



City of Annapolis Plays Well With Others Transition Team Boards and Commissions Subcommittee Summary April 6, 2018

Members:

1. Jim Dolezal, Chair
2. Doug Smith
3. JoAnn Mattson
4. Andrew Hanauer

Objectives

1. Review web sites of all Boards and Commissions
2. Interview Board and Commission chairpersons
3. Update Mayor's Office spreadsheet of Boards and Commissions data
4. Analyze obtained information, draw conclusions, and make recommendations

"Do It Now"

1. The Mayor's Office needs to keep the Boards and Commissions spreadsheet data current and updated with member information, appointment, and vacancy data.
2. The Boards and Commissions web pages need to be maintained with current member appointment and vacancy data, meeting agendas, and meeting minutes.
3. The Mayor's Office should establish priorities for filling the 30 Board and Commission vacancies and making the 64 reappointments of volunteers whose terms have expired.
4. Training and recognition needs to be provided to B&C members.
5. City liaisons to Boards and Commissions should participate in Board and Commission meetings and be advocates of their Boards and Commissions.

Short Term Recommendations

1. Establish a process for the recruitment of Board and Commission members, acknowledgement of applications, review of applications, interview of applicants, and notification to applicant of actions taken on their applications.
2. Eliminate Public Safety Disability Board and move its functions to the Civil Service Board.
3. Disband the Housing & Community Development Committee.
4. Merge functions of Financial Advisory Commission and newly formed Audit Committee.
5. Resolve functional differences/responsibilities of Maritime Advisory Board and Port Wardens.
6. Resolve Recreation Advisory Board and Transportation Board issues.
7. Resolve confusion regarding the functions of the Department of Planning and Zoning, Historic Preservation Commission, Planning Commission, Board of Appeals (for zoning), Building Board of Appeals, and Art in Public Places Commission.

Long Term Recommendations

1. Consider merging functions of the Annapolis Conservancy Board and Environmental Commission.
2. Conduct reviews of B&C functions, missions, and purposes, and examine why each B&C exists.



City of Annapolis Plays Well With Others Transition Team Boards and Commissions Subcommittee Report April 6, 2018

The members of the Boards and Commissions Transition Subcommittee reviewed Board and Commission (B&C) information posted on the City's website and used the Mayor's Office' B&C Excel Master Spreadsheet for chair contact information. We then interviewed B&C chairpersons or, if not available, the City liaison of the B&C. As the interviews progressed we provided B&C Master Spreadsheet updates to Wil Rowel, the Public Engagement & Community Relations Specialist in the Mayor's Office. Our interviews focused on the status of B&C member vacancies, expired appointments, and the functions of the Board or Commission. We were interested in how new members were recruited, how active B&C members were, and the effectiveness of City Liaisons to the B&C. We looked for duplicative or overlapping functions between B&C and were interested if there were unmet B&C training needs. Our intention was to not duplicate the 2014 B&C Transition Report even though we observed that the majority of that committee's findings were still valid.

In conducting our interviews we were impressed with the overall dedication and conscientious of B&C members. The City is fortunate to have such a fine cadre of volunteers who serve with little recognition but are gratified to participate in the management of Annapolis as unpaid public officials.

The following list of 24 B&C is provided to identify the number of B&C member vacancies (30), the number of members serving after their appointments have expired (66), and to provide a brief observational statement. The City's 10 quasi-judicial B&C are noted. Those B&C's have the power to conduct an evidentiary hearing which is conducted in the same manner as a court however the rules of evidence are relaxed. A quasi-judicial board or commission can render a decision on issues under its jurisdiction and the decision can be appealed to a higher body, usually the Circuit Court. The rationale for specific recommendations and findings follows this list.

Alcoholic Beverage Control Board (quasi-judicial)

A fully functioning Board; fill one vacancy, re-appoint 2 members currently serving

Annapolis Conservancy Board

A fully functioning advisory board; re-appoint 2 members who are currently serving
Need improved communications between Board, City Council, and City staff.

Art In Public Places Commission

A fully functioning commission; fill 3 vacancies, re-appoint 4 members currently serving
Need to clarify Commission's role as advisory; recruit representatives from each ward.

Audit Committee

A new committee which has not met; fill 2 vacancies, confirm 2 pending appointments
Possible redundancy with Finance Advisory Commission.

Board of Appeals (Zoning) (quasi-judicial)

A fully functioning Board; fill 1 vacancy with person with planning background, re-appoint 1 member currently serving

Board of Supervisors of Elections (quasi-judicial)

A fully functioning Board; no recruitment or appointment action required
Implementing City Code needs to be reviewed for consistency with state and county codes.

Building Board of Appeals (quasi-judicial)

A fully functioning board; fill 1 vacancy with person having construction expertise

Civil Service Board (quasi-judicial)

A fully functioning board; fill 2 vacancies, re-appoint 3 members currently serving.
Merge functions of Public Safety Disability Board with this Board and fill one vacancy with a disability attorney and add one fire and one police representative as alternate members.

Commission on Aging

A fully functioning commission; fill 3 vacancies,

Education Commission

A fully functioning commission; fill 2 vacancies, re-appoint 3 members currently serving

Environmental Commission

A fully functioning commission; fill 1 vacancy, re-appoint 3 members currently serving

Ethics Commission (quasi-judicial)

A fully functioning commission; fill 2 vacancies, re-appoint 1 whose term expires in April

Financial Advisory Commission

A fully functioning commission; re-appoint 7 members whose terms have expired
Possible redundancy with new Audit Committee.

Heritage Commission

A fully functioning commission; fill 2 vacancies

Historic Preservation Commission (quasi-judicial)

A fully functioning commission; fill 1 vacancy, re-appoint 2 members currently serving

Housing and Community Development Committee

Duplicative to City Council's Housing and Human Welfare Committee; 1 vacancy

Human Relations Commission

A fully functioning commission; fill 2 vacancies, re-appoint 3 members currently serving

Maritime Advisory Board

A fully functioning board; fill 2 vacancies
Clarify Maritime's role vis-à-vis Port Wardens.

Planning Commission (quasi-judicial)

A fully functioning commission; fill 1 vacancy, re-appoint 2 members currently serving.

Police and Fire Retirement Plan Commission (quasi-judicial)

A fully functioning commission; re-appoint 1 member currently serving

Port Wardens (quasi-judicial)

A fully functioning board; fill one vacancy
Functions of Maritime Advisory Board and Port Wardens need clarification.

Public Safety Disability Retirement Board

A non-functioning board; 4 vacancies of 5 members
Recommend disestablish and transfer functions to Civil Service Board

Recreation Advisory Board

A fully functioning board; re-appoint 11 members currently serving
This is a parks and recreation board, communications with City and City Council is lacking.

Transportation Board

A fully functioning board; fill 2 vacancies, re-appoint 6 members currently serving
Communications with City, City Council, and SP+ Parking Authority is lacking.

“Do it Now” Recommendations

1. The Mayor's Office needs to keep the Boards and Commissions spreadsheet data current and updated with member information, appointment, and vacancy data.

One of the initial hurdles the B&C Transition Sub-committee had was to obtain a contact list of the chairpersons and members of the various B&C. The best source was the Master B&C Excel Spreadsheet which was provided by Wil Rowel in the Mayor's Office. It was reasonably accurate but, for the most part, out of date. As we held interviews with B&C chairpersons we updated the list and provided corrections to Wil for inclusion in his master spreadsheet. Chair persons were able to provide current member contact information but member term expiration dates were difficult to obtain. The easiest way we found was to do a name search of City Council minutes to obtain member appointment dates. While the process of recording accurate member data is tedious, it should be done. This may be a good task for a summer intern.

2. The Boards and Commissions web pages need to be maintained with current member appointment and vacancy data, meeting agendas, and meeting minutes.

An alternative source for B&C member data is the B&C web pages on the City web site. Appointment dates are posted, as well as, member appointment expiration dates, and vacancy

information. In addition, meeting agendas and minutes are supposed to be posted for each B&C. This again can be tedious and can be left undone for many reasons. A few of our interviewees suggested that B&C chairpersons be allowed posting authority so they could post the minutes and agendas but generally the chairpersons were against taking on this task. This is again an important task for making B&C information available to the citizens of Annapolis and needs to be done.

3. The Mayor's Office should establish priorities for filling the 30 Board and Commission vacancies and making the 64 reappointments of volunteers whose terms have expired.

The filling of vacant B&C positions is long overdue task of the Mayor's office, as is the reappointment of members whose appointments have expired. The sub-committee's recommendation is that this should be one of the Mayor's highest priorities among many. Therefore it involves first the setting of priorities, i.e., selecting which B&C are of greatest need or most importance. It was noted in our interviews that many chairpersons, if asked, would be willing to participate in candidate interviews. The chairperson in most cases is the most experienced and knowledgeable as to the needs of their B&C. We also noted that B&C members whose appointments have expired are willing to continue their duties until reappointed, though, they would appreciate the courtesy of being asked before reappointment. We believe some members would like the experience of serving on another B&C and, if asked, would like such a change after serving on a B&C for several years.

4. Training and recognition needs to be provided to B&C members.

Several chair persons felt training for their members was important and was provided infrequently. This was particularly true for quasi-judicial B&C in how to conduct hearings and the process for going into closed sessions. Regarding quasi-judicial B&C there was a complaint that they felt they were not properly represented during appeals to the Circuit Court and were never advised of the outcome of such appeals. Training could be provided in either a large group setting or provided directly to a B&C. Such training should include the applicability of the Open Meetings Act, Freedom of Information Act, Ethics Law, and Roberts Rules. There is a general feeling that the services of members of B&C are not appreciated by the City, though members are pleased to be of assistance in the management of the City. Personal satisfaction is not always enough when volunteers put in many hours and years of service. Any kind of recognition or a personal thanks works. Let's keep our volunteers happy and active!

5. City liaisons to Boards and Commissions should participate in Board and Commission meetings and be advocates of their Boards and Commissions.

Our interviews revealed that a few of the City liaisons to B&C do not actively participate in or attend B&C meetings. They therefore fail in their responsibility to the represent their B&C and fail in providing current information as to what is happening within the City or the status of projects of interest to the B&C. They need to be advocates for their B&C within the City government.

Short Term Recommendations

1. Establish a process for the recruitment of Board and Commission members, acknowledgement of applications, review of applications, interview of applicants, and notification to applicant of actions taken on their applications.

We need to be responsive to B&C applicants. Appointments and reappointments take far too long and this is not good for the morale of people serving as volunteers--they feel ignored and not valued. We must work at attracting qualified applicants either through announcements from the Mayor's Office or via person-to-person recruitment by current B&C members. One of our interviewees said that "If you want to empower and keep volunteers, show them respect by paying attention to what they do." Procedures therefore need to be established for the processing of B&C member applications. Simply stated they need to include:

1. An acknowledgement letter or e-mail thanking them for applying.
2. A process for the initial rating of the applicant.
3. A decision point regarding an invitation for an interview with interviewer and B&C chair.
4. A simple interview outline and scoring sheet.
5. A decision point regarding appointment.
6. Notification to City Council and applicant.

A similar process is needed for reappointments but for reappointments the member needs to be asked if they wish to continue on their B&C or be considered for membership on another B&C.

2. Eliminate Public Safety Disability Retirement Board and move its functions to the Civil Service Board.

Both Boards are quasi-judicial. The Public Safety Disability Retirement Board reviews and decides appeals from Police and Fire Department service connected disability retirement decisions made by Human Resources Director. They have not met for nearly 3 years and have 4 vacancies of 5 members. The Civil Service Board hears appeals and grievances of civil servants; reviews reclassifications and job descriptions, also meets infrequently, and has 2 vacancies. The disability board requires one member (who is the chair) to be a disability attorney and two members to be from the Fire and Police Departments. These requirements could easily be merged with the Civil Service Board. It is suggested that the 2 Fire and Police members be included as associate or alternative members of the Civil Service Board, only required to preside over disability appeals.

3. Disband the Housing and Community Development Committee

Our observation is that the Housing and Community Development Committee duplicates the functions of the City Council's Housing and Human Welfare Committee. The Housing and Community Development Committee was originally established before the City had community development staff and the same alderperson members (Shaneka Henson, Fred Paone, and Elly Tierney) are on both committees. There is one vacancy on the Housing and Community Development Committee and it is suggested that its current three volunteer members be considered for reappointment, if they desire, to the City Council's Housing and Human Welfare Committee.

4. Merge functions of Financial Advisory Commission and the newly formed Audit Committee.

The Financial Advisory Commission provides advice to the Mayor and offers input to City Council, in concert with the Director of Finance and has no vacancies. This commission has 7 members, all with experience in government finance. The Audit Committee was enacted on July 31, 2017, has 2 vacancies, but has not yet met. It was formed to provide independent review and oversight of City financial reporting processes, controls, and audits. It is recommended that the functions of these two committees be merged into single committee named the Financial Advisory and Audit Commission or Committee.

5. Resolve functional differences/responsibilities of Maritime Advisory Board and Port Wardens.

To resolve a small functional overlap we recommend the investigation and clarification of responsibilities and authorities of the Maritime Advisory Board (advisory) relative to the Port Wardens Board (quasi-judicial).

6. Resolve Recreation Advisory Board and Transportation Board Issues.

City liaison representatives for Recreation Advisory and Transportation Boards should participate in commission meetings, forward recommendations to City Council, and provide feedback to the boards. The Transportation Board should be included in discussions with SP+ regarding resident parking, bus routes, and the Transit Development Plan, currently in process.

7. Resolve confusion regarding the functions of the Department of Planning and Zoning, Historic Preservation Commission, Planning Commission, Board of Appeals (for zoning), Building Board of Appeals, and Art in Public Places Commission.

In reviewing the City's Boards and Commissions, it became apparent there is confusion as to the responsibilities and decision-making authority of the Divisions within the City and a number of Boards and Commissions:

Department of Planning and Zoning

Chief of Historic Preservation (who resides within the Department of Planning and Zoning)

Historic Preservation Commission (HPC) (quasi-judicial)

The Planning Commission (quasi-judicial)

The Board of Appeals (for zoning) (quasi-judicial)

The Building Board of Appeals (quasi-judicial)

The Art In Public Places Commissions (Advisory)

Some boards and commissions are designated as 'quasi-judicial'. Those B&C's have the power to conduct an evidentiary hearing which is conducted in the same manner as a court however the rules of evidence are relaxed. A quasi-judicial board or commission can render a decision on issues under its jurisdiction and the decision can be appealed to a higher body.

To explain the function of each organization, we will follow the process of a Property Owner (PO) who wishes to make changes to the EXTERIOR of his / her property.

For an Exterior change, the PO files an application with Planning and Zoning. P&Z will review the application with regard to Zoning, use of the property, and compliance to Building code. If a PO wishes to make changes to the interior (plumbing, electrical, HVAC, etc.) the PO applies to Planning and Zoning for a BUILDING PERMIT. As work progresses, City employees conduct

inspections to be sure the changes comply with City Code. The Chief of Historic Preservation and the Historic Preservation Commission have no jurisdiction over internal changes.

For exterior changes, the Planning and Zoning Department looks at each application for compliance with regulations, such as 'Height and Bulk,' permitted use in that zone, as well as compliance with Critical Area Regulations, and set back distances. (For example adding a bedroom to home in a residential zone would be approved; adding a cell tower in a residential zone would not be approved). P&Z also reviews the proposed change for compliance with plumbing, electrical, fire code safety as well as compliance with Critical Area Regulations and set back distances.

Once the application has zoning approval, for exterior changes to properties within the Historic District, additional review is required. Planning and Zoning will refer the application to the Chief of Historic Preservation. There are a number of changes the Chief can approve administratively – such as replacement-in-kind (ex: repair of porch steps), restoration and renovation (ex: removal of inappropriate siding); existing signage (ex: re-facing a commercial sign); minor changes to environmental settings (ex: change in paving material for a driveway); extension of Certificate of Approval (ex: requesting a time extension for previously approved work). With Administrative approval, the PO can proceed with the work. It is noted that approximately 88% of all exterior changes receive Administrative Approval by the Chief of Historic Preservation and no further review is required unless there is an appeal of the administrative approval for review by the full HPC Commission.

If the exterior change in the Historic District does not meet the criteria for Administrative Approval, then the project must go to the Historic Preservation Commission (HPC) for review and a public hearing. Or, if the Chief of Historic Preservation does not approve the project, the PO can request a review by HPC.

The PO is required to post an announcement on the property showing the time and place for the HPC review at least 15 days in advance of the public hearing. At the hearing, the PO presents first, then the P&Z staff presents their analysis of the project, followed by public testimony. The PO is provided with a copy of the staff report in advance and can follow the staff report with rebuttal arguments. Once the record is complete (including all exhibits, site visits and public testimony) HPC deliberates on the case and the members of HPC take a vote. Simple majority determines the outcome. If a tie vote occurs, the project is denied approval. The PO has 30 days to appeal the decision to the Anne Arundel County Circuit Court.

Planning and Zoning staff offer pre-application sessions to advise property owners as to what is allowable under code. As a result, the instances of denial of applications are very low, substantially less than half a dozen per calendar year. Often an appeal is filed not by the property who has gained HPC approval but rather by neighbors that oppose the project.

The HPC commission is a quasi-judicial body. By City Code, HPC is granted the authority to make decisions affecting the exterior of buildings within the Historic District. The City Code specifies certain qualifications to serve on the HPC commission: a board member must have architectural training and/or background, landscape design training, extensive knowledge and active service in historical preservation, and/or investment in their own historic property.

For example, when the Tsunami mural appeared, the Historic Preservation Commission notified the PO that the mural was an alteration to the Exterior of an historic building and the PO should follow the process and file an after-the-fact application. The PO took the position that HPC did not have this authority. The case was heard by the District Court of Anne Arundel County and was ruled in favor of HPC. The PO then filed an application for the mural, HPC held a public hearing and voted to approve the mural.

Some members of the public have raised the concern that decisions by P&Z, or HPC, or other Boards have been capricious and arbitrary, when in fact the City officials and commission members are following City code and regulations that have been adopted by Annapolis City Council. As best we can determine, HPC has been reversed in its decision once over the past 35 or so years and that was not by the Circuit Court but by the Maryland Court of Appeals.

Four other Boards and Commissions may also be involved depending on the nature of the PO's project. In some cases the PO will be required to submit his/her application to the Planning Commission, another quasi-judicial body. The Planning Commission reviews and makes decisions on planned developments, major site designs, major subdivisions, proposed zoning legislation, sector studies, and the comprehensive plan. It has purview of major government construction, for example their review of the Legislative Services garage. Their decisions can be appealed to the Circuit Court.

When the property owner disagrees with a decision made by the Planning and Zoning Department, the PO can appeal to the Board of Appeals (zoning) on issues regarding zoning, applications for special exceptions, variances, zoning district boundary adjustments, administrative interpretation, administrative adjustments, demolition (in certain zoning districts), or use and occupancy permits, for example. The Board of Appeals is quasi-judicial and its decisions can be appealed to the Circuit Court.

The Building Board of Appeals (quasi-judicial) is a more technical review board and is called into action when a PO (or other party) disagrees with a building permit decision or a building code violation. Board members are typically professional engineers or building contractors who have in-depth knowledge of City and state building codes. Decisions by the Building Board of Appeals can be appealed to the Circuit Court.

For works of art, the Art in Public Places Commission (an advisory commission) can review and provide recommendations to City Council for art that will be displayed in a City-owned public space; or art on the exterior of a City-owned facility; or art displayed in the public space on the inside of a City-owned facility; or on a non-city-owned facility if the art or the installation of the art is financed with City funds or financed by a grant procured by the City.

This summary has been prepared using the information obtained during the review of all Boards and Commissions with additional review by Office of Law, Director of Planning and Zoning, and the chairpersons for HPC and the Planning Commission.

Long Term Recommendations

1. Consider merging functions of the Annapolis Conservancy Board and Environmental Commission.

These two B&C have similar functions and should be considered for merging into a single B&C. The Annapolis Conservancy Board's mission is to ensure the continued protection of the city's eased land and most important properties as well as look for new opportunities to conserve areas that are important for public recreation and environmental, cultural or historical significance. The Environmental Commission is concerned with environmental protection, studies pollution sources, makes recommendations to the City identifying sources of problems, collecting information about solutions and educating the public about solutions.

2. Conduct reviews of B&C functions, missions, and purposes, and examine why each B&C exists.

The Boards and Commissions Subcommittee of the Plays Well With Others Transition Team did a quick investigation into the staffing and functions of the City's Board and Commissions. As provided in this report our analysis identified several B&C for consolidation, as well as, other areas for the attention of the Mayor's Office and City Council. We respectfully suggest that this effort is not done and that further investigations will identify additional efficiencies that can be achieved in the future.