of Interest Questionnaire, in the form attached hereto.

The Oath of Service may be administered by a Council member, the Village Manager, or the Village Attorney.

In addition to the Election Committee and the Ethics Committee, which are established by the Village Code, Section 2-101, the Village of Martin's Additions may create such other committees and boards, as deemed necessary by the Village Council from time to time, according to Village Code Section 2-102. This policy shall apply to all committees and boards, and appointments.

Policy Number: 2023-1

Introduced:
Public Hearing:
Action/Adoption:
Effective Date:

Oath of Service Committee/Board Member

	pointed to act as a member Village of Martin's Additions,	
Maryland, and being duly sworn, do d member with strict impartiality and acc of the Village of Martin's Additions, the and procedures adopted by the Village	epose and say that I will faithfu ording to the best of my ability, i e Code of Ordinances, and any co	lly execute my duties as such n accordance with the Charter
Member Name:		
Signed and sworn before me, this	_ day of	_, 20

Oath of Service Tree Supervisor

I, the undersigned, duly appoint Additions, a municipal corporation in It faithfully execute my duties as such of ability, in accordance with the Charter and any rules and procedures adopted by	Maryland, and being du fficer with strict impart of the Village of Marti	tiality and according to the best of my
Print Name:		
Signed and sworn before me, this	_ day of	, 20

Oath of Employee

I, the undersigned, being duly employed in an at-will capacity as Village Manager/Assistant Village Manager, of the Village of Martin's Additions, a municipal corporation in Maryland, and being duly sworn, do depose and say that I will faithfully execute my duties as such employee with strict impartiality and according to the best of my ability, in accordance with the Charter of the Village of Martin's Additions, the Code of Ordinances, and any rules and procedures adopted by the Village Council.			
Member Name:			
Signed and sworn before me, this	_ day of		

VILLAGE OF MARTIN'S ADDITIONS CONFLICT OF INTEREST QUESTIONNAIRE

The Village of Martin's Additions is governed by a municipal Charter that provides for a five-member elected Council to appoint an Ethics Committee (Committee). The Committee shall provide advisory opinions to persons subject to the provisions of Chapter 4 of the Village Code (Code) as to its applicability and to make determinations as authorized by Chapter 4 of the Code. This questionnaire is required by Village Charter Section 903 and will assist the Committee in doing its work.

The purpose of this questionnaire is to ensure that each member of the Village Council and each Village employee (salaried and contract) is free of or has disclosed all Conflicts of Interest, as that term is defined below.

- During the prior calendar year and in this year up to the date of your signature (the Period), have you or any Related Party of yours had any material interest, direct or indirect, in any Transactions to which the Village of Martin's Additions (VMA) was, or is to be, a party?
 Yes__ No__ If Yes, please provide details.
 Do you or any Related Party of yours have any material interest, direct or indirect, in any pending or incomplete Transactions to which VMA was, or is to be a party?
 Yes__ No__ If Yes, please provide details.
 During the Period, have you or any Related Party of yours been indebted to VMA?
 Yes__ No__ If Yes, please provide details.
- **4.** During the Period, have you or any Related Party of yours been an employee, officer, director, partner, or trustee of any organization with which VMA now has, or you have reason to believe may in the future have a business relationship?

Yes__ No__ If Yes, please provide details.

5. Are you or any Related Party of yours discussing or negotiating employment or any other relationship with any organization with which VMA now has, or you have reason to believe may in the future have a business relationship

Yes__ No__ If Yes, please provide details.

organization with w future a business re value during the Re	hich VMA now has, or you	• ,
you or any Related	er circumstance or associal Party of yours and VMA? s, please provide details.	tion that could be a Conflict of Interest between
8. I acknowledge the longer accurate. I Agree	ne duty to update this discl	osure form should any of my answers become no
My answers to the	questions above are corre	ct to the best of my knowledge and belief.
Signature	Printed Name	 Date
	Definitions for Purpo	oses of this Questionnaire
Related Party	Means any person who has the potential to influence the actions of another person, including without limitation immediate family members (spouses, domestic partners, parents, children, siblings, and in-laws) and business colleagues and associates.	
Material Interest	Means a financial interest greater than \$50.00 or any interest that has the potential to influence the independent judgement of a person.	
Conflict of Interest	Means the potential to influence or in the perception of others to erode the undiminished loyalty of a person to the interest of VMA.	
Transactions	Means dealings with which one party agrees to perform one or more obligations in exchange for one or more obligations of another party, whether or not such arrangement is memorialized in writing.	

Resolution No.		
Charter Amenda	ment No.	2023-1

A CHARTER AMENDMENT TO AMEND SECTION 301 OF THE VILLAGE OF MARTIN'S ADDITONS CHARTER

Resolution of the Village Council of the Village of Martin's Additions (the "Village Council") adopted pursuant to Article XI-E of the Constitution of Maryland, Maryland Code, Local Government Article, Section 4-301, *et seq.*, and the Charter of the Village of Martin's Additions (the "Village Charter") to amend Section 301 of the Village Charter to amend the definition of a "Qualified Voter", for purposes of Village elections, so as to avoid enfranchising non-resident property owners in potential violation of the equal protection clause of the Fourteenth Amendment.

Section 1. BE IT RESOLVED BY THE VILLAGE COUNCIL, that Section 301 of the Village Charter be amended to read as follows:

Section 301.

For the purposes of these Articles, the following terms are defined as set out below:

"Council" is the Village Council of Martin's Additions, the governing body herein created.

"County" is Montgomery County, Maryland.

"County Council" is the County Council of Montgomery County, Maryland, or any succeeding governing body for Montgomery County.

"The Village of Martin's Additions" is the Corporate body herein created.

"Property" refers to real property.

"Qualified Voter" is any person who [owns property or any] <u>is a</u> resident of Martin's Additions who is eighteen years of age or over.

"Resident" is a person who resides in Martin's Additions.

"State" is the State of Maryland.

"Written Notice" includes notice by publication in a newspaper or newsletter generally distributed throughout Martin's Additions.

NOTE: <u>Underlining</u> indicates language added to the Charter [Boldface Brackets] denote language deleted from the Charter

	2023, which is fifty (50 cal Government Article, Section 4-304, unl	ording to the posed by this (i)))))))))))))))))))))))))))))))))))
Section 3. AND BE IT FURTHER Resolution shall be posted at Village Hall, 701 at least forty (40) days following adoption and newspaper of general circulation in the Tow intervals, within a period of at least forty (40)	l a fair summary of this Resolution shall be p yn of Somerset not less than four (4) time	nd 20815 for ublished in a s, at weekly
Section 4. AND BE IT FURTHER hereby enacted shall become effective, either shall send, by certified mail, return receipt req Service, to the Department of Legislative Ser Amendment: (1) the complete text of this Am date of the referendum election, if any, held vagainst the question concerning the Charter referendum; and (4) the effective date of the	uested, bearing a postmark from the United vices, the following information concerning endment to the Village Charter as hereby en vith respect thereto; (3) the number of votes Amendment, whether by the Village Cou	m, the Chair States Postal g the Charter acted; (2) the cast for and
Section 5. AND BE IT FURTHER Renjoined and instructed to carry out the proventer herewith, the said Chair shall cause to be plear publication of the newspaper in which a fair sure (2) the return receipts of the mailing referred to Certificate of Effect attached hereto.	aced in the Village files (1) appropriate commary of this Resolution shall have been p	Compliance ertificates of ublished and
Andrew Kauders, Chair	Arthur Alexander, Council Member	
Jeffrey Blander, Council Member	Susan Fattig, Council Member	
Katie Howard, Council Member		

Charter Language Examples

Here are some examples of language from other nearby jurisdictions:

Chevy Chase View:

"Eligible Voter" shall mean any registered and qualified voter of Montgomery County residing in Chevy Chase View who is eighteen (years of age or older"

Section 5 of the Village of Chevy Chase:

"Qualified Voter" shall mean any person who is registered to vote in Montgomery County and who appears on the registration lists as a resident of Section 5.

Town of Somerset:

"Every person who (1) is at least eighteen (18) years of age, (2) has resided within the corporate limits of the town for fourteen (14) days next preceding any election, and (3) is registered in accordance with the provisions of this Charter, shall be a qualified voter of the town. Every qualified voter of the town shall be entitled to vote at any or all town elections. As used herein, "resided" refers to the location deemed one's permanent abode and single domicile in the United States for voting purposes, and where one intends to return after a temporary residence elsewhere. Actual physical presence in the Town for fourteen (14) days before an election is not required. "

Town of Chevy Chase:

- "(a) Except as provided in subsection (b) below, every person who: (1) is a citizen of the United States or, if not a citizen, is legally authorized to reside in the United States; (2) is at least sixteen (16) years of age; (3) has resided within the corporate limits of the town for thirty (30) days next preceding any town election; and (4) is registered in accordance with the provisions of this charter, is a qualified voter of the town. Every qualified voter of the town is entitled to vote at all town elections.
- (b) A person is not qualified to be a voter if the person: (1) has been convicted of a felony and is currently serving a court-ordered sentence of imprisonment for the conviction; (2) is under guardianship for mental disability and a court of competent jurisdiction has specifically found by clear and convincing evidence that the person cannot communicate, with or without accommodations, a desire to participate in the voting process; or (3) has been convicted of buying or selling votes."

Maryland:

"In general

- (a)(1) Except as provided in subsection (b) of this section, an individual may become registered to vote if the individual:
- (i) is a citizen of the United States;
- (ii) is at least 16 years old;
- (iii) is a resident of the State as of the day the individual seeks to register; and
- (iv) registers pursuant to this title.
- (2) Notwithstanding paragraph (1)(ii) of this subsection, an individual under the age of 18 years:
- (i) may vote in a primary election in which candidates are nominated for a general or special election that will occur when the individual is at least 18 years old; and
- (ii) may not vote in any other election.

Disqualified individuals

- (b) An individual is not qualified to be a registered voter if the individual:
- (1) has been convicted of a felony and is currently serving a court-ordered sentence of imprisonment for the conviction;
- (2) is under guardianship for mental disability and a court of competent jurisdiction has specifically found by clear and convincing evidence that the individual cannot communicate, with or without accommodations, a desire to participate in the voting process; or
- (3) has been convicted of buying or selling votes."

Discussion of Fiscal Year 2024 Budget for the Village of Martin's Additions Arthur Alexander, Treasurer March 16, 2023

Fiscal year 2024 for the Village of Martin's Additions begins July 1, 2023. The Village charter requires a Council-approved budget by May 15 authorizing expenditures for the new fiscal year. This presentation gives residents two months to review the proposals and offer their opinions.

Revenues: The Village share of residents' state income taxes is the largest source of Village revenues, 80% of the total; these revenues tend to follow the economy and stock market. Although we have been expecting them to fall, receipts have been running higher than projected. We are guessing that FY2024 revenues to be closer to recent average levels. For ten years, interest income on our reserve funds deposited at the Maryland Local Government Investment Pool (MLGIP) have been a negligible part of our revenues. As interest rates increased from 0.05% just two years ago to 4.6% now, this item has regained visibility; we project \$80,000 for the nest fiscal year. The Village's property tax rate is one of the lowest in the state; however, it is not zero. In addition, the state automatically levies a so-called personal property tax on businesses operating in a residence. For the coming year, we propose reducing both these tax rates to zero.

Expenditures: Next year's planned spending will be 10% higher than the current year's, a combination of reductions and increases. Among the reductions: terminating storage rental unit; police and street cleaning expenditures reduced to reflect actual outlays. Increases include a previously contracted rise for our single biggest line item, waste collection. We expect salaries to go up 10% primarily because of inflation; in addition, we are considering hiring a part-time employee to assist the manager's oversight of contracts and contractors, which will be partly offset by reduced spending elsewhere.

Three added items for Council and community consideration include support for ageing in place through membership at Chevy Chase at Home; on-request snow shoveling of Village sidewalks; and on-request compost service. The community survey found 53% support for ageing in place, 58% for sidewalk shoveling, and 50% for composting. The estimated costs are based on survey responses indicating demand. One other suggested service is pedestrian safety guards for school bus pickup and drop off, which merits future discussion.

Capital expenditures: The Village establishes reserves for infrequent, large-scale capital spending. In the coming year, we will begin work on several previously discussed and planned projects: widening the dead-end of Quincy St. to allow emergency vehicle access; repaving the Brookville sidewalk from Quincy to Turner streets; adding additional streetlights to fill in dark spots; upgrading the storm drain system along Taylor St.; and adding curb extensions in already surveyed locations to reduce through traffic, slow vehicle speeds, and increase pedestrian safety.

Reserves: Our auditors recommend that we set aside reserves in case of emergencies or loss of revenues. Consequently, we introduced a "rainy day" fund of \$1,000,000, equal to approximately 110% of annual spending (not including capital expenditures). In addition, we set aside reserves amounting to \$1,500,000 to cover the capital costs of street paving, walkability improvements, and other future capital needs. Some residents have suggested that we return excess funds beyond our reserves to residents, pointing to Chevy Chase Section 5, which remits excess revenues. However, remitting funds received from State or County sources for municipal operations is more than likely illegal. Remissions are not currently on the agenda.

	FY23 Budget	FY24 Proposal	Change
Revenues	12 000	15 000	2 000
4010 · Permit Fees	12,000	15,000	3,000
4020 · Cable TV Franchise Fees	11,000	11,000	0
4040 · County Revenue Sharing	50,400	50,400	0
4050 · Highway Users Fees 4060 · Income Tax	30,000	30,000	50,000
	700,000 4,500	750,000 0	
4080 · Personal Property Tax 4090 · Real Property Tax	15,000	0	-4,500 -15,000
4095 · Utility Property Tax	15,000	15,000	13,000
4100 · Holiday Fund	9,000	9,000	0
4110 · Interest	5,000	80,000	75,000
Total income:	851,900	960,400	108,500
Expenditures			
5010 · Office Expenses	15,000	15,000	0
5025 · Office Furniture & Equipment	2,000	2,000	0
5030 · Insurance	8,000	8,000	0
5040 · Printing & Mailing	4,500	2,000	-2,500
5050 · Dues & Subscriptions/Conference	10,000	10,000	0
5055 · Storage Rental	4,500	0	-4,500
5060 · Office Lease	32,000	32,000	0
5065 · Telephone	3,000	3,500	500
5070 · IT	18,050	15,000	-3,050
5080 · Holiday Fund	9,000	9,000	0
5110 · Managerial & Office Salaries	126,500	194,000	67,500
5120 · Payroll Taxes & Benefits	18,150	19,400	1,250
5130 · Police salaries	46,000	40,000	-6,000
5135 · Police Payroll taxes	3,600	4,000	400
5210 · Accounting & Auditing	17,000	17,000	0
5220 · Building & Permitting	86,000	86,000	0
5230 · Legal	55,000	55,000	0
5244 · Traffic Engineering	10,000	5,000	-5,000
5247 · GIS Update	5,000	5,000	0
5310 · Street Lighting - PEPCO	4,800	4,000	-800
5322 · Street Cleaning	35,000	25,000	-10,000
5324 · Street Maintenance - Other	7,500	10,000	2,500
5351 · Snow Removal - Plowing	30,000	30,000	0
5410 · Waste Collection & Recycling	130,000	146,000	16,000
5420 · Leaf Bags	8,000	10,000	2,000
5425 · Recycling Bins	1,000	1,000	0
5510 · Tree Maintenance	30,000	30,000	0
5516 · Tree Planting Initiatives.	7,000	15,000	8,000
5518 · Right-of-Way Landscaping	10,000	10,000	0
5521 - Community Events (Elections)	5,000	5,000	0
5520 - Community Events (Other)	30,000	35,000	5,000
Total Current Expenses	771,600	842,900	71,300
Net (revenues – current expenses)	80,300	117,500	37,200
(Ageing in place	0	6,000	6,000)
(Sidewalk snow shoveling	0	15,000	15,000)
(Composting	0	8,000	8,000)
Total including new services	771,600	871,900	100,300
Designated Reserves			
5805 · Designated - Walkability	500,000	500,000	0
5810 · Designated - Street	500,000	500,000	0
5814 · Designated – Other Capital Projects		500,000	0
5820 · Designated - Audit Rec. Reserve	1,000,000	1,000,000	0
Total Reserves	2,500,000	2,500,000	0

Ordinance No.: 2023-2

Introduced: Adopted:

Effective Date: July 1, 2023

THE VILLAGE OF MARTIN'S ADDITIONS

SUBJECT: AN ORDINANCE TO ADOPT A BUDGET FOR FISCAL YEAR JULY 1, 2023 TO JUNE 30, 2024.

WHEREAS, Local Government Article, Section 5-202 of the Maryland Code grants to the legislative body of every incorporated municipality in Maryland, including the Village of Martin's Additions, general power to pass such ordinances not contrary to the Constitution of Maryland, or public general law, as they may deem necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, Maryland Code, Local Government Article, Section 5-205, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to spend money for any public purpose and to affect the safety, health, and general welfare of the municipality and its occupants;

WHEREAS, Section 501 of the Charter of the Village of Martin's Additions authorizes the Village Council to pass such ordinances as it may deem necessary for the preservation of the property, rights, and privileges of the Village and its residents;

WHEREAS, the Village Council introduced the following Ordinance in public session assembled on the 16^{th} day of March, 2023;

WHEREAS, the Village Council, after proper notice to the public, considered the following Ordinance at a public hearing held on the 18 day of May, 2023;

WHEREAS, prior to adopting this Ordinance, the Village Council held a public meeting on the 18 day of May, 2023 to adopt tax rates for the forthcoming fiscal year and, by the attached Resolution, adopted the tax rates for the forthcoming fiscal year; and

WHEREAS, the Village Council finds that the foregoing Ordinance would assure the good government of the municipality, protect and preserve the municipality's rights, property, and privileges, preserve peace and good order, secure persons and property from danger and destruction, and protect the health, comfort and convenience of the citizens of the Village of Martin's Additions, and is necessary for the preservation of the property, rights, and privileges of the Village and its residents.

NOW, THEREFORE, the Village Council does hereby adopt the foregoing Ordinance.

BE IT ORDAINED AND ORDERED, this 18 day of May, 2023, by the Village Council, acting under and by virtue of the authority given it by the Maryland Code and the Village Charter, that the attached Budget be and is hereby adopted.

AND BE IT FURTHER ORDAINED AND ORDERED, by the Village Council, acting under and by virtue of the authority granted to it by the Maryland Code, and the Village Charter, that:

- (1) Pursuant Maryland Code, Local Government Article, Section 5-205(b)(4), the Village Council may spend money for a purpose different from the purpose for which the money was appropriated or spend money not appropriated in the attached Budget if approved by a two-thirds vote of the Village Council;
- (2) If any part or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the Ordinance as a whole or any remaining part thereof; and
- (3) This Ordinance shall take effect on the 1st day of July, 2023.

ATTEST:	THE VILLAGE OF MARTIN'S ADDITIONS
Susan Fattig, Secretary	Andrew Kauders, Chair

Resolution No.: 2023-3

Introduced: Adopted:

Effective Date: July 1, 2023

THE VILLAGE OF MARTIN'S ADDITIONS

SUBJECT: A RESOLUTION TO APPROVE LEVYING A TAX ON

CERTAIN REAL AND PERSONAL PROPERTY UNDER THE PROVISIONS OF SECTION 6-203 OF THE TAX-PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS

AMENDED

WHEREAS, Section 6-203 of the Tax-Property Article, of the Annotated Code of Maryland (as amended), grants authority to municipal corporations to levy a tax on personal property, land, and improvements thereon, within the municipal corporation; and

WHEREAS, the Village of Martin's Additions is a municipal corporation within the meaning of Section 6-203 of the Tax-Property Article; and

WHEREAS, pursuant to Section 703 of the Village Charter, the Village Council has the authority to levy a tax on all real property in the Village at the rate determined in accordance with Section 703 of the Village Charter; and

WHEREAS, pursuant to Section 601 of the Village Charter, the Annual Meeting of the residents of Martin's Additions was held on the 18th day of May, 2023 after due notice and advertisement of the time and place of the meeting and said notice included the proposed budget for 2023-2024 and the proposed tax rates to be levied upon real and personal property; and

WHEREAS, after due deliberation and consideration of all information and testimony presented to the Village Council, the Village Council finds that the proposed tax rates on real and personal property will serve the best interests of the Village.

NOW, THEREFORE, be it:

RESOLVED: That the Village Council of the Village of Martin's Additions, pursuant to the authority granted by the Village Charter and Section 6-203 of the Tax-Property Article of the Annotated Code of Maryland, hereby levies a tax at the rate of zero dollars and zero cents (\$0.00) per one hundred dollars of assessable value (fair market value) on real property subject to taxation by the Village; zero dollars and zero cents (\$0.00) per one hundred dollars of assessed value of assessable personal property subject to taxation by the Village; and one dollar and forty-five cents (\$1.45) per one hundred dollars of assessed value of assessable utility property subject to taxation by the Village; and be it further

RESOLVED: That the tax levied hereby be certified to the County Council for Montgomery County, Maryland, and that Montgomery County, Maryland be, and hereby is, authorized and directed to collect and pay over said tax to the Village of Martin's Additions; and be it further

RESOLVED: That the Director of Finance for Montgomery County, Maryland be advised of this resolution.

I, Susan Fattig, Secretary of the Village Council of the Village of Martin's Additions hereby certify that the foregoing resolution was adopted by the Village Council at its meeting of 18 th day of May, 2023.

Susan Fattig, Secretary

<u>Developing an "Antisemitism Awareness" Public Education Program:</u> <u>An Initiative of Montgomery County Municipalities</u>

Background

Montgomery County is home to approximately <u>105,000</u> Jewish residents out of a total population of 1.1 million. Our county has many elected officials who are Jewish and a vibrant Jewish religious, cultural, and political scene. As one of the most diverse counties in the country, this would be the last place to expect a spate of hate incidents directed at the Jewish community, yet that is exactly what is taking place. In just the past several months there have been <u>physical</u> <u>assaults</u> and Nazi Swastikas have been found at area <u>high schools</u> and <u>middle schools</u>, in <u>public parks</u> and in <u>leaflets</u> deposited in front of Jewish homes.

According to a recent <u>report</u>, in 2022, the Montgomery County Police Department reported 48 anti-Jewish bias incidents, up 55% compared to 2021. This was far more than any other religious-based bias incident, with nearly half of the 2022 incidents occurring in the last four months of the year, according to police data. In addition, roughly 85% of the state's religious-based hate crimes are directed against Jews.

In response to this rising threat, the Montgomery County Council and County Executive have taken two concrete actions that we applaud.

First, the County Council passed a <u>resolution</u> on November 1, 2022, to address and combat antisemitism. At its core, this resolution defined antisemitism for county residents as well as government responses to such hate. Here's the definition:

Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

Second, County Executive Elrich <u>announced</u> on January 30, 2023 the disbursement of \$800,000 in grants to local organizations to improve security and deter hate crimes through the County's Nonprofit Security Grants program. Countering antisemitic activities is included in these grants.

However, much more must be done. Therefore, we believe that it is crucial for local municipalities in Montgomery County -- which are the first level of public engagement for our residents -- to engage in countering this scourge through direct activities that educate our residents about the challenge that we as an entire community are facing. When one group of our residents is unsafe, all of our residents are unsafe.

Resolution

Whereas, we in Montgomery County have seen a sharp increase in the incidents of antisemitic incidents that have horrified County residents of all faiths;

Whereas, the County Council unanimously passed a resolution condemning antisemitism and all forms of hate speech and bigotry towards any racial or ethnic group;

Whereas the County Council resolution states that Montgomery County commits to countering antisemitism and hate through engagement with community leaders; and

Whereas, we elected municipal officials in Montgomery County believe that the voices of our communities should be added to the County's, in expressing our condemnation of these antisemitic acts,

Therefore, we, as local elected municipal leaders of Montgomery County, resolve the following:

Antisemitism has no place in our communities, at our schools, in our public areas, and on our doorsteps. As local elected leaders, we fully condemn this age-old hatred of the Jewish people and stand in solidarity with our Jewish residents.

We stand firmly against any and all actions that aim to intimidate our Jewish residents through the use of hate speech, display of hate symbols, such as Nazi Swastikas, and through physical assault. We oppose with equal fervor, any expression of hate or bigotry against people of any racial, religious, ethnic identity, or sexual orientation.

We support activities undertaken in our schools that educate our children about the history of antisemitism, raise awareness of this bigotry, and encourage students to oppose antisemitism and other hate speech and activities when they see or hear of them.

We also believe that activities must take place in our communities to raise greater public awareness about antisemitism, both historically and contemporaneously, and commit to implementing a public awareness campaign against antisemitism that engages every municipality in Montgomery County.

This campaign will be comprised of public "antisemitism awareness" events in differing municipalities of the county this calendar year. We will seek the broadest possible public involvement in these activities.

We will work with experts and leaders, such as the Anti-Defamation League, the American Jewish Committee, the Jewish Community Relations Council, the Maryland Municipal League's Montgomery County chapter, and local law enforcement and other entities, to provide a full spectrum of topics to increase awareness of antisemitism and hate in our communities. We believe that vigorous, consistent public education will provide the most effective defense against this and other age-old hatreds that have no place in our dynamic, diverse, and inclusive communities.

Draft Action Plan – Events to be held in Municipalities in 2023 [not part of Resolution]:

Each participating municipality will offer community meeting space so experts and leaders can have the opportunity to host an event. The municipality will publicize the event – including its summary – to its residents, and also invite the attendance of residents from other municipalities. The events will be both in-person and online, so that as many of our residents as possible across the County can participate.

Potential Topics for the five "Antisemitism Awareness" events:

- 1. Status of antisemitic hate crimes in our area.
- 2. How to discuss antisemitism with your children.
- 3. How antisemitism can be dealt with in your community.
- 4. The Holocaust and roots of historic antisemitism.
- 5. Broader trends of hate in the U.S. and how communities can counter them.

From: Michael Silliman, Village Manager

To: Village Council

Subject: Village Manager's Report

Date: 3-16-23

In the March Martin's Edition newsletter, I reported accomplishments to date in my short tenure in Martin's Additions. Since writing that list, I am happy to report tonight that we have:

- Hosted the Community Bruch at La Ferme
- Hosted the Ethics Listening Session
- Completed the budget proposal with Arthur
- Updated our Zoom license and removed the BlueSky timer that was no longer used (\$250 in annual savings)
- Completed my training to become a public notary in the state of Maryland (pending my oath of office at the Court)
- Updated the GIS community wall map for the office
- Canceling our storage unit account (\$4,500 in annual savings)

I hope to have the VMA office and the day-to-day operations of the Village running like a fine-tuned machine, with the goal of taking on and accomplishing some large projects. Here is a status update on some of those larger projects:

- Reviewing an RFP next week to widen the dead-end of Quincy Street.
- Contacting our contractor to add streetlights to fill in dark spots throughout the community.
- Currently exploring options to implement a project management task-tracking software.
- State Highway Administration is currently reviewing our plans to redo the sidewalk on Brookville Road from Quincy Street to Turner Lane.
- Exploring options to update the storm drainage system along Taylor Street.
- Currently reviewing walkability improvement suggestions for adding curb extensions in specific locations to slow car speeds and increase pedestrian safety.
- Exploring possible updates to Shepherd Street Park.

Note I am out of the office next Friday, March 24. Erin Byrnes will host the weekly *Walk with the (Assistant) Village Manager*.