



VILLAGE OF MARTIN'S ADDITIONS

7013 Brookville Road (Second Floor, Suite B)

Chevy Chase, MD 20815-3263

Phone (301) 656-4112

www.martinsadditions.org

Agenda for Council Meeting Thursday, January 21, 2020, 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).

7:30 PM Call to Order: Fattig

7:31 PM Opportunity for Council to Hear Residents' Comments: Fattig

7:41 PM Committee Updates: Fattig

- Community Engagement Committee - Keith Allen

7:51 PM Report out, Resident Listening Session - Blander

7:55 PM Building Administrator's Report: Lohmeyer ([Pages 3-5](#))

8:05 PM Discussion and Possible Adoption of the 2021 Election Plan and Policy ([Pages 6-15](#))

8:15 PM Discussion and Possible Introduction of Ordinance 2021-1-1 Ordinance to Expand the Jurisdiction of the Ethics Committee to Include Oaths of Service, And to Add Complaint Resolution Procedures ([Pages 16-26](#))

8:25 PM Discussion of Potential Changes to the Tree Ordinance: Alexander ([Pages 27-30](#))

8:35 PM Discussion of the Ordinance Process ([Page 31](#))

8:40 PM: Discussion of a Potential Safety Committee or Task Force ([Pages 32-33](#))

8:50 PM: Financial Matters, including Treasurer's Report: Alexander ([Page 34](#))

8:55 PM Manager's Report: Anderegg ([Page 35](#))

9:00 PM Opportunity for Council to Hear Residents' Comments: Fattig

9:05 PM Adjournment: Fattig

*Please note: Listed times are approximate.



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Virtual Meeting Information

Below is the information for those residents who wish to dial in remotely or video in to the Council meeting.

1. Dial-In Option

Call: 1 301 715 8592

When prompted, enter the Meeting ID: **834 5719 1673#** (you must enter the "#")

Passcode: **513120**

2. Web/Video Option:

- a. Go to the Zoom meeting link: <https://us02web.zoom.us/j/83457191673?>
- b. It will take you to Zoom to download, which is free. Then the meeting will launch. You can view the meeting or just listen in and talk when prompted.

Meeting ID: **834 5719 1673**

Passcode: **513120**

Topic: VMA Council Meeting

Time: Jan 21, 2020 07:30 PM Eastern Time

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

FROM: Doug Lohmeyer

DATE OF MEMO: January 16, 2021

SUBJECT: Building Administrator's Report

3506 Bradley Lane.

Demolition and building permit applications were submitted to the Village office. The staff has initially reviewed the information. Waiting for MCDPS approval. The resident's information meeting was held on Wed. June 17th. The County has not issued their building permit and the project is on hold until spring 2021.

6609 Brookville Rd.

The applicants have submitted an application to remove the existing porch and add an addition to the existing house. The plans have been reviewed by the Village. The County issued their building permit on Nov. 18th. The Village building permit was issued on Dec. 7th. Work has begun on the addition.

7200 Chestnut

The applicants applied for a Village building permit to construct an addition to the west side of the existing house. The County issued their building permit on Sept. 3rd. The Village virtual information meeting was held on Tuesday Oct. 6th. None of the adjacent residents participated. The Village building permit was issued on Oct. 9, 2020. The construction has begun.

7210 Chestnut St.

The Village issued their building permit on Oct. 11, 2018. The County has closed their permits. Once the applicants finish the front yard improvements, we will do a final inspection and close the Village Building Permit.

7200 Delfield St.

The property owners (a partnership) have applied for a Village demolition and building permit for a new house. The County issued their building permit on Oct. 23rd. The Village held the virtual resident information meeting on Dec. 9th. The Village issued the demo and dumpster permits on Dec. 14th and the building permit on Jan. 4, 2021. The old house has been removed.

7220 Delfield St.

The applicants have submitted an application to demolish the existing house and rebuild a new house. The plans have been revised and are waiting County approval. The Village information meeting was held on Dec. 14th.

113 Quincy St.

The applicants have submitted an application to build a detached garage at the left rear of the house. The MCDPS permit was issued on Aug. 10th. The Village permit was issued on Oct. 13, 2020.

120 Quincy

The homeowners have submitted concept plans for the Village's review. The plans propose to construct several additions to the existing house. They have not applied to MSHA. Staff is reviewing the concept plans.

163 Quincy St.

The homeowner is proposing to add additional parking along the side of the existing driveway. The parking area will be different material than the driveway and the preliminary non-vegetative analysis indicates the non-vegetative area will not exceed 30% of the front yard. They have not filed for a Village permit.

3505 Raymond St.

The new homeowners have applied for a variance to relocate the existing HVAC units from the rear of the house to the right side of the house. The Village Code does not allow HVAC units to project into the minimum side yard setback, so a variance is required. The Variance Hearing on Oct. 29th was suspended and a continuation meeting has not been scheduled.

3515 Raymond St.

The applicant has submitted plans to remove the existing house and to construct a new house. The County is reviewing their plans. The applicants have revised their plans to address the “Wall Plane Length” condition. The informational meeting with the neighbors was held on Tuesday, Nov. 17th. Waiting to the County to approve the plans.

3517 Shepherd St.

The applicant has submitted an application to add an addition to the right front side of the existing house. The County issued their building permit on Nov. 10th. The Village issued the building permit on Nov. 24. Work on the addition has begun.

7200 Summit Ave.

On April 28, 2020, the homeowners submitted a Variance Application for the front and rear setbacks in order to construct a new porch and bay window at the front of the existing house and an addition on the north (right) side of the house. The Variance was approved by the Council on July 16, 2020. The applicants have not submitted to MCDPS or the Village.

7203 Summit

The homeowners have submitted plans for re-build the existing detached garage at the rear of the existing house. The Village staff is reviewing the submission. The plans were submitted to MCDPS on Nov. 11th and are being processed.

3407 Thornapple St.

On May 29th, the building permit was extended and work on the house appears to be complete. The Applicant revised the plans to show a two-car detached garage at the rear of the lot. The MCDPS and the Village has issued their revised building permits. According to the builder, the new homeowners may not construct the detached garage. The Village will contact the new residents to verify this information, so the Village can close out the building permit.

Miscellaneous Items

The staff is presently working with the following properties:

1. The MSHA has responded to the Village's letter regarding water ponding at the Village street intersections along Brookville Rd. They plan on making improvements to the intersections at Bradley, Quincy, and Cummings this summer. The MSHA staff stated they are working with WSSC and MCDOT and will get back to us soon. Last week, the MSHA contractor was repaving the intersection at Cummings and Shepherd. The Village staff will contact MSHA to get a progress report.

Election Committee Summary for 2021 Recommendations

The Village of Martin's Additions (Village or Martin's Additions) is governed by a municipal Charter that provides for a five-member elected Council to appoint an Election Committee (Committee) that operates according to rules and procedures adopted by the Council, pursuant to Section 602 of the Village Charter. Periodic review of such rules and procedures is advisable.

Accordingly, and as a result of last year's historic all mail-in election, Charter changes, and uncertainty for the upcoming year, this year's Committee (George McAleese, Melville Place; Josh Bowers, Summit Avenue; and Tiffany Cissna, Bradley Lane) undertook such a review. We met in August and September in open session (minutes of those meetings may be found [here](#)) and have reported on our progress at each month's regularly scheduled Council meeting. At the October Council meeting, we reported on our conclusion from our September Committee meeting, recommending to the Council that a 100 percent mail-in option be the back-up plan to in-person voting, if the County and State have not lifted their limitations on mass gatherings. We also noted that we were working to update the Committee's documents for Council review and approval in accordance with that recommendation.

The attached recommended policy and plan are the updated documents for Council review and approval. The Committee has spent the last few weeks building on the work of previous committees to update them (i.e., much of the language remains the same or very similar). We defer to the Council on the question regarding the Charter's definition of "qualified voter" and whether to retain or alter the provisions relating to yard signs and gifts, both of which date back to 2016. If approved, the Committee's hope is that the policy will become more of an "evergreen" document so that each new committee's efforts may be more focused on the plan for that year.



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

Policy No. 2021-X-X

Election Rules and Procedures

The Village of Martin's Additions (Village or Martin's Additions) is governed by a municipal Charter that provides for a five-member elected Council to appoint an Election Committee (Committee) that operates according to rules and procedures adopted by the Council, pursuant to Section 602 of the Village Charter.

Background

The Election of Village Council members takes place on a date determined from year to year in accordance with Section 602 of the Charter. Each year the details of the election cycle for that year are approved by the Council in open session and published in the Village newsletter and on its website.

Council members are elected to terms of two (2) years. Usually, the number of seats open on the Council alternates between two (2) and three (3) seats every other year unless there is a vacancy as provided for in Section 408 of the Charter. All elections are managed by the Committee. The Committee consists of a minimum of three (3) Village qualified voter¹ volunteers appointed by the Council. At the request of the Committee, the Council may appoint additional qualified voters as short-term, assistant Election Committee members as needed. Committee members shall complete an Oath of Service and conflicts of interest disclosure, consistent with Village Policy.

Village Council Election Process

The following rules and procedures apply.

1. Consistent with the Village Charter, no later than sixty (60) days prior to the election, the Committee will open the nominations period. Any qualified voter may run for office. Residents may nominate themselves or be nominated by another qualified voter. Nominations may be made only by qualified voters; anonymous nominations are not permitted. Residents who nominate someone other than themselves must include an email or signed written statement from the proposed candidate expressing his/her consent to be nominated. All nominations must be received by the deadline set by the Committee for that election year.
2. All nominated candidates shall submit via email (a) a statement of interest and qualifications, as well as any other information they deem relevant, and (b) a completed Martin's Additions Ethics Committee conflicts of interest disclosure. The Election Committee may specify any standard questions to which all candidates are requested to respond in their Candidate Statement.
3. Nominations and required candidate submissions must be received by email in advance of the deadline specified by the Committee for that year in order for the candidate to be placed on the official ballot. No

¹ Village of Martin's Additions Charter Section 301: "Qualified Voter" is any person who owns property or any resident of Martin's Additions who is eighteen (18) years of age or over.

nominations or candidate submissions will be accepted by the Committee if received later than the deadline specified.

4. Pursuant to Charter Section 602(b), no later than two (2) weeks prior to the election, the Committee shall give notice of the nominations together with related information like the candidate statements and designate the voting method and any associated date(s) and time(s).
5. The Committee may establish a format, date, and time for a public forum for residents to hear from candidates. The forum shall be moderated by the Committee at its sole discretion. If such a forum is created, residents are encouraged to send proposed questions to the Committee via email (VMAElections@martinsadditions.org) by the Committee-specified deadline or be prepared to ask them if/when called upon during the forum. The Committee will not receive questions via phone or otherwise.
6. Pursuant to the Charter and these rules and procedures, unless the election is being conducted by a 100 percent mail-in process, each qualified voter may cast a ballot on the day and at the time designated or may vote by absentee ballot. The rules for voting absentee are set forth under “Absentee Voting” in Appendix A.
7. In any case, blank lines will be placed on the ballot for the purpose of adding write-in. A successful write-in candidate shall be required to submit a conflicts of interest disclosure no later than seven (7) business days following the election.
8. All voting is by secret ballot and election procedures are designed to ensure that voters have the opportunity to cast ballots in privacy.
9. In the event that two (2) or more candidates receive the same number of votes where only one (1) can be elected, there shall be a runoff election within two (2) weeks of the original election. The Council will instruct the Committee to hold the runoff election consistent with the relevant provisions of the Charter.
10. Each candidate may designate one (1) person as an official observer to be present in-person or virtually, as appropriate, when the ballots are being counted, although such observer may not participate in or otherwise disrupt the counting of the ballots.

Who Can Vote?

Pursuant to the Charter, a qualified voter is “any person who owns property or any resident of Martin’s Additions who is eighteen years of age or over.” This includes students who reside elsewhere during the school year but maintain their permanent address in Martin’s Additions (e.g., college or boarding school students). Each year, the Committee will use the qualified voter roll provided by the Village office. Any voter not listed in the roll should be prepared to show a driver’s license, a utility bill or other documentation the Committee may accept in its sole discretion with his/her qualifying address in Martin’s Additions address when he/she comes to the polls. Questions regarding eligibility to vote at the polls or otherwise should be directed to the Chair of the Committee, who will refer the matter to the Committee for determination, conferring with the staff as needed.

Voting Locations

In general, the Martin’s Additions Council election is held in-person from 5:00-8:00PM outside the Village Office at 7013-B Brookville Road on a date certain. If the weather is inclement, voting takes place in the Village Office with appropriate accommodations to be made by the Committee for accessibility concerns. All qualified voters are encouraged to vote by casting their ballots in the polling area. However, if due to a declared

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Election Rules and Procedures

emergency, Montgomery County Maryland or the State of Maryland is restricting mass gatherings during the traditional Martin's Additions election period, including when in-person voting would likely take place, the Council may instruct the Committee to hold the election by alternate means. Such instruction would be made in open session no later than the regularly scheduled February monthly Council meeting.

Records

All election records, including qualified voter rolls, nominations, absentee ballot requests, and ballots, shall be maintained at the Village Office, in accordance with the Village's State-approved Document Retention Schedule. Ballots shall be securely stored until such time as they may be destroyed in accordance with said schedule.

Electioneering

1. Candidates' election materials:
 - (a) Residents may distribute candidates' information to Village residents, provided that such distribution complies with applicable laws, including Sections 7-208 and 9-106 of the Village Code and the United States postal service regulations (for example, no unstamped non-postal material should be placed in residents' mailboxes).
 - (b) All candidates' brochures and election materials must prominently state that they have been paid for by (or on behalf of) the candidates.
 - (c) Use of the Village logo and/or letterhead on election campaign materials is prohibited. Candidates' materials may not imply, suggest, or give the impression of any official endorsement by the Village of Martin's Additions.
 - (d) Candidates' campaigns may give residents token gifts that display candidate information, provided that such gifts do not exceed \$1 in fair market value.
2. Yard signs: Residents may display candidates' yard signs, provided that the size, location, construction, and duration of such signs comply with the County's sign ordinance (Article 59-F of the Montgomery County Code).
3. On Election Day, the Election Committee shall set and enforce a reasonable "No Electioneering Zone" around the polling place (ballot table) of no greater than a 100-foot radius. Sound amplification systems such as bullhorns will not be permitted.

Policy Number: 2021-X-X

Action/Adoption: , 2021

Effective Date: , 2021

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APPENDIX A

Absentee Voting

Residents may apply for an absentee ballot by a date specified by the Committee. The Committee will determine whether to conduct the absentee process itself or contract with a qualified service provider to comply with the State mandate. Of note, if an election is conducted 100 percent by mail, the requirement for a separate absentee ballot process no longer exists.

If the Committee deems it appropriate to conduct its own absentee balloting process, to ensure privacy, absentee ballots will be assigned randomized control numbers and will not reflect any voter information on the ballot. Control numbers will be maintained by the Committee and will be utilized by the Committee for purposes of authenticating absentee ballots received. Absentee ballots may be requested from the Committee using any of the following methods:

- (1) by coming to the Village Office (7013 Brookville Road, Suite B) in person to complete an absentee ballot application provided by the Committee or
- (2) by sending a request via
 - (a) email to VMAelections@martinsadditions.org or
 - (b) mail to the Election Committee at the VMA Office address (7013-B Brookville Road, Chevy Chase, MD 20815).

Such correspondence will be considered to be a ballot application and must contain the qualified voter's full name and qualified voter address in Martin's Additions together with a stated preference for receiving the absentee ballot by mail or e-mail. If no such preference is stated, the request will be deemed to have specified a delivery preference of mail through the United States Postal Service. Following verification that the requester is a qualified voter, an absentee ballot and instructions will be mailed or emailed, as specified, to the requesting voter.

Absentee ballots may be requested on an individual or household basis by the qualified voter or a member of his or her household provided, that if the absentee ballot request states e-mail as a delivery preference, each voter for whom an absentee ballot is requested must have a separate individual e-mail address for receipt of such absentee ballot, and such e-mail address must be provided with the request for each such qualified voter. The Committee will not accept absentee ballot requests from any person or by any method except as described in this Appendix.

Absentee ballots may be requested starting twenty-one (21) days prior to Election Day.

Absentee ballots must be received by the Committee by Election Day by one of the methods below. Requests for absentee ballots should be made sufficiently in advance of the election to allow time for delivery. Delivery times cannot be guaranteed. Completed absentee ballots must be returned to the Committee according to the following procedures:

- (1) by mailing via the United States Postal Service the completed ballot to the Committee post office box as indicated on the absentee ballot instructions and received by 3:00PM on Election Day.
- (2) by personally dropping the absentee ballot in the slot in the locked ballot box in the VMA office no later than 3:00PM on Election Day. The ballot must contain the assigned control number on the outer

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envelope to be considered eligible. Security of the locked ballot box will be maintained by the Committee and only designated members of the Committee, who do not have access to the control numbers, will have access to the contents of the ballot box. Residents should not ask Village staff to handle completed ballots at any time.

(3) by submitting the ballot in person at the polling place on Election Day during regular voting hours following verification by the Committee of the resident's identity and the ballot's control number.



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Plan for 2021 Village of Martin's Additions Election

If, due to the declared emergency, Montgomery County, Maryland and the State of Maryland are still restricting mass gatherings during the traditional Village of Martin's Additions ("Village" or "Martin's Additions") Council election process, including in-person voting scheduled for May 13, 2021, voting will be undertaken by mail-only. The polling station traditionally outside the Village Office will not be used. No in-person voting will be afforded. Should the Village Council decide to hold the election by mail-in only, they will make this decision known to the Election Committee ("Committee") and Village by no later than their regularly scheduled February 2021 meeting and the following procedures will apply.

Nominations

The Committee will issue a call for candidates at least sixty (60) days before the election. Any qualified voter¹ may run for office. Residents may nominate themselves or be nominated by another qualified voter. Nominations may be made only by qualified voters; anonymous nominations are not permitted. Residents who nominated someone other than themselves must include an email or signed written statement from the proposed candidate expressing his/her consent to be nominated. **The nominations period will open on February 19, 2021 and close on March 5, 2021 at 11:59PM.**

Candidates who accept their nomination shall submit via email (a) a Candidate Statement, including their qualifications, as well as any other information they deem relevant and (b) a conflicts of interest disclosure form provided by the Martin's Additions Ethics Committee. **This information must be received by e-mail by March 19, 2021 at 11:59PM for the candidate to be placed on the official ballot.** The Committee may specify any standard questions to which all candidates are requested to respond in their Candidate Statement.

Candidate Announcement(s) and Candidate Forum

The Committee will notify the Village of the candidates for office and provide their Candidate Statements by email no later than 11:59PM March 26, 2021. These Statements will be included in and/or linked in the Village's Friday wrap-ups and newsletters and available for review in the Village Office throughout the election period.

The Committee will host a Candidate Forum to be conducted by Zoom (or other electronic means) on April 20, 2021 at 7:30PM for residents to hear from candidates. The Committee shall moderate the forum at its sole discretion. However, residents are encouraged to send proposed questions for the

¹ Village of Martin's Additions Charter Section 301: "Qualified Voter" is any person who owns property or any resident of Martin's Additions who is eighteen (18) years of age or over.

candidates to the Committee via email (VMAElections@martinsadditions.org) by April 18, 2021 at 5:00PM or be prepared to ask them if/when called upon during the forum. The Committee will not receive proposed questions for the candidates via phone or other means.

Other than the announcements specified above, the Committee will not provide any additional mass "campaign" opportunities for candidates.

Election Procedure

Pursuant to the Charter and these rules and procedures, each qualified voter may cast a ballot, according to the following vote by mail procedures.

- The election service provider will mail via first class post a ballot, instructions, and a postage-paid return envelope to each qualified voter at their address of record².
 - If a qualified voter desires their ballot to be mailed to an address that is different than the qualified voter's address of record, the voter must inform the Village by contacting the Village Office by emailing manager@martinsadditions.org or calling (301) 652-4112 with the address to which the ballot should be mailed. To allow sufficient time for a replacement ballot to be issued and completed, any such request shall be made no later than 5:00PM on May 6, 2021. Upon receipt of such request, any previously issued ballot and return envelope for that voter will be voided.
 - In the event an issued ballot is lost or missing, a voter may request by e-mail to manager@martinsadditions.org that the Village's election service provider cancel the previously issued ballot and return envelope and issue a new ballot and return envelope. In order to allow sufficient time for a replacement ballot to be issued and voted, any such request shall be made no later than 5:00PM on May 6, 2021. Upon receipt of such request, any previously issued ballot and return envelope for that voter will be voided.
 - If a qualified voter did not receive a ballot because their name did not appear on the qualified voter roll, the qualified voter may request a provisional ballot by contacting the Village Office by emailing manager@martinsadditions.org or calling (301) 652-4112 and submitting any required documentation³. To allow sufficient time for a ballot to be issued and voted, any request for a provisional ballot must be made no later than 5:00PM on May 6, 2021. For the provisional ballot to be counted, the voter's registration must be reflected on the Village's qualified voter roll no later than 11:59PM on May 6, 2021.
- Ballot envelopes will contain a service provider-issued control number and an affidavit requiring the voter to attest to the voter's eligibility. Ballots must be returned in the service provider-issued return envelope.
- Voters shall write their full name as it appears on the Village's voter roll and address (i.e. house number and street name of qualifying address in the Village) on the issued return

² Village staff will prepare and maintain a list of qualified voters and will provide that list to the election service provider to assist with the conduct of the election.

³ Required documentation includes full name, Martin's Additions address, and an image of your driver's license, a utility bill with the qualified voter's Village of Martin's Additions address on it or other documentation acceptable to the committee in its sole discretion. If a qualified voter is unable to email or prefers to provide such documentation in person, it must be provided at a scheduled time prior to 5:00PM on May 6, 2021.

envelope and sign the affirmation. Ballots enclosed in an incomplete, illegible, or unsigned return envelope will not be counted. The Village will not accept copies of ballots or ballot envelopes.

- Voters must return completed ballots to the Village's election service provider with a postmark of no later than Election Day, May 13, 2021 OR the ballot must be received by the Village's election service provider by 5:00PM on May 20, 2021 for the ballots to be counted. (In the event an envelope is not post-marked, the ballot will be counted so long as the Village's election service provider receives it by 5:00PM May 20, 2021.)
- The election service provider will keep a list of any voided or cancelled ballots and corresponding envelopes and will ensure that voided/spoiled ballots are not counted. The election service provider will provide this list to the Village upon request.
- The Village's election service provider will review each returned ballot envelope for the following to ensure a proper ballot is enclosed:
 - That the ballot return envelope was properly completed.
 - That the ballot return envelope is unopened.
 - That the control number on the ballot envelope matches the control number assigned to the voter by the election service provider.
 - That the person who signed the envelope is the person who was issued the ballot.
 - That the person who voted the ballot is a qualified voter in the Village by comparing to the voter roll.
 - That the ballot envelope has not been cancelled or spoiled.
 - That the ballot envelope is postmarked no later than May 13, 2021 and/or it is received by 5:00PM on May 20, 2021.
- If it is determined that a ballot envelope is proper, the return envelope will be opened, and the ballot will be preserved. The Village's election service provider will update the register to indicate that the voter cast a ballot.
- Any ballot that is found to be improper will not be opened. Improper ballots will not be counted provisionally.
- Within fourteen (14) days after Election Day, the Village's election service provider shall tally all votes cast and shall complete and certify an Official Count of Ballot Report. Write-in votes for uncertified candidates will be reported as well.
- The Election Committee shall observe (in-person or via electronic means) the tallying process and review, certify, and announce the results on the Report as soon as practicable. The Committee anticipates this would be before Memorial Day.
- Candidates or their representative(s) – only one per candidate – may observe the tallying, review, and certification process.
- The Village's election service provider will return via mail all counted ballots, ballot return envelopes, and spoiled ballots to the Village for preservation according to the Village's State-approved Document Retention Schedule.
- In the event that two (2) or more candidates receive the same number of votes where only one can be elected, there shall be a runoff election within two (2) weeks of the original election. Any runoff election will be conducted by mail-in ballot.

Records

All election records, including the qualified voter roll, nominations, replacement ballot requests, and ballots, shall be maintained at the Village Office, in accordance with the Village's State-approved

Document Retention Schedule. Ballots shall be securely stored until such time as they may be destroyed in accordance with said schedule.

FOR COUNCIL CONSIDERATION

**The Village of Martin's Additions
(Ethics Committee Jurisdiction and Complaint Resolution Process)**

Ordinance No.: 2021-1-1
Introduced: January 21, 2021
Adopted:
Effective Date:

**ORDINANCE TO EXPAND THE JURISDICTION
OF THE ETHICS COMMITTEE TO INCLUDE OATHS OF SERVICE,
AND TO ADD COMPLAINT RESOLUTION PROCEDURES**

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;

WHEREAS, after proper notice to the public, the Village Council introduced the following Ordinance in an open meeting conducted on the 21st day of January, 2021;

WHEREAS, after proper notice to the public, the Council considered this Ordinance in public session assembled on the ____ day of _____, 2021; 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, this ____ day of _____, 2021, 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:

* * *

Section 2-101. Village Elections Committee and Ethics Committee

(a) There shall be a Village Elections Committee, which shall be composed of a minimum of three (3) members appointed by the Village Council. Members of the Elections Committee shall be qualified to vote in Village elections and shall not be members of the Village Council. The Elections Committee members shall serve until the end of the fiscal year in which they were appointed. The Elections Committee shall manage all Village elections as provided in Section 602 of the Charter of the Village of Martin's Additions.

(b) There shall be a Village Ethics Committee which shall be composed of a minimum 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. The Ethics Committee members shall serve until the end of the fiscal year in which they were appointed. The Ethics Committee shall have the following responsibilities:

(1) To provide advisory opinions to persons subject to the provisions of Chapter 4 of this Code as to its applicability; and

(2) To make determinations as authorized by Chapter 4 of this Code.

* * *

**CHAPTER 4
CONFLICT OF INTEREST 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.
- (b) "Gift" means the transfer of anything or service of value without identifiable and adequate consideration; "gift" does not mean or include any regulated campaign contribution.
- (c) **"Impartiality" means making decisions based on objective criteria, rather than based 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.**

- (d) “Public Official” or “Official” means all members of the Village Council; all members of any standing or temporary Village committee or task force; the Village Tree Supervisor; and all persons employed by the Village.
- (e) “Private interest or relationship” includes, without limitation, any existing or prospective interest or relationship of a business, contract, creditor, obligee or employment nature in which an Official or an immediate family member (including without limitation spouse, domestic partner, father, mother, brother, sister, ~~or~~ child, or in-law) has a direct or indirect financial interest and by which such Official or immediate family member has a reasonable potential of profiting or otherwise benefiting financially.

(Ord. No. 08-15-01, adopted 09/17/15, effective 10/7/15; Ord. No. 11-15-1, adopted 1/21/16, effective 2/10/16)

Section 4-102. Intent and Application

- (a) This Chapter establishes ~~provides~~ requirements to ensure the utmost ethical service by Officials, specifically that Officials ~~criteria for determining~~ (i) act with impartiality when executing their official duties (“duty of impartiality”), and (ii) avoid ~~the presence or absence of conflicts between~~ their private interests or relationships and public Village interests (“conflicts of interests”). At the same time this Chapter establishes procedures for remedy when a breach of the duty of impartiality or a conflict of interest has been alleged. ~~Public Officials have an affirmative duty to disclose potential conflicts with a public interest, as provided in this Chapter. Such duty extends to and includes private interests or relationships, the mere outward appearance of which suggests a possible conflict with a public interest. The procedures herein are intended both to preserve the privacy interests of persons subject to this Chapter and to encourage voluntary disqualifications in the event of conflicts of interest under the provisions of this Chapter. Private interests or relationships disclosed hereunder are not to be made a part of the public record, except in the event of the imposition of any order or penalty under the provisions of Section 4-204 herein.~~
- (b) ~~The provisions of this Chapter shall apply to all Officials and to all persons or entities retained by the Village or who do or seek to do business with the Village.~~
- (e) No part of this Chapter shall be construed to prohibit an Official from appearing in the pursuit of his private interests as a citizen; or from accepting or receiving any benefit by operation of law, or prosecuting or pursuing any claim, right, privilege or remedy which is his by operation of law.

(Ord. No. 11-15-1, adopted 1/21/16, effective 2/10/16)

ARTICLE 2. PROCEDURES

Section 4-201. Duty to Disclose; Solicitation Prohibited; Ex-Parte Communications; Oath of Service

- (a) Before participating, on behalf of the Village, in any debate or determination that may have a reasonable potential of thereafter affecting a public interest, any Public Official who is subject to this Chapter shall have an affirmative duty to disclose in writing to the Council and to the Committee the receipt of any gift and the existence of any private interest or relationship either having a reasonable potential of conflict with a public interest or having a reasonable potential of giving the outward appearance of conflict with a public interest.
- (b) No Official may solicit any gift or knowingly accept any gift, directly or indirectly, from any person whom the Official knows or has reason to know: (i) is doing or seeking to do business of any kind with the Village; or (ii) has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or non-performance of his or her official duty.
- (c) No Official may solicit any gift or knowingly accept any gift, directly or indirectly, from any person whom is engaged in activities that are regulated or controlled by the Village; except that unsolicited gifts having a value of less than fifty dollars (\$50.00) tendered for personal or social reasons may be accepted.
- (d) An Official shall not consider any ex-parte or private communication from any person, whether oral or written, that said Official knows is, or reasonably may be, intended to influence unlawfully the decision on the merits of any matter. Any such ex-parte or private communication shall be reported to the Village Council, which shall include such disclosure in the minutes of the meeting at which the matter was considered.
- (e) **Officials shall faithfully execute their duties with impartiality in accordance with their oath of service, the Village Charter, the Code of Ordinances, and any applicable rules or procedures adopted by the Village Council.**
- (f) **Officials shall file with the Committee, ~~on an annual basis,~~ upon their entering their positions and prior to executing any duties related to their positions, and thereafter** prior to the 1st day of August of each year, **(i) an oath of service, which includes a duty of impartiality, and (ii) a conflicts of interest disclosure** in a form recommended by the Committee and approved by the Village Council. Such filings shall be in addition to the filing required by the Village Charter, Section 903.
- (g) **Throughout their terms of service, Officials have an affirmative duty to update the disclosure form required by Section 4-201(f) and thereby disclose to the Council actual or potential conflicts of interest. Such updated disclosures shall be made expeditiously, and in any event 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.**

(Ord. No. 08-15-01, adopted 09/17/15, effective 10/7/15; Ord. No. 11-15-1, adopted 1/21/16, effective 2/10/16; Ord. No. 6-17-1, adopted 7/17/17, effective 8/7/17)

Section 4-202. Disqualification Procedures; Complaints; Records

Section 4-202. Disqualification Procedures; Complaints; Records

- ~~(a) — After complying with the disclosure requirements of Section 4-201, the Public Official shall either (i) voluntarily disqualify himself and withdraw from participating in further debates or determinations with respect to the public interest in conflict with the Official's private interest or relationship, or (ii) request that the Committee determine the presence or absence of a conflict of interest and advise as to an appropriate course of conduct.~~
- ~~(b) — Any person alleging a violation of this Chapter may file a written complaint, under oath, with the Committee. Upon the receipt of such complaint, the Committee shall send a written acknowledgement of its receipt, notify the Official and the Council of the allegation, and review the complaint with the Village attorney. If the Village attorney recommends that special counsel be appointed, special counsel shall be selected by the Committee and appointed by the Council. If, upon consultation with the Village attorney or special counsel, the Committee determines that the complaint should be addressed by the Committee, the Committee shall request that the Official provide the Committee such information as the Committee finds necessary to determine the presence or absence of a conflict of interest. A written complaint shall not require a formal hearing; such complaints shall be processed under the procedures described in subsections (c), (d), (e), and (f) of this Section. Upon final resolution of the matters alleged, the Committee shall provide a written summary of the resolution to the Official, the Council and the person who filed the complaint.~~
- ~~(c) — For the purposes of this Section, the Committee may find and advise an absence of a disqualifying conflict of interest when the Official's private interest or relationship is found to be too remote and insubstantial to affect the integrity of the Official's public actions. The intent of the foregoing is by no means to be construed as condoning a lax approach on the part of the Committee; rather, the intent is to discourage frivolous charges.~~
- ~~(d) — Upon being advised by the Committee of the presence of a conflict of interest, the Official shall voluntarily disqualify himself and so notify the Committee and the Council. If the Official does not voluntarily disqualify himself, the Committee shall mandate that the Official be disqualified from participating in further debates or determinations with respect to the public interest in conflict with the Official's private interest or relationship.~~
- ~~(e) — Any Official who voluntarily disqualifies himself shall notify the Council, providing a full description of the public interest matters from which the Official has withdrawn from participation. A voluntary disqualification does not require a disclosure of the specific nature of a private interest or relationship considered to be in conflict; only the public interest object of conflict must be disclosed.~~
- ~~(f) — The Committee shall notify the Council and the Official in writing of all mandated disqualifications and shall therein provide a full description of the public interest matters with which the Official has been found to be in conflict and~~

~~about which such Official is disqualified from participation. The Committee shall mandate a disqualification for any Official who fails or refuses to provide the Committee with such information as the Committee finds necessary to determine the presence or absence of a conflict of interest.~~

- ~~(g) Any disqualifications relating to any public interest description shall be recorded in the minutes of the Council meeting at which the matter was considered.~~
- ~~(h) The Committee shall meet in closed session (i) to protect the privacy or reputation of individuals with respect to their private interests or relationships not related to the public business, (ii) to discuss the discipline of an Official under the provisions of this Chapter, (iii) to consult with counsel or (iv) to consult with staff, consultants or other individuals about pending or potential litigation.~~
- ~~(i) The Village records maintained under the provisions of this Chapter shall be privileged and not subject to public inspection to the extent that such records contain any of the following: (i) information about the finances of an individual, (including assets, income, liabilities, net worth, bank balances, financial history or activities or credit worthiness), (ii) any otherwise confidential financial information, (iii) confidential commercial information, or (iv) trade secrets. For the purpose of this Section, confidential or secret information shall be such information as is customarily regarded as confidential in business.~~

(a) *Voluntary Recusal/Request for Advisory Opinion.* After complying with the disclosure and oath-taking requirements of Section 4-201, an Official shall either: (1) voluntarily disqualify or recuse him/herself and withdraw from participating in further debates or determinations with respect to a conflict of interest or an inability to execute his/her duties with impartiality, or (2) request that the Council, with the assistance of the Committee, determine the presence or absence of a conflict of interest or an inability to execute duties with impartiality and advise the Official of an appropriate course of action. Any such recusal or advisement shall be relevant to, and may be dispositive of, the Committee's and/or the Council's consideration of a complaint filed under subsection (b) of this Section.

(b) *Complaints/Filing Requirements.* Any person alleging a violation of this Chapter must file with the Committee a signed written complaint, under oath, attesting that the complaint is based in fact, that the relevant facts are contained in the complaint, and that those facts are accurate and complete. In addition, the Council on its own motion may file a complaint alleging a violation of the title. Any complaint filed under this subsection must be filed within one year after the alleged violations occurred, as required by Maryland law applicable to municipal infractions.

(c) *Complaints/Initial Process.* Upon receipt of a complaint, the Committee shall undertake the following actions, which shall be taken both expeditiously and

with full regard for fairness and the development of a complete and accurate factual record:

- (1) *Initial Assessment.* The Committee shall make an initial assessment of whether the complaint is consistent with the oath under which it must be filed (see subsection [c]) and whether the allegation(s) in the complaint, if true, constitute a consequential (see subsection [e]) conflict of interest or violation of the duty of impartiality. If the Committee determines that the complaint does not meet either or both of these standards, or if the committee determines the complaint is untimely (see subsection [b]) or moot (see subsection [d]), the complaint shall be dismissed, with written notice of the dismissal to the complainant;
- (2) *Notice/Opportunity to Cure.* If the complaint is not dismissed under subsection (c)(1), the Committee will send to the person who filed the complaint (“complainant”) a written acknowledgment of its receipt, and shall notify the Official who is the subject of the complaint (“respondent”) and the Council of the allegation(s). The Committee shall dismiss the complaint, with written notice to the complainant and the respondent, if the respondent, within 15 days after receiving the notice, takes any action that may be available to cure the alleged violation(s), and the Committee determines that the cure is adequate and that dismissal is consistent with the purposes of this Chapter;
- (3) *Legal Consultation.* If the complaint is not dismissed under subsections (c)(1) or (c)(2), the Committee shall review the complaint with the Village attorney. If the Village attorney recommends that special counsel be appointed, such special counsel shall be selected by the Committee and appointed by the Council;
- (4) *Committee Process and Actions.* If, the complaint is not dismissed under subsections (c)(1) or (c)(2), the Committee shall:

 - (a) provide the respondent an un-redacted copy of the complaint, with the exception of material that would identify and/or jeopardize the privacy of persons identified in the complaint. On request of the respondent, the Committee shall disclose the identity of the complainant to the respondent;
 - (b) provide the respondent reasonable time to submit a written reply, which may include relevant evidence and suggested witnesses with relevant knowledge, and which shall be

submitted under oath that the facts contained therein are accurate and complete;

- (c) request that the respondent and/or the complainant provide information the Committee reasonably finds necessary to investigate the complaint;
- (d) provide the respondent with an opportunity to review and respond to all evidence produced or developed in the course of the Committee's investigation;
- (e) determine whether there is clear and convincing evidence of a conflict of interest or a violation of the duty of impartiality, and produce a report of its investigation, including a full description of any conflicts-of-interest and/or violations of the duty of impartiality found by the Committee, and a recommended resolution, including the matters from which the respondent should be disqualified; and
- (f) provide the respondent with a copy of the report and a reasonable opportunity to respond. Except as prohibited by law, the report given to the respondent may be redacted by the Committee to protect the identity and privacy of individuals identified therein;

(5) *Committee Report.* At the conclusion of its investigation, the Committee shall provide a written report of its investigation, including a full record of the investigation, to the Council. The Committee report shall also be provided to the respondent and the complainant, with redactions necessary to protect the identity and privacy of individuals identified therein;

(6) *Council Actions after Receipt of Report/Final Decision.* If the respondent is not a Council member, and if the Council has a quorum after any recusals by Council members to act on the complaint, the Council, after receiving the Committee's written report of the investigation, shall (a) provide the respondent an opportunity to respond in writing and/or in person to the report, (b) conduct further investigation as the Council deems necessary, (c) and determine whether the respondent should be disqualified from all or certain of his/her responsibilities. If the Council determines that there is clear and convincing evidence of a conflict of interest or a violation of the duty of impartiality and that a disqualification is warranted, and the respondent does not voluntarily accept the disqualification, the Council shall make a final decision that the respondent be disqualified. If the Council does not make this determination, or if the

respondent voluntarily accepts the disqualification, the complaint shall be dismissed;

- (7) *Committee Actions in Lieu of Council Actions/Final Decision.* If the respondent is a Council member, or if the Council does not have a quorum after recusals from Council members to act on the complaint, the Committee, based on its investigation and report, shall determine whether the respondent should be disqualified from all or certain of his/her responsibilities. If, under these circumstances, the Committee determines that a disqualification is warranted and the respondent does not voluntarily accept the disqualification, the Committee shall make a final decision that the respondent be so disqualified. If the Committee does not make this determination, or if the respondent voluntarily accepts the disqualification, the complaint shall be dismissed; and
- (8) *Scope of Disqualification.* If the Council and/or the Committee recommends or determines that a disqualification of the respondent is warranted, the scope of the disqualification shall be tailored to remedy the conflict of interest or violation of the duty of impartiality that was determined to exist, so that the disqualification is not broader than necessary to ensure compliance with this Chapter.
- (d) *Dismissal for Mootness.* If at any time during the Committee's and/or Council's investigations under this Section the respondent ceases to be an Official, the complaint shall be dismissed as moot.
- (e) *Dismissal of Inconsequential Matters.* In the course of fulfilling their responsibilities under this Subsection, including but not limited to before a decision is made by the Committee to investigate a complaint (see subsection [c][1]), the Committee and/or the Council may find and advise or determine that the alleged conflict of interest or violation of the duty of impartiality is too remote or insubstantial to affect the integrity of the Official's actions, in which case the complaint shall be dismissed with no further action. The intent of this subsection is to discourage complaints about inconsequential matters; the intent is not to condone a lax approach to the ethical requirements established by this Chapter.
- (f) *Informal Resolutions.* Throughout the process described in this Subsection, the Committee and/or the Council shall take reasonable steps to resolve the complaint without a formal determination of disqualification, including without limitation when a conflict of interest or violation of the duty of impartiality is determined to be the result of a mistake or inadvertence (but

not reckless disregard or deliberate ignorance of the applicable ethical requirements) on the part of the respondent.

- (g) Confidentiality/Council and Committee. To protect the privacy and reputation of the respondent, the complainant, any witnesses or people identified in the complaint, and any Official seeking advice, the Committee and the Council, when fulfilling their responsibilities under this Section, shall meet only in closed session and make no public disclosure regarding the complaint or the request for advice, except as required by law or court order, including without limitation when consulting with counsel, considering the allegations in the complaint, interviewing witnesses about the allegations in the complaint, and/or considering appropriate action(s) to be taken in response to the complaint. The Committee and/or the Council may disclose any information if the respondent agrees in writing to the release or if required by law or court order.
- (h) Confidentiality/Parties. The complainant and the respondent shall not disclose any information related to the complaint, except as may be necessary for the respondent to reply to the complaint or, except for the identity of witnesses, as respondent agrees in writing.
- (i) Confidentiality/Records. Records related to the actions of the Committee and/or Council under this Section shall be confidential and privileged and not subject to public inspection, except as required by law and/or court order.
- (j) Import of Headings. The headings in this Section are included solely for convenience of reference and shall not control the meaning or interpretation of any of the provision in this Section.

(Ord. No. 11-15-1, adopted 1/21/16, effective 2/10/16; Ord. No. 4-16-1, effective 7/6/16).

Section 4-203. Failure of Quorum-[Reserved]

~~If, because of a voluntary or mandatory disqualification under the provisions of this Chapter, less than a quorum of the Council is available to act upon any particular matter, the matter shall be deferred until a quorum is assembled.~~

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)~~ Any person who knowingly and willfully violates the provisions of this Chapter is guilty of a misdemeanor and, upon conviction, is subject to a fine of not more than \$1,000.00 or imprisonment for not more than one year, or both. If the person is a business entity and not a natural person, each officer and partner of the business entity who knowingly authorized or participated in the violation is guilty of a misdemeanor and, upon conviction, is subject to the same penalties as the business entity.
- ~~(c)~~ Any person who violates the provisions of this Chapter shall be guilty of a municipal infraction and shall be subject to a civil penalty of \$100.00.
- ~~(d)~~**(b)** In addition to any other enforcement provisions in this Chapter, **any member of any 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.
- ~~(e)~~**(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.

* * *

SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, by the Council of the Village of Martin's Additions, acting under and by virtue of the aforementioned authority, that:

(1) 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

(2) This Ordinance shall take effect on the ____ day of _____, 2021 (at least 20 days after adoption).

ATTEST:

THE VILLAGE OF MARTIN'S ADDITIONS

Katya Hill, Secretary

Susan Fattig, Chair
Village Council

Bold Underline indicates new material
~~Strikethrough~~ indicates material deleted
* * * indicates material unchanged

Explanation of Proposed Tree Ordinance

Tree canopy trend: The Village's tree canopy reveals worrying trends. Overhead photography going back to the 1960s indicates considerable tree loss in the Village. The reduction in the number of large trees became visibly noticeable in the 1980s, mainly driven by larger houses and increased paved areas in the form of driveways and patios. Overhead photography shows a reduction in canopy and simultaneous increase in paved surface areas. According to county specialists in aerial photography, losses are clearly visible and seem large, overall. However, the county analyst noted this important point: the community has not experienced a net loss in tree canopy as measured by covered area. "As an older subdivision, your neighborhood has an abundance of mature trees. These images show the capability of large trees to significantly increase the spread of their branches in a short amount of time, even to the point of compensating your significant losses due to new house building, power line clearing, and storms."¹

County Tree Canopy Law: In 2014, Montgomery County introduced a tree canopy law that required planting trees when a building application involved a sediment control permit. The required number of trees varied with the size of the disturbed area; three trees were required for areas of 1-6,000 square feet, 6 trees for areas of 6,000-8,000 square feet, etc. If trees could not be planted, a fee of \$250 per tree was imposed, equivalent to a minimum of \$750 per lot. Since the fees funded a countywide program, the Village of Martin's Additions would see little benefit from this program; subsequently, the Village exempted itself from the law's requirements.

Discussion: The trends noted above by the Tree Committee five years ago have not abated. Several proposed ordinances at that time were tabled pending review of subsequent trends. The one adopted proposal initiated a Village-subsidized program to promote resident planting of canopy trees; however, the number of new trees under this program has been modest. Therefore, we seek to address the loss of mature canopy trees directly by promoting new planting during construction projects when planning for new trees is most feasible, by encouraging replacement of removed trees, and by requiring fees when the above options are not feasible. The fees are intended as an incentive to protect existing trees and plant new ones, while providing funds to renew the Village's tree canopy. This proposal is a less onerous version of the county's scheme. The one new feature is the requirement to replace a large tree that is removed or pay a fee.

Possible arguments against proposal:

- *Requiring property owners to plant new trees plus a fee on tree removal are unwarranted intrusions on the rights of property owners.*

This ordinance is in line with the County code (from which the Village had exempted itself) and with the practices of some of our neighboring jurisdictions. It focuses on applicants for sediment control permits, which indicates a project

¹ Report of the Village of Martin's Additions Committee on Trees (July 14, 2015)

requiring county review. This proposal does not enlarge the existing county-wide regulatory scope.

- *Equivalent gains may be possible by enhancing the current subsidized tree program.*

Currently, our tax revenues finance the tree program. VMA's decision to be exempted from the county was made primarily because the fees for tree removal under the county code would likely not flow back to the benefit of village residents (i.e., the county is under no obligation to use tree funds paid by local construction projects for Village trees). This proposed ordinance would enhance the Village's public and private tree program by subsidizing it with these fees.

Furthermore, some of the harm that the ordinance seeks to redress is actually experienced by the broader community when properties have been clear-cut. Current ordinances and regulations do not provide any encouragement to developers to replace trees that have been removed or to refrain from removing them in the first place. This ordinance acts as a lever to encourage behavior that benefits the entire community.

- *The administrative costs could be prohibitive.*

This ordinance would be integrated into the current VMA building permit procedures without significant cost. While there will be some additional effort required to ensure accountability, this ordinance also offers the village a new revenue source that could offset new administrative costs.

- *The Village has enough trees.*

Not everyone loves a tree, singularly or in groups. Some people value open space and sun, or an unblocked view. Others fear the possible damage to body and property caused by falling trees and branches. The shade that creates positive community benefits can be detrimental to gardeners or those installing solar panels. However, whether one believes that it is necessary to preserve and enhance the total tree canopy or not, this ordinance does two new things that are unrelated to one's opinions: 1) it places the onus of replacing trees on those who remove them; 2) it provides relief to neighbors of development who have lost trees by encouraging a replenishment of the tree canopy and dissuading the unnecessary removal of trees in the course of development.

Proposed Ordinance to Require Tree Replacement and Fee for Tree Removal

The Village Council finds that it is in the interest of the village and its residents to protect, preserve, and promote the village tree canopy. Regulatory incentives to enhance the tree canopy provide benefits to village residents and property owners that extend into future decades.

An applicant for a sediment control permit must plant at least one canopy tree on the affected property at least three inches in diameter selected from an approved list of desirable trees. If the applicant concludes that a required tree cannot be planted on the affected property because sufficient open surface area is not available or for any other reason, the applicant must pay a fee of \$750. In addition, removal of a healthy, nonhazardous tree having a circumference of 24 inches or greater 4.5 feet above ground must be replaced by a tree of at least three inches in diameter selected from an approved list of desirable trees. If the applicant concludes that a removed tree cannot be replaced on the affected property because sufficient open surface area is not available or for any other reason, the applicant must pay a fee of \$750 for each required tree that is not planted on the affected property.

Policy to Require Explanations of Proposed Ordinances

Proposed ordinances shall be accompanied by an explanation of the need for the ordinance, arguments against the proposal (if any), and alternative means for accomplishing the ordinance's goals (if any). The explanation should be updated as necessary by including relevant additional arguments, information, and opinions arising from subsequent discussions and reviews.

DRAFT

Public Safety Committee (Proposed) - Scope of Work

Village of Martin's Additions

January 20th, 2021

Mission:

The Public Safety Committee shall work to improve the Village safety practices and environment. To do so, the Safety Community shall serve as (1) a citizens advisory board to the Village council and management; (2) an information and collaboration liaison between the Village and law enforcement agencies including the Montgomery County Police Department, Montgomery County Sheriff's Office, and Maryland-National Capital Park Police; (3) an information and collaboration liaison between the Village and the Montgomery County Department of Health and Human Services, and (4) encourage community safety awareness and practices.

Scope of Work:ⁱ

In its role as a citizens advisory board, the Committee shall provide advice and recommendations to the Council, Village management, and the police based upon the views of the Village residents on safety concerns and health issues. This advice shall include input regarding public safety and health priorities, related budget issues, and the law enforcement support to safeguard residents.

The Committee shall assist the Council, management, community and police by identifying community public safety concerns and, where appropriate, contributing questions on public safety and health topics to the annual VMA resident survey or other stand-alone questionnaires; studying community safety and public health concerns and best practices; and presenting analyses and recommendations for consideration and adoption. The Committee shall work on special projects involving public safety and health issues as requested by the Council, management, law enforcement, or public health officials. The Committee also shall disseminate to the community, either working with the Village office or listserv, information about community public safety and health issues, concerns, and best practices.

The Committee's work will be based upon annual needs assessments and emergency concerns; discussions of VMA community safety issues; local law enforcement, public health entities, and other local communities' recommendations for addressing these concerns; and inquiries to identify available support resources. The Committee will present the results of its assessments, inquiries, and analysis and then advocate and assist community members to consider taking personal action and the Council to consider taking the public action they believe appropriate.

In its role as liaison between the Council and management and law enforcement and public health officials, members of the Public Safety Committee will attend meetings of the applicable public entities, community, and citizens advisory committee meetings on behalf of VMA. The Committee members are not representatives of VMA and will not purport to be so. They will attend the meetings to (1) obtain and analyze information for community consideration and (2) build liaison relationships, which the Council and Village Manager can use for the benefit of the Village community.

The Safety Committee shall operate as follows:

This plan of operation aligns with current best practice of VMA and that of other local community committees.

1. Scheduled meetings with public notice of agendas.
2. Work will include and be based on needs assessments.
3. Minutes of meetings will be prepared.
4. Minutes will be submitted to the council.
5. Meetings will be announced on the Village communications so others can attend.
6. Will work closely with other Village committees as appropriate.
7. Will work on special projects as requested by the council, management, Chief of Police, and MC-DHHS.

Budget:

The Safety Committee budget shall be set by the Council annually or as otherwise required.

ⁱ It is understood that the charter of non-permanent Walkability Task Force is about to expire and a second charter shall be considered. The Walkability Task Force has done an excellent job of analyzing Village traffic safety concerns. The Safety Committee should therefore avoid traffic safety concerns and overlap, unless or until the Task force completes its work. However, as the Village liaison to law enforcement and public health agencies, the Safety Committee and Task Force should coordinate their work.

Village of Martin's Additions
Financial Report for December 2020
Arthur Alexander, Treasurer
January 21, 2020

December 2020

	<u>Actual</u>	<u>Budgeted</u>
Revenues	\$ 374,243	394,000
Expenses (excluding capital projects)	305,711	390,829
Net Income (revenues minus expenses)	68,532	3,172
 Capital investment expenses	 \$ 36,209	
 Investment reserves (less expenditures)	 1,463,791	
Emergency reserves	1,000,000	
 Current assets less designated reserves	 \$ 663,013	

In the current month of January 2021, we transferred \$50,000, as planned, from the Village's savings account in the Maryland Local Government Investment Pool (MLGIP) to the checking account to cover projected expenses.

The budgeted amounts for a few accounts will have to be adjusted in coming months as circumstances have changed since the budget was put together almost a year ago. We have since hired an assistant and are implementing changes arising out of the cyber-security review conducted last year.

Capital expenses for the year to date include sidewalk repairs and contractor costs for the ongoing Walkability Task Force.

From: Niles Anderegg, Village Manager
To: Village Council
Subject: Village Office Update
Date: 1/19/2020

Overview

The Village Office has been conducting reviews of internal operating procedures and preparing a calendar for 2021 of important dates and deadlines. The goal of this project is to improve efficiency.

Committee Support

I provided a training session for the newest member of the Election Committee, Anna Meenan, who is now sworn in and able to assume her duties. I also attended meetings of both the Walkability Task Force and the Community Engagement Committee and provided office support to both, including research on related issues.

Holiday Fund

Thank you to everyone who has contributed to the holiday fund. Checks were distributed to the crew who were very appreciative.

Village Directory

The Office sent out the latest version of the directory to residents. If you have not received a copy, please contact the Village Office so we will supply you with one. I want to thank Martha for all her hard work on the directory.

RFPs

RFPs have been issued for both the arborist / tree care services and municipal operation services. The deadline for proposals for either of these RFPs was Friday, December 18. For the municipal operations services RFP, the Village received three responses, of which only one, Blue Crab Contracting, met the requirements of the RFP. Therefore I recommend that the Village continue with Blue Crab Contracting as its municipal operations and code enforcement contractor. For the arborist / tree care RFP, the Village received five bids. Three of which did not meet the requirements of the RFP, either due to cost or location (not being located close to the Village could hamper the ability of the contractor to respond to an emergency). Therefore it is my recommendation that the Council select either Integrated Plant Care or Mulheron Tree Experts Inc. as the Village's arborist/tree care contractor.

Overall, posting the RFPs on our website, the State's procurement website and the Maryland Municipal League website resulted in a much more robust response than previous solicitations.