

Village of Martin's Additions
7013 Brookville Road, Suite B, Chevy Chase, MD 20815
Council Meeting Minutes
December 17, 2020
VIA ZOOM CONFERENCE CALL

Council Members Present: Susan Fattig; Arthur Alexander; Todd Mann; Jeff Blander; Katya Hill;
Village Manager: Niles Anderegg; **Village Manager Assistant:** Martha Fessenden; **Building Administrator:** Doug Lohmeyer; **Village Attorney:** Ron Bolt; **Residents and other Attendees:** Keith Allen (Turner Lane); Marty Langelan (Chestnut Street); Naomi Naierman (Quincy St); Elissa Bean (Turner Lane); Sally Maran (Turner Lane); Janine Trudeau (Bradley Ln); Marc Efron (Raymond St); Bill LeoGrande (Chestnut St); Lorie Mitchell (Cummings Ln); Mark Schaffer (Shepherd St); Holly Worthington (Turner Ln); Paula Goldberg (Bradley Ln); Tiffany Cissna (Bradley Ln); (Josh Bowers (Summit Ave); Paula Desio (Quincy St); Susan Post (Turner Ln); Lauren Shweder Biel (Delfield St); Doug Grob (Cummings Ln); Kate Radi (Quincy St); John MacDonald (Summit Ave); Andrew Kauders (Turner Ln); Natalie Straus Welle (Oxford St); Lynn Welle (Oxford St); and Eva Webb, CPA, Principal (Linton, Shafer, Warfield & Garrett, P.A.)

7:34 PM Call to Order: Fattig

7:35 PM Opportunity for Council to Hear Residents' Comments

Mark Schaffer explained why he thinks a safety committee is needed: car break-ins, the pharmacy break-in, things captured on Ring Video Doorbells, and vandalisms that targeted homes with certain types of political yard signs. A volunteer group could study these problems and come up with solutions.

Natalie Straus Welle suggested moving the Village Office downstairs, which will be vacant soon; she thinks a lot of people would benefit from an office with easier access.

Lynn Welle suggested “moving a pawn and leaving the big pieces in place” in regard to the ethics controversy that has been going on.

Naomi Naierman requested that a streamlined, transparent process be considered for future ordinance efforts. She has submitted a draft for the Council’s consideration.

Lauren Shweder Biel said that she requested that the Council consider a change in the tree ordinance. She wants the Village to be in line with the regulations of surrounding neighborhoods and of the County.

Marty Langelan spoke in support of Mark Shaffer’s notion of a community safety committee. She also supports a better ordinance-adoption process, with open community forums so people can talk about the issues before ordinances get officially introduced and would like a community message board on the VMA website where people can post their comments. She thinks the tree ordinance needs more discussion and hopes the ethics ordinance about bias will never be adopted. Finally, she is concerned about the elections ordinance item that appeared on the agenda which she sees as unworkable. She also questioned if the elections ordinance had been discussed openly.

Holly Worthington asked if the Council would consider having an open forum before proposing an ordinance.

Elissa Bean spoke in favor of passing an ordinance that would allow the Village to collect funds related to tree removal and believes that such an ordinance could be done in a way that would not be too much of a burden on residents.

John MacDonald, a 55-year resident, stated that he thought there should be an exception in any tree ordinance for non-builders.

Keith Allen gave his weather forecast. He commented that winter storms can be “deceptive killers.” He defined hypothermia, described the symptoms, and told of some ways to prevent it. He concluded by saying, “Get ready for a very cold and windy Christmas day.”

7:51 Next Community Listening Forum: Blander

Jeff Blander reported that a second Community Listening Forum will be held in January to provide for more issues to be covered since resident comments are limited to just a few minutes at the beginning and end of Council meetings, and in response to a letter written by residents about positive actions that can be taken. Jeff said the Community Engagement Committee will meet next week; an agenda will be circulated. Jeff recognized volunteers who helped shovel snow yesterday.

7:53 PM Appointment of a Member of the Election Committee

Susan Fattig proposed that Anna Meenan become the new member of this committee. Arthur Alexander moved, Todd Mann seconded. Passed unanimously with Jeff stating there should be transparency in criteria used to appoint new committee members and suggested including other residents who expressed interest in filling the vacancy. Jeff also raised the question of whether the Election Committee might need more than 3 members. Susan said the Election Committee indicated they needed one additional person at this point because there is a strong possibility that the next election will be entirely mail-in which would require 3 people. If more people are needed, then the Council will ask for more volunteers. Jeff expressed concern about how the Council responds back to volunteers who aren’t selected to serve on a particular committee and how they might be encouraged to stay involved. Susan commended the Village for its wealth of volunteers and thanked all who volunteered for this position; five people applied for the vacancy, which may have set a record. Arthur added that the Council really values all who were willing to serve. It was a challenging choice and he invited those who were not selected to continue to participate in future opportunities. Jeff also encouraged them to attend future open meetings.

7:59 PM Committee Updates

Report out from the Ethics Committee and Recommendations

Marc Efron, chair of the Ethics Committee, made a report to the Council on the Ethics Ordinance ([see attached report](#)). Lorie Mitchell, Ethics Committee member, added that she has served on 3 different committees, and speaking for herself, she sees a strong need for the ordinance, particularly for the Elections Committee so that the firewall between the Elections Committee and the Council can be preserved. She pointed out that the Town of Somerset’s neutrality provision has much harsher penalties than anything proposed in this ordinance. She also thanked Marc, Todd and Ron for their work on many drafts as well as residents for their many good suggestions. Upon completion of the report, Arthur asked about the advisability of confining the ordinance to members of statutory appointees only, not other volunteer groups. Marc pointed out that all committee members take the same oath of office but he does not feel sufficiently knowledgeable about the scope of all the volunteer positions to comment. As a

compromise position, Lorie commented that she would find it appropriate to hold the Council, Election Committee, and Ethics Committee to these standards.

Todd Mann, Council liaison to the Ethics Committee, praised the members of the Committee for their outstanding work. He asked Village Attorney Ron Bolt to report on his research on surrounding communities as directed by the Council at its previous meeting. Ron found most communities have an ethics code but one limited to financial conflicts of interest. Some communities extend the impartiality requirements beyond elected officials and employees to election committee members, who are considered to be holding an office of public trust. Ron described five available options: 1) limit sanctions in the code to state that a breach of the oath of office results in only mandatory recusal or removal, and not any fine; 2) adopt code amendments to empower the Ethics Committee to hear the complaints that currently must be heard by the Council; 3) amend the code to say the Ethics Committee may perform other duties as requested by the Council, and then adopt regulations to spell out the resolution process; 4) limit the scope of the ordinance 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 and 5) adopt an informal approach rather than amend the code, but rather spell out procedures in a policy or manual. Anything not in the code, however, may not have the force of the law behind it. A manual not backed by code, would likely require the involved parties to agree to a resolution process.

In response to a question from Jeff about process, Todd suggested a recommendation might be made to Ron to draft an ordinance that would be presented to the Council at the January meeting. The Council would then decide if they want to introduce it, which would begin a 30-day period for discussion and review. In the intervening time, a community forum would take place. Jeff thanked Ron, the Ethics Committee, and the residents for their work and noted that the process revealed ways that the Council can continue to improve, such as by gathering information earlier in discussions. He looks forward to further conversations about possible complaint systems.

Susan moved that Village Attorney Ron Bolt draft an ordinance based on the Ethics Committee’s recommendations for the Council to look at the next Council meeting. Katya Hill seconded.

Arthur commented that next month the Council will be considering the alternatives as well as a draft ordinance. He noted the value of due process being outlined carefully. Susan commented on the potential of real harm being done through a violation of impartiality and spoke in support of a mechanism in place to enforce the oath. In response to questions via chat about the surrounding municipalities that do not have impartiality requirements, Ron commented that they may not have yet faced those issues. He noted that in Arizona and other areas, laws related to oath of office violations can be found.

Motion passed (4 in favor, 1 opposed). Jeff opposed the motion because he feels that the Council should look at alternatives first. Arthur asked that Ron’s research be put on the record. Jeff also noted that one committee member did resign over the issue of the proposed ordinance so concerns about its impact are not hypothetical, although Susan pointed out that one opponent of the proposal applied to fill the vacancy.

8:50 PM Presentation of the Fiscal Year 2020 Audit done by Linton, Shafer, Warfield & Garrett, P.A.

Eva Webb announced that VMA had a clean audit; it is attached here and found on the Village [website](#). Arthur added that much of the bookkeeping was done in house this year via software by the Village Manager as a cost-saving measure, and the clean bill of health reflects positively on that decision.

9:01 PM Discussion of the [2020 Annual Survey Results](#), Katya Hill

The multiple-choice questions are standard from year to year and allow the Council to track resident responses, which are very consistent both in response rates and in how residents perceive Village services and how they are provided. Highlights from the text box responses include:

1. Reevaluate the trash collection.
 - a. More recycling collections
 - b. Fewer regular trash collections
 - c. Monthly instead of bimonthly bulk trash pick-up
 - d. Paid composting service given an increase in interest
2. Newsletter revamp
 - a. Missing older style of newsletter that covered items such as move-ins.
 - b. Police reports
 - c. Forwarding Montgomery County updates on COVID-19
3. Support for speed bumps, sidewalks
4. Not seeing police patrols in the community
5. Group of residents who complain about lack of communication from the Council

Jeff thanks Katya for the thorough report and noted the comments on safety concerns as relevant to the issue of establishing a safety committee.

9:29 PM Discussion and Possible Introduction of the 2021 Election Plan and Policy

Tiffany Cissna briefed the Council on the work of the Election Committee, which reviewed election policies and procedures from last year and prepared documents on the 2021 election for the Council's consideration. They met in August and September at open meetings conducted by Zoom that were attended by residents. The Election Committee recommends that the election be conducted 100% by mail-in voting again in 2021 if the County has not lifted restrictions on mass gatherings due to COVID-19. Arthur asked if the Council needs to pass an ordinance if the election is 100% mail-in since the emergency ordinance from last year had a 60-day limit. Ron clarified that the amendments to the charter made last year, under the authority of the Governor's executive order, allow the Council to determine on an annual basis the format of the election. The election rules proposed by the Election Committee, need to be approved by the Council. Jeff asked for clarification on the motion and whether a decision on holding a 100% mail-in election could be made now in light of safety concerns. Tiffany responded that the goal of the Committee was to give the Council enough time to review the election process and make a decision on a mail-in election within the required timeline. Ron noted that the draft was written to permit flexibility so the Council could wait until the end of March to decide on the election format. The election rules can be amended as necessary when a final decision is made about the format of the election. Niles commented, however, that he does not recommend selecting a mail-in vendor as close to the election as was done last year.

Arthur moved to introduce the procedures that were forwarded to the Council by the Election Committee. Katya seconded. Motion passed (4 in favor, 1 abstention). Jeff abstained due to his belief that the Council should make a decision now on in-person versus mail-in voting. Susan thanked the Committee for its hard work and noted that the new appointee to the Election Committee, Anna Meenan, will be trained on PIA and OMA. Jeff asked if the Election Committee would have another open meeting in January. Tiffany responded that the election plan and procedures is now in the hands of the Council but she would confer with her committee members. Jeff noted that this will likely be a topic discussed at the January community forum and that having opportunities for residents to comment is important.

9:45 PM Discussion of the Ordinance Process: Bolt

Ron noted the Village Charter provides that no ordinance or regulation can be adopted until at least 30 days after it was introduced. For example, the election rules introduced tonight would now be the subject of a public hearing, mostly likely in January, since the public has now been invited to give its comments to the Council. State law provides that an ordinance must be adopted at a meeting and if the ordinance involves building regulations, a copy must be sent to the County Council at least 30 days before adoption. Most municipalities in the area have a process similar to the Village in which an ordinance must be introduced at one meeting and adopted at a subsequent meeting, generally 30 days later as a matter of practice. The basic legislative process is that an issue comes up, Council discusses it and has a draft prepared, the draft is introduced and made available to the public, and the public is invited to comment at a public hearing. The Council may do more at its discretion. Jeff thanked Ron for the information and commented that there have been suggestions on how the process can be improved. Ron added that some communities have a referendum process where if a community doesn't like something that the Council has done, they can submit a petition and send the ordinance that's been adopted to a special election. Also, annual elections serve as an indirect referendum process. Residents may make comments at the beginning and end of a regular Council meeting, but when there is a public hearing, that is a separate agenda item at which the public may speak. Jeff noted that some municipalities view a public hearing as a special, stand-alone meeting, not an agenda item of a standing meeting.

9:50 PM Building Administrator's Report: Lohmeyer

Doug Lohmeyer gave his Building Administrator's report ([see attachment](#)).

9:55 PM Financial Matters, including Treasurer's Report: Alexander

Arthur gave the Treasurer's report ([see attached](#)). Jeff asked if funding is available for snow shoveling for residents who have difficulty with that, possibly from unused community event funds. Arthur noted that the Village last funded snow shoveling in 2010 which was then twice as expensive as road shoveling. Niles will follow up.

9:59 PM Discussion of a Tree Ordinance Proposal

Arthur Alexander will send a draft around again. Jeff acknowledged Lauren's effort in proposing this.

10:00 Manager's Report: Village Manager Anderegg

Niles gave the Village Manager's report ([see attached report](#)).

10:02 PM Opportunity for Council to Hear Residents' Comments

Andrew Kauders would like speed bumps to be considered for Turner Lane. Arthur suggested he talk to Peter Kahn and the Walkability Task Force. Lorie Mitchell said she would pass along Andrew's concerns to the Task Force.

Naomi Naierman asked why the Election Committee was limited to 3 and questioned how a new member was chosen for the Election Committee. Susan said the Election Committee anticipates a mail-in election and felt that, if so, a committee of 3 was sufficient.

Marty Langelan expressed concern about the Election Committee's documents not being shared in advance with the public. Jeff commented on the importance of public review of these documents.

Holly Worthington would like Ron Bolt to draft each of the alternatives discussed regarding the ethics ordinance, so that the Council and public could review them all. Arthur said that Ron's description of the options could be summarized, in writing. Ron clarified that he has been tasked tonight to draft an ordinance based on the recommendation of the Ethics Committee.

Jeff asked about Mark Schaffer's proposal to establish a safety committee. Arthur said he will share documents (including mission statements) that were used when the Tree Committee and the Walkability Committee were established to use as a model. Marty said that documents had been provided. Jeff asked for clarification of what more would be needed for the Council to consider the proposal.

10:15 PM Adjournment

Arthur Alexander moved to adjourn the meeting. Jeff seconded the motion. Motion passed unanimously.



VILLAGE OF MARTIN'S ADDITIONS

COUNCIL MEETING APPENDIX

December 17, 2020

Materials included in this appendix were either included in the Council monthly meeting packet distributed before the meeting or submitted to the Council as part of the meeting. All materials appear as submitted.



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, December 17, 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 and Follow-up on Nov. 12th

Letter: Fattig

7:41 PM Motion to Schedule Next Community Listening Forum: Blander

7:42 PM Appointment of a Member of the Election Committee

7:42 PM Committee Updates: Fattig

- Report out from the Ethics Committee and Recommendations (Dec. 1 meeting)

7:52 PM Presentation of the Fiscal Year 2020 Audit: Linton, Shafer, Warfield & Garrett, P.A.

(For the full audit, click here) (Audit presentation Pages 3-6)

8:02 PM Discussion of the 2020 Annual Survey Results **(Pages 7-11)**

8:12 PM Discussion and Possible Introduction of the 2021 Election Plan and Policy **(Pages 12-21)**

8:22 PM Discussion of the Ordinance Process **(Page 22)**

8:32 PM Discussion of a Tree Ordinance Proposal **(Pages 23-24)**

8:42 PM Building Administrator's Report: Lohmeyer **(Pages 25-27)**

8:47 PM Financial Matters, including Treasurer's Report: Alexander **(Page 28)**

8:52 PM Manager's Report: Anderegg **(Page 29)**

8:57 PM Opportunity for Council to Hear Residents' Comments: Fattig

9:02 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: 837 7071 2880# (you must enter the "#")

Password: 547639

2. Web/Video Option:

a. Go to the Zoom meeting link: <https://us02web.zoom.us/j/83770712880?>

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: 837 7071 2880

Password: 547639

Topic: VMA Council Meeting

Time: Dec 17, 2020 07:30 PM Eastern Time

VILLAGE OF MARTIN'S ADDITIONS
Presentation of Audit Report
For the Fiscal Year Ended June 30, 2020

C. Eva Webb, CPA
Linton Shafer Warfield & Garrett, P.A.

I. INDEPENDENT AUDITORS' REPORT:

The report indicates that we have conducted our audit in accordance with auditing standards generally accepted in the United States of America, and we found that the financial statements present fairly, in all material respects, the financial position and the results of operations for the years ended June 30, 2020 and 2019 in conformity with U.S. generally accepted accounting principles.

Basic Financial Statements - Include:

Management Discussion and Analysis - Prepared by the Village to summarize the year's results.

Exhibit A-1, A-2 & A-3 presented under full accrual, to include fixed assets and depreciation.

(Presentation similar to business reporting.)

Exhibit A-4 & A-5 - Modified accrual basis. Fixed assets and depreciation not included.

(Presentation using budget basis)

See reconciliations between the two methods on Exhibit A-4 and A-6.

Notes to financial statements - Provide additional explanatory information.

Exhibit B-1 - Detail of budgetary comparisons.

II. GOVERNANCE LETTER - Dated October 22, 2020

Our responsibility under U.S. Generally Accepted Auditing Standards is outlined.

Significant Accounting Policies are included in Note 1 to financial statements. No new accounting policies were adopted in fiscal year 2020.

No significant difficulties encountered in performing the audit.

There were several material audit adjustments proposed related to accruals at the end of the year. The net effect of all proposed adjustments was to reduce net income by approximately \$17,000.

There were no disagreements with management on accounting or auditing matters.

The Town has amounts in excess of FDIC insurance at Congressional Bank of \$7,536 which is a violation of state statute. We recommend you take action to correct this violation.

III. COMPARISON OF BUDGET TO ACTUAL:

GENERAL FUND - Exhibit B-1

Revenues (15% over budget)

Expenditures (77% under budget)

Revenues Over (Under) Expenditures

Final Budget	2020 Actual	Over (Under)
\$ 852,300	\$ 979,800	\$ 127,500
3,323,050	765,159	(2,557,891)
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\$ (2,470,750)	\$ 214,641	\$ 2,685,391

VILLAGE OF MARTIN'S ADDITIONS
Presentation of Audit Report
For the Fiscal Year Ended June 30, 2020

Page 2

IV. SIGNIFICANT BUDGET VARIANCES:

Exhibit B-1

Revenues:

	Budget	Actual	Over (Under) Budget
Income taxes	\$ 650,000	\$ 714,003	\$ 64,003
Permit fees	15,000	29,498	14,498
Interest	50,000	37,897	(12,103)
Gas - streetwork	30,000	79,014	49,014
All other accounts	107,300	119,388	12,088
Total Revenues	<u>\$ 852,300</u>	<u>\$ 979,800</u>	<u>\$ 127,500</u>

Expenditures:

General Government:

Financial administration	\$ 377,550	359,285	\$ (18,265)
Other general government	121,000	106,296	(14,704)

Public Works

Designated - streets and capital projects	2,500,000	10,865	(2,489,135)
Highway and streets	107,500	97,253	(10,247)
Sanitation and waste removal	157,000	141,255	(15,745)

Public Safety

	47,000	38,765	(8,235)
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Recreation

	13,000	11,440	(1,560)
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Total Expenditures

	<u>\$ 3,323,050</u>	<u>\$ 765,159</u>	<u>\$ (2,557,891)</u>
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V. COMPARISON TO PRIOR YEAR:

Revenues (Budget Basis) - Exhibit A-5

	Fiscal Year 2019	Fiscal Year 2020	Increase (Decrease)
Property taxes	\$ 39,386	\$ 42,215	\$ 2,829
Income taxes	709,174	714,003	4,829
Licenses and permits	44,208	41,544	(2,664)
Intergovernmental	51,285	55,652	4,367
Miscellaneous	67,858	126,386	58,528
Total Revenues	<u>\$ 911,911</u>	<u>\$ 979,800</u>	<u>\$ 67,889</u>

General Government

	\$ 411,102	\$ 465,581	\$ 54,479
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Public Works

	499,764	249,373	(250,391)
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Public Safety

	43,641	38,765	(4,876)
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Parks and Recreation

	35,449	11,440	(24,009)
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Total Expenditures

	<u>\$ 989,956</u>	<u>\$ 765,159</u>	<u>\$ (224,797)</u>
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Revenue Over (Under) Expenditures

	<u>\$ (78,045)</u>	<u>\$ 214,641</u>	<u>\$ 292,686</u>
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Income tax revenues as percent of total revenue is 73% in 2020 and 78% in 2019.

VILLAGE OF MARTIN'S ADDITIONS
Presentation of Audit Report
For the Fiscal Year Ended June 30, 2020

Page 3

Significant Changes in Expenses:	Fiscal Year 2019	Fiscal Year 2020	Change
General government - managerial & office salaries	\$ 134,231	\$ 116,947	\$ (17,284)
General government - IT and cyber security	-	34,794	34,794
Public works - Leaf Vacuuming	19,155	27,088	7,933
Public works - Snow removal	28,463	11,767	(16,696)
Public works - Right of way landscaping	4,409	18,247	13,838
Recreation - Community events	35,449	11,440	(24,009)
Other general government - Building review & permits	46,900	67,650	20,750
Designated funds - Streets	263,129	-	(263,129)
All other expenditures	458,220	477,226	19,006
Total Expenditures	<u>\$ 989,956</u>	<u>\$ 765,159</u>	<u>\$ (224,797)</u>

V. BALANCE SHEET (Exhibit A-4)

	Fiscal Year 2019	Fiscal Year 2020	Change
Cash and cash equivalents	\$ 326,261	\$ 341,315	\$ 15,054
Investments	2,542,446	2,749,157	206,711
Other assets	27,082	12,834	(14,248)
Total Assets	<u>2,895,789</u>	<u>3,103,306</u>	<u>207,517</u>
Liabilities	56,884	49,760	(7,124)
Fund balances			
Nonspendable	14,088	2,200	(11,888)
Assigned	2,446,571	2,696,571	250,000
Unassigned	378,246	354,775	(23,471)
Total Fund balances	<u>\$ 2,838,905</u>	<u>\$ 3,053,546</u>	<u>\$ 214,641</u>

Cash, cash equivalents and investments represent 99% of total assets in FY19 and FY20.

**Village of Martins Additions
Ten Year Average Results**

											2016-2020	Yr 2020
											5 Year	% of 5
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Average	Year Avg.
Revenue:												
Income tax	\$ 353,851	\$ 553,015	\$ 496,953	\$ 629,374	\$ 750,382	\$ 819,105	\$ 717,755	\$ 811,748	\$ 709,174	\$ 714,003	\$ 754,357	94%
Property taxes	152,059	151,065	154,165	163,079	163,647	168,706	175,398	181,582	39,386	42,215	121,457	32%
Highway tax	2,821	8,897	5,022	19,087	19,478	22,375	21,872	22,284	24,453	28,820	23,961	102%
County revenue sharing	24,012	24,012	26,832	26,832	26,832	26,832	26,907	26,832	26,832	26,832	26,847	100%
Reimburse from WSSC/Gas		-	-	-	-	-	72,898	-	-	79,014	30,382	0%
Other revenue	36,779	25,439	39,993	40,777	38,759	31,962	48,555	63,832	112,066	88,916	69,066	162%
Total Revenue	\$ 569,522	\$ 762,428	\$ 722,965	\$ 879,149	\$ 999,098	\$1,068,980	\$1,063,385	\$1,106,278	\$ 911,911	\$ 979,800	\$1,026,071	108%
Percent of Total:												
Income tax	62.1%	72.5%	68.7%	71.6%	75.1%	76.6%	67.5%	73.4%	77.8%	72.9%	73.5%	
Property taxes	26.7%	19.8%	21.3%	18.5%	16.4%	15.8%	16.5%	16.4%	4.3%	4.3%	11.8%	
Highway tax	0.5%	1.2%	0.7%	2.2%	1.9%	2.1%	2.1%	2.0%	2.7%	2.9%	2.3%	
County revenue sharing	4.2%	3.1%	3.7%	3.1%	2.7%	2.5%	2.5%	2.4%	2.9%	2.7%	2.6%	
Reimburse from WSSC	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	6.9%	0.0%	0.0%	8.1%	0.0%	
Other revenue	6.5%	3.3%	5.5%	4.6%	3.9%	3.0%	4.6%	5.8%	12.3%	9.1%	6.7%	
Total Revenue	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	
Income & Property Tax												
	88.8%	92.3%	90.1%	90.1%	91.5%	92.4%	84.0%	89.8%	82.1%	77.2%	85.4%	



Constant Contact Survey Results

Survey Name: VMA Annual Survey 2020 Final

Response Status: Partial & Completed

Filter: None

10/13/2020 6:07 PM EDT

TextBlock:

The Village Council is seeking resident input on Village services and operations. We use the resident feedback to inform the Council's decision-making process and set Village priorities. The survey should take less than 10 minutes to complete. Please participate! Please submit the survey only once for each household. The survey will be open from Friday, September 25, 2020, at 5:00 PM until Sunday, October 11, 2020, at 11:59 PM. Survey results will be shared at the Thursday, October 15, 2020, VMA Council meeting.

Overall, how satisfied are you with the Village operations?

Answer	0%	100%	Number of Response(s)	Response Ratio
Extremely satisfied	<div></div>		49	34.0 %
Somewhat satisfied	<div></div>		51	35.4 %
Neither satisfied nor dissatisfied	<div></div>		19	13.1 %
Somewhat dissatisfied	<div></div>		10	6.9 %
Extremely dissatisfied	<div></div>		2	1.3 %
No Responses	<div></div>		2	1.3 %
No Response(s)	<div></div>		11	7.6 %
Totals			144	100%

If you would like to share your experience with the Village, please describe below.

32 Response(s)

If you have contacted the Village Office within the six months, how quickly did the Village office staff respond to your request?

Answer	0%	100%	Number of Response(s)	Response Ratio
Within the same day			50	34.7 %
Within 3 business days			17	11.8 %
Within one week			7	4.8 %
Never received a response			3	2.0 %
N/A			46	31.9 %
No Response(s)			21	14.5 %
Totals			144	100%

If you have contacted anyone on the Village Council within the six months, how quickly did the Council member(s) respond to your request?

Answer	0%	100%	Number of Response(s)	Response Ratio
Within the same day			17	11.8 %
Within 3 business days			7	4.8 %
Within one week			2	1.3 %
Never received a response			7	4.8 %
N/A			87	60.4 %
No Response(s)			24	16.6 %
Totals			144	100%

Council meetings have been held remotely since the start of the pandemic in March. If you have attended one or more Council meetings via Zoom, did you find the meetings effective?

Answer	0%	100%	Number of Response(s)	Response Ratio
Yes			30	20.8 %
No			14	9.7 %
No Response(s)			100	69.4 %
Totals			144	100%

Most of the Village budget is spent on providing our residents with services. These services often exceed what is provided by the County, such as bi-weekly trash collection from the side yard, police patrols, Village-sponsored events, and the composting program, which is a service the Village facilitates but does not pay for. Please indicate any changes in services you would like the Village Council to consider, keeping in mind the additional expense the Village would likely incur from providing additional services.

69 Response(s)

The Village staff sends regular communications to residents about upcoming events, issues under consideration by the Council, and messages from local police. If you would like to receive additional information from the Village Office, please list it here.

31 Response(s)

Do you believe the 2020 election was conducted in a fair and open manner? If you have any recommendations or comments, enter them in the comment box.

Answer	0%	100%	Number of Response(s)	Response Ratio
Yes	<div><div></div></div>		89	61.8 %
No	<div><div></div></div>		5	3.4 %
No Response(s)	<div><div></div></div>		50	34.7 %
Totals			144	100%

Did you get the information you needed to make an informed decision in the 2020 election?

Answer	0%	100%	Number of Response(s)	Response Ratio
Yes	<div><div></div></div>		93	64.5 %
No	<div><div></div></div>		10	6.9 %
No Response(s)	<div><div></div></div>		41	28.4 %
Totals			144	100%

The 2020 election was conducted entirely by mail. Was the process of voting easy in the 2020 election?

Answer	0%	100%	Number of Response(s)	Response Ratio
Yes	<div><div></div></div>		100	69.4 %
No	<div><div></div></div>		3	2.0 %
No Response(s)	<div><div></div></div>		41	28.4 %
Totals			144	100%

In which Village events have you participated in the past year (select all that apply)?

Answer	0%	100%	Number of Response(s)	Response Ratio
Monthly Council meeting	<div><div></div></div>		29	26.3 %
Halloween (October 2019)	<div><div></div></div>		39	35.4 %
Adult Spring Fling at La Ferme (March 2020)	<div><div></div></div>		24	21.8 %
I have not participated in any Village events	<div><div></div></div>		37	33.6 %
Shred Event (June 2020)	<div><div></div></div>		16	14.5 %
Candidate Forum (April 2020)	<div><div></div></div>		21	19.0 %
Other	<div><div></div></div>		4	3.6 %
Totals			110	100%

Please list, if any, other events that you would like the Village to organize or host.

26 Response(s)

In general, community engagement is a priority for Village operations and the Council. Please share ideas on how the Village can strengthen community engagement.

34 Response(s)

Would you like to volunteer your time and expertise to the Village of Martin's Additions on a short-term or long-term basis? If so, please contact the Council.

17 Response(s)

Do you have anything else you would like to share with the Village Council? For example, you could provide suggestions on what you would like to see more or less of in how we operate.

32 Response(s)

The composting program is a service that is facilitated by the Village but the Village does not pay for it. If you participated in the composting program, are you pleased with the service and would you like this service to continue?

Answer	0%	100%	Number of Response(s)	Response Ratio
Yes			37	25.6 %
No			4	2.7 %
No Response(s)			103	71.5 %
Totals			144	100%

*Please select your street below.

Answer	0%	100%	Number of Response(s)	Response Ratio
Bradley Ln			14	9.7 %
Brookville Rd			4	2.7 %
Chestnut St			6	4.1 %
Cummings Ln			9	6.2 %
Delfield St			7	4.8 %
Melville Pl			3	2.0 %
Oxford St			3	2.0 %
Quincy St			11	7.6 %
Raymond St			10	6.9 %
Shepherd St			7	4.8 %
Summit Ave			11	7.6 %
Taylor St			7	4.8 %
Turner Ln			17	11.8 %
Thornapple St			7	4.8 %
No Response(s)			28	19.4 %
Totals			144	100%

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)

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



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

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

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

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.

FOR COUNCIL CONSIDERATION

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

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. Regulation of actions affecting the tree canopy provides mutual benefits to village residents and property owners.

The issuance of a Village building permit for a project that will entail the removal of one or more trees having a circumference of 24 inches or greater 4.5 feet above ground should be conditioned on replacement of each such tree by a tree of at least three-inch diameter selected from an approved list of desirable trees, and the payment into a VMA Tree Fund of a fee reflecting the loss to the community.

If owners are unable to replace trees due to lot size, building plans, or other considerations, they will be required to pay a fee twice the size of the previously mentioned one into a VMA Tree Fund.

The above requirements apply unless the tree is (1) diseased beyond restoration, insect infested beyond restoration, or injured beyond restoration; (2) dead or dying, or is in danger of falling; (3) constitutes a hazard to the safety of persons; (4) constitutes a hazard and threatens injury to property; (5) constitutes a hazard and threatens injury to, or would have a negative effect on the health of other trees.

The Village Council shall have the authority to permit the removal or destruction of a tree without replacement or fee if the Council finds that such removal, destruction, or other action can be permitted without substantial impairment of the purpose and intent of this chapter. The Village Council shall consider the following factors: (a) Whether the applicant proposes reforestation; (b) Hardship to the applicant if a permit for the requested action is denied; (c) The desirability of preserving a tree by reason of its age, size or outstanding qualities, including uniqueness, rarity or species specimen.

Explanation of Proposed Tree Ordinance

Tree canopy trend: A comparison with earlier times shows worrying trends. Overhead photography going back to the 1960s indicates considerable tree loss in the Village. Although not quantified, 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. The most recent data on tree canopy in 2013 became available to county analysts in January 2015. 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

Discussion: The trends noted above by the Village’s Tree Committee five years ago have not abated. Several proposed ordinances at that time were not adopted, but were tabled pending review of subsequent trends. The one proposal that was adopted was a Village-subsidized program to promote resident planting of canopy trees; however, the number of new trees under this program has been modest: only about ten over the past five years. Therefore, we seek to address the loss of mature canopy trees directly by requiring replacement and fees. The fees are intended to act both as a deterrent to removal and as a resource for renewing the Village’s tree canopy.

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.

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

The Village has enough trees.

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

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

FROM: Doug Lohmeyer

DATE OF MEMO: December 14, 2020

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 not yet 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 finishes 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 Village staff has completed the initial review of the application and submitted their comments of the applicant. The County issued their building permit on Oct. 23rd. The Village held the virtual resident information meeting on Dec. 9th. The Village issued their demo and dumpster permits on Dec. 14th.

7220 Delfield St.

The applicants have submitted an application to demolition 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. 15th.

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.

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 has not yet 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.

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.

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

November 2020

	<u>Actual</u>	<u>Budgeted</u>
Revenues	\$ 361,085	328,333
Expenses (excluding capital projects)	221,306	317,074
Net Income (revenues minus expenses)	139,780	11,259
Capital investment expenses	\$ 0	
Investment reserves (less expenditures)	1,500,000	
Emergency reserves	1,000,000	
Current assets less designated reserves	\$ 709,314	

In the current month, December 2020, we plan to transfer \$50,000 from the Village's savings account in the Maryland Local Government Investment Pool (MLGIP) to the checking account to cover projected expenses. In November, the planned amount was \$50,000 and actual withdrawals were \$75,000; the difference between planned and actual was the capital expenditures of \$30,000 for sidewalk repair.

At the end of November, the Village received its first major transfer from the Village's portion of the state income tax. The amount (\$299,103) was close to expected in early budgeting. The Maryland comptroller has announced that projected state-wide revenues for both the current fiscal year and the next is slightly above the current year's, despite the ongoing recession.

Capital expenses for the year to date are zero; however, we have already signed the checks for the recent sidewalk repairs, which will appear in next month's report.

From: Niles Anderegg, Village Manager
To: Village Council
Subject: Village Office Update
Date: 12/15/2020

Leaf Vacuuming

The final round of leaf vacuuming will take place starting this week and continuing into next week. The delay in scheduling the final round was to make sure that we are maximizing the amount of leaves collected.

Tree Canopy Program

The Village office received 23 expressions of interest in the native tree canopy program. 11 residents either opted out or didn't have space for a tree. 13 trees were planted. In addition, 10 trees were planted in the Village rights-of-way.

Fall Leaf Bag Distribution

The leaf bags were delivered last month to those residents who had requested them. If you need leaf bags, the Village Office still has some available. Please make your request to the Village Office.

Village Directory

The office is finalizing the Village Directory. Emails have been sent to those who previously indicated that their email address could be included in the directory just to make sure they still want their email address in the directory. A draft of the Directory has been sent to the printer to prepare for the final printing. If you have any questions, please contact the Village Office this week.

Holiday fund

Thank you to everyone who has contributed so far to the holiday fund. If you have not yet contributed to the fund, you may do so by close of business Friday, December 18.

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 is Friday, December 18.

REPORT OF ETHICS COMMITTEE TO VMA COUNCIL (DEC. 17, 2020)

The Ethics Committee met by Zoom on December 1, following the posting of a notice and the agenda on the Village website, ~~all in full~~ in compliance with the Maryland Open Meetings Act. The full Committee attended, joined by five non-member residents, two members of the Council, and the Village Manager. The minutes of the meeting have been posted on the Village website since December 4, 2020, also in compliance with the Maryland Open Meetings Act.

As announced in the posted agenda, the focus of the meeting was the Committee's review of the most recent draft of contemplated changes to the Village's Ethics Code. As required by the Maryland Open Meetings Act, the Committee had not previously met or conferred on the draft that we reviewed in the open meeting.

As we all know at this point, the contemplated changes are designed to add to the Code's current ethics provisions the ethical requirement required by the Village's *existing* oath of office that officials act with "impartiality." ~~[The existing oath is not aspirational; it establishes a requirement—"I...being duly sworn...will faithfully execute my duties...with strict impartiality...."]~~ I emphasize that the oath of office is an *existing requirement* for all Village employees, Council members, committee members, and the Tree Supervisor, formally implemented in 2019. It is not a new requirement designed by the Ethics Committee to give it "sweeping new...authority," as ^{Suggested} ~~stated~~ by a couple of residents. I also note that the Committee did not take up this matter without justification, as a few residents have suggested. As Todd Mann explained in his December 9 note to the Village, the Council specifically requested our help, based on three allegations over the past five years of an official acting with a personal bias, none of which could be investigated or resolved because there was no process or available forum to do so.

This was the fourth draft that the Committee reviewed, all in open meetings. Because of the work done on earlier drafts, there were a limited number of provisions that were the subject of comments by Committee members, or for that matter comments by residents. In that regard, in the notice of the meeting, we invited comments on the draft from Village residents, and we asked that any such

comments be submitted by the day before the meeting so they could be considered by the Committee prior to the meeting.

As a result of the Committee's comments, and comments from one Village resident who submitted timely comments, the Committee agreed on one substantive change to the draft—eliminating a provision that would have permitted an adverse inference to be drawn by a party's failure to cooperate—and a couple of non-substantive changes. Following these decisions, the Committee voted unanimously to approve the substantive language of the draft, including the changes we agreed to during the meeting. One Committee qualified her vote in favor, noting that her approval of the draft was not necessarily an endorsement of the ordinance as the proper vehicle to address impartiality concerns, while the other two Committee members approved the revised ordinance without qualification.

Following the Committee's decision, we entertained comments from residents. One resident who submitted written comments an hour and a half before the meeting began, repeated those comments, many of which were repeats of earlier comments that the Committee had considered, were the same as the comments that were timely submitted, or were matters outside of the Committee's focus on the draft. After some back-and-forth between Committee members and this resident, the substance of which is contained in the minutes, the Committee again agreed unanimously on the revised language of the ordinance, with the same qualification by one member as I mentioned earlier.

To be clear, all three of the Committee members voted in favor of the substantive provisions in the draft Code; two of the three members favored the Code as the vehicle for these provisions; and one of the members withheld judgment on the appropriate vehicle for the provisions. [Speaking for myself, as I explained during the December 1 meeting, and as reflected in the meeting minutes, my support of the Code as the appropriate vehicle was based on my research and analysis. As far as I could determine, while governmental bodies, including MD, Montgomery County, and neighboring Villages, have widely varying ethics requirements, not a single governmental body I could find establishes its ethics requirements in a volunteer or employee manual; they all establish their ethics requirements through laws—codes—or through formally promulgated regulations or policies,

which are formally adopted and are legally binding, just as Martin's Additions has done in Chapter 4 of its Code, which establishes the Village's current ethics provisions, and in Policy 2019-10-3, which requires the oath of office for all Village officials. By contrast, manuals, which some residents argue are the proper place to place the ethics provisions the Committee approved on December 1, are neither practical—for example, how would a Village resident who is not an employee or a volunteer know that Village ethics rules are in an employee or volunteer manual?—nor legally binding. The VMA Personnel Handbook, for example, states that it does not create an agreement or contract between the Village and its employees.]

Todd Mann's December 9 note summarized the revisions to the Code that the Ethics Committee approved. I want to make four comments about revisions to the Code approved by the Committee: *they*

- First, unlike the existing Code, the revisions provide due process for anybody who is the subject of an ethics complaint—the respondent. The existing Code provides *no* opportunity for the respondent to see the complaint, *no* opportunity to respond to it, and *no* opportunity to see any of the evidence developed by the Committee. And, the current Code requires the Committee to “mandate a disqualification” if the respondent does not cooperate and provide the Committee with “such information as the Committee finds necessary....” Further, the current Code contains *no* required standard of proof for a determination of an ethics violation.

By contrast, the revisions approved by the Committee *require* that the respondent receive a copy of the complaint (including the name of the person who filed it, if requested), *require* that the respondent be given reasonable time to respond, *require* that the respondent have an opportunity to review and respond to all evidence produced to or developed by the Committee, *require* that the respondent be provided a copy of the Committee's report, with an opportunity to respond; and, if the Council will make the final determination, which is the normal course, *require* that the respondent be provided another opportunity to respond in writing or in person to the Committee's report. And, the

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- Some residents have commented that they fear that imposing accountability will discourage people from volunteering to join Village committees. We have not tested that concern, but I would hope that no Village resident seeking to join a Village committee would object to being held accountable for his/her responsibility under the oath to act with "impartiality." And if he/she did, is it not better that the responsibility and the accountability are clearly established so he/she know of the expectations before volunteering for a Committee?

- Third, among the changes to the Code that the Ethics Committee approved are confidentiality provisions, in subsections 4-202(g)-(i), that are enhanced from the provisions in the existing Code. Under these provisions, which are explicitly designed “[t]o protect the privacy and reputation of the respondent,” the Committee and/or Council can

"meet only in closed session and make no public disclosure" when addressing an ethics complaint; the parties cannot disclose any information related to the complaint, except as the respondent wishes; and the records of the Committee and/or Council related to an ethics complaint are confidential, privileged, and not subject to public inspection, except as required by law. With respect to the "except as required by law" qualifier, I understand from the Village lawyer that records related to the finding of an ethics violation might be subject to disclosure upon a request under the Maryland Public Information Act, but that records related to a complaint that did not result in the finding of an ethics violation could be protected from public disclosure. These provisions should alleviate the concerns expressed by a couple of residents about the impact of "[f]alse complaints" on their reputations, jobs, etc.

Also with respect to "false complaints," which these same couple of residents say are "easy to file," the Code provisions approved by the Committee require that any complaint be fact-based and will be subject to immediate dismissal if it is not fact-based or if it does not allege a consequential/substantial violation. ~~i.e., one that does not affect the integrity of the official's actions.~~ In short, a complaint that is not supported by facts or is trivial would be dismissed before the person who is the subject of the complaint is even notified of the complaint.

- Fourth, under the approved Code changes, the penalty for any ethics violation is for the official to be disqualified from participating in a particular matter or from his/her position, and the penalty must be crafted as narrowly as possible to address the violation. As I reported at the last Village meeting, in response to many resident comments, and with the concurrence of the Village counsel and our Council liaison, the Committee removed from the existing Code the potential for fines and criminal referrals, because we felt these onerous provisions were not necessary to assure the ethical behavior contemplated by the Code. These changes should put to rest the complaints that this is a "heavy-handed, punitive ordinance," or that it contains "draconian penalties."

~~One last word~~. The Ethics Committee has been at this task since August. We believe that we have produced a product that protects both the Village and its residents. We have invited the participation of Village residents at every turn, including before, during, and after our public meetings. The changes to the Code that we approved incorporate many suggestions and comments from Village residents. As Chair of the Committee, I sincerely thank the residents who provided us with constructive comments, but I also firmly reject the assertions and inferences advanced by a few other Village residents that we have ignored the Village community, have not complied with the Maryland Open Meeting Act, are building a self-serving "nest" for ourselves, or have undertaken a process worthy of Vladimir Putin.

So, after a five-month process, the Ethics Committee passes on to the Council for its action the revised version of the Ethics Section of the Village Code that the Committee has approved. In that regard, I have forwarded to our Council liaison, Todd Mann, a version of the Code with the changes from the existing Code that the Committee has approved. I also forwarded to Todd the three sets of written comments we received prior to the meeting.

Thank you. Lorie or Debbie, is there anything you wish to add?

We are happy to address any questions the Council has.

Appendix B

Resident comments that were requested to be attached to the December 17th Minutes.

**DRAFT ADMINISTRATIVE RESOLUTION ON COUNCIL ADMINISTRATIVE PROCEDURES:
IMPROVED VMA ORDINANCE-ADOPTION PROCESS**

Whereas timely, open communication, public participation, and a transparent regulatory process are essential to maintain community trust and confidence; and

Whereas the Council has the authority to revise its administrative operating procedures at any time, and there is no undue administrative burden or financial cost associated with this proposed ordinance-adoption procedure,

Therefore, the Council adopts this Resolution to implement the revised Administrative Procedure below, effective as of [current date], to provide for a more open ordinance-adoption process and improve community participation in important decisions about the management of VMA affairs:

1. In compliance with the Open Meetings Act, the Council will ensure that accurate, timely meeting agendas are posted in advance, including public agenda notices in advance about any Village ordinances to be proposed, discussed, or revised at VMA Committee meetings.
2. The Council will provide a written public explanation in advance as to why the new or revised ordinance may be necessary or advisable.
3. The Council will direct the Village staff to provide residents with print copies of the proposed ordinance on request and ensure that such documents are easy for residents to find on the VMA website.
4. The Council will schedule one or more open community forums online (via Zoom and phone) for residents to discuss a new or revised ordinance before it can move forward to be introduced at a Council meeting.
5. The Council will direct the Village staff to post the residents' written comments about the ordinance on an easily accessible public message board on the VMA website.
6. The Council will direct the Village staff to publicize these procedures in the VMA newsletters and the posted Weekly Wrap-ups.
7. The Council will post timely, accurate meeting minutes that include the residents' written comments *pro* and *con* the ordinance and residents' questions about the proposal, for the public record; and will direct the VMA Committees to do so as well.
8. The Council will respond publicly to residents' comments and questions before moving to introduce an ordinance for possible adoption.
9. The Council will maintain the current minimum 30-day period for additional public comments between the introduction of a new or revised ordinance and the Council vote to adopt the proposed ordinance.
10. The Council will revise or cancel any proposed ordinance changes that the community opposes; alternatively, the Council may table the new or revised ordinance and put the decision up for a public referendum vote at the next Village election. A referendum decision on an ordinance is binding when approved by the majority of the voters who vote on the question (50 percent plus 1).

**DRAFT ADMINISTRATIVE RESOLUTION ESTABLISHING A COMMUNITY SAFETY COMMITTEE:
MISSION STATEMENT, SCOPE, STRUCTURE, BUDGET, REPORTS, AND OPEN MEETINGS**

Whereas the Village of Martin's Additions places a strong emphasis on community safety and recognizes the need to address public health and safety concerns that affect the Village;

Whereas public participation in identifying and responding to health and safety issues is an essential service to the community; and

Whereas the Council has the authority to establish Village Committees as needed, and there is no undue administrative burden or financial cost associated with the creation of this volunteer Community Safety Committee,

Therefore, the Council adopts this Administrative Resolution to establish a VMA Community Safety Committee, effective as of [date].

Mission: The purpose of the VMA Community Safety Committee is to engage the community in discussion about current public health and safety concerns; report problems and recommend and implement timely, appropriate community responses; and assist the Village Council and staff in resolving public health and safety concerns and developing and implementing community safety programs and initiatives.

Scope: Pedestrian safety issues are addressed by the VMA Walkability Study Task Force; VMA residents may bring a variety of other issues to the Community Safety Committee, including concerns about the Covid-19 pandemic, vandalism, hate-crime incidents, public harassment, speeding traffic, water quality, pesticides, chemical spills, construction debris, radiation exposure, public hazards in the Village right of way or commercial area, and other issues that may have an adverse impact on community health and safety.

Structure: This volunteer Committee has a minimum of five VMA residents as members, appointed annually by the Council. The Committee Chair is elected by the members. VMA residents are welcome to participate in all Committee projects, open meetings, public community forums, and safety programs.

Budget: This Committee requires a small budget for items such as community flyers, signage, possible "Neighborhood Watch" training, project materials, and perhaps some brief consultation with the Village attorney if needed. The estimated budget for the current fiscal year is \$1,000 or less.

Reports: The Committee will provide reports (verbal or written) at the monthly VMA Council meetings.

Open Meetings Act: This Committee is subject to the requirements of the Open Meetings Act.

Committee members, as of December 2020:

Mark Shaffer (Shepherd St.) has volunteered to serve as the initial Committee Chair.

Various residents are interested in serving as members of the Committee.

Council Liaison: Jeff Blander.

Comments re: the proposed bias ordinance, for Dec 17, 2020, Council Meeting

From Paula Goldberg and Marty Langelan

As long-term VMA volunteers and residents, and experienced public managers, we care deeply about good governance for VMA. We have spoken up to recommend some productive remedies for VMA personnel management issues in the past, and we would like to see VMA move past the current ethics ordinance dispute to implement more positive measures to benefit the community now. We strongly recommend that the Council address misconduct with a good administrative complaint procedure, not an ill-advised impartiality ordinance.

As is typical of municipal governments like ours, the existing VMA ethics ordinance deals only with Conflict of Interest (COI) issues involving financial corruption: self-dealing contracts, bribes, kickbacks, sweetheart deals with suppliers or village contractors, abuse of financial authority, extortion, fraud, etc. The COI regulations apply only to the elected Council members and VMA employees. They are the only ones who have access to make decisions about the village financial accounts and contracts. The proposed “bias” ordinance would significantly expand the ethics ordinance, giving the Ethics Committee sweeping new judicial authority to investigate alleged violations of the impartiality clause in the general VMA Oath of Office and Oath of Service. That “impartiality” enforcement would apply not only to the Council and staff but to all the VMA volunteers on every village committee and task force. Any action or decision by any volunteer could be subject to allegations of bias and formal ethics charges.

There are some fundamental problems with the bias ordinance:

1. **Faulty premise:** The Council members who support the new ordinance said it was needed because they had no existing mechanism to handle complaints. But there is an official complaint procedure in the current VMA employee manual. The Council has full authority to remove any volunteer at will, and we can easily help you apply the existing complaint procedure to address any allegations about volunteer misconduct, including bias. The expanded ethics ordinance is unnecessary.
2. **Failure to consider alternatives:** The Council launched this proposal without researching the alternatives or checking to see what other jurisdictions may have in place. We went back to square one and found that no other local municipality has an over-reaching ordinance even remotely like this (for good reason). As many VMA residents have said, a fair, accessible general complaint process and a good employee/volunteer manual will provide a more useful, efficient, and comprehensive mechanism to address performance problems and hold village officials accountable.
3. **Lack of factual justification:** There is no evidence that violations of impartiality have actually been a problem in VMA. The Council has referred to unspecified “allegations” to try to justify the time and resources spent on this proposal, but that rationale doesn’t cut it. Anyone can make baseless assertions. No one has substantiated that any such allegations were true; there have been no credible cases of volunteer bias in recent years; and no cases are currently pending. Residents have repeatedly questioned the lack of justification here and asked why VMA is even considering this heavy-handed, punitive ordinance. That is a very good question.

The Tree Supervisor and VMA volunteers on the Community Engagement Committee, Walkability Task Force, etc., have no record of bias and have little or no scope to engage in any sort of serious bias in the course of their work. The Ethics Committee has been largely dormant until now, merely administering the annual VMA financial COI disclosure forms. The Election Committee over the past five years has had a strong, detailed ethics orientation briefing every year, repeatedly discussed the specific requirements to ensure meticulously neutral even-handed election work at every step, and rigorously enforced those requirements. The electoral record has been solidly documented from 2015 through June 2020 and shows no evidence of bias.

Any proposed ordinance change as major as this one requires a strong, compelling justification. The factual justification is absent here.

4. Harm to the community: Throughout this months-long community discussion, the Ethics Committee has defined its mandate as merely a drafting assignment, to produce the text of a bias ordinance. At no point has either the Committee or the Council discussed the very substantial objections that residents have raised about the negative impact this ordinance would have on the community. At some stage, the Council must address these larger issues of public harm. We all have an obligation to consider the effects of our actions.

Every resident who has spoken up about the proposed ordinance opposes it. Many people have repeatedly warned that this ordinance is a bad mistake: It could escalate any routine decision into an alleged “ethics violation,” target and discredit any volunteer or Council member, demolish people’s reputations, deplete VMA’s financial reserves with lawsuits, jeopardize residents’ jobs and security clearances, be used as a threat to silence dissent in community discussions, drain VMA’s limited human resources, polarize the community, and tie up Council members in protracted litigation to try to prove that their actions were “impartial.” It would deter most residents from ever volunteering for VMA; one valuable long-time VMA volunteer has already resigned because of this.

False complaints are easy to file under this ordinance; even wrongful, baseless allegations would set the gears in motion, put the respondent through the wringer, and inflict lasting damage before being dismissed. It would be naïve for any Council member to believe that his or her own decisions and actions would somehow be immune from such destructive bias charges. The definition of what might constitute “bias” or “impartiality” remains fundamentally vague and subjective; it is inevitably subject to interpretation. And because ethics charges are so serious, any attempt to use the proposed ordinance will present a high risk of lawsuits and countercharges. Holding government “ethics trials” would be enormously damaging and costly. It’s a bad idea on every level.

5. Misdirected focus: The proposed bias ordinance is both too broad (any volunteer could be hauled up on bias allegations for any decision, after the fact, and there are no penalties for malicious charges, so the ordinance is wide open for abuse) – and too narrow: Nothing in this ordinance would remedy other forms of misconduct that violate the Oath of Service. Bias has not been a problem in VMA, but there have been other significant, documented ethics issues in the past 18 months that deserve the Council’s attention, such as:

- ❖ Multiple apparent violations of the Open Meetings Act by Council members, staff, and/or VMA committees, including inaccurate, misleading meeting agendas, exclusion of dissenting comments from official meeting minutes, and substantive regulatory discussions conducted by email behind closed doors;
- ❖ Failure to apply sound standards for regulatory process – e.g., deleting long-standing legal COI regulations as a backdoor addendum here, the abrupt cancellation of VMA’s normal volunteer management procedures in 2020, the 2020 Election Committee’s requests for better Council enforcement of the VMA electoral firewall, and the residents’ requests for a better ordinance-adoption process.
- ❖ Questions about personnel management, public safety issues, village priorities, misuse of community resources, due diligence, and other ethics and good-government issues.

We are willing to assist the Council in addressing any and all of these concerns. The proposed bias ordinance is not the way to go, but there are good administrative measures to resolve the kinds of management issues that VMA has experienced since 2019. Please let us know if you’d like to discuss some practical steps.