



City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

REGULAR CITY COUNCIL MEETING MINUTES

TUESDAY, JANUARY 2, 2018

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Tuesday, January 2, 2018 in the Council Chambers at City Hall. Mayor Robinson called the meeting to order at 8:00 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Robinson led the Pledge of Allegiance to the Flag.

QUORUM:

In attendance were Mayor Robinson, Councilmembers Esteve, Gardner, Glass, Marcos, and Truth; City Manager Lott, Assistant City Manager Fitzwater, City Attorney Levan, City Clerk Hernandez, City staff, the Press, and the Public.

CITIZEN PARTICIPATION:

- A. Fiona Moodie, Ithan Lane – Spoke in reference to poll watchers not being allowed during the election on December 19, 2017. (Copy of comment attached)

City Manager Lott commented that rules were followed with proper guidance from our City Attorney.

Councilmember Esteve commented that he was not pleased with how the process of not allowing poll watchers during the election took place.

PRESENTATIONS:

- A. Certification of December 19, 2017 City of Bowie Special Recall Election - Ms. Yolanda Jones, Chairman of the Bowie Board of Supervisors of Elections, read the report from the Board of Supervisors of Elections dated December 28, 2017, certifying the results of the December 19, 2017 Special Recall Election which is attached hereto.

Councilmember Esteve asked Chairman Jones if she could say where in the Code does it state that there could not be any poll watchers at the election held.

Chairman Jones replied that the Board took into consideration that this election was not a candidate election, it was a yes or no question election and there were no registered candidates for it. She also explained that this is a first time this type of election has taken place in the City and maybe there might be some sort of clarification that needs to be addressed, but at the time of the election they followed what they felt was appropriate.

MAYOR G. Frederick Robinson **MAYOR PRO TEM** Henri Gardner

COUNCIL Michael P. Estève ♦ Courtney D. Glass ♦ James L. Marcos ♦ Isaac C. Truth ♦ Dufour Woolfley **CITY MANAGER** Alfred D. Lott
City Hall (301) 262-6200 FAX (301) 809-2302 TDD (301) 262-5013 WEB www.cityofbowie.org

Mayor Pro Tem Gardner made a motion to accept the report presented by the Board of Elections. Councilmember Marcos seconded the motion. Motion carried 6-0.

CITY MANAGER'S REPORT:

City Manager Lott reported that department heads are working on preparing the budget for Council presentation and that this is Mr. Fitzwaters' last meeting with the City as he is retiring at the end of this week.

CONSENT AGENDA:

Mayor Pro Tem Gardner moved the approval of Consent Agenda Items: A) Approval of November 6 Meeting Minutes; B) Approval of Resolution R-1-18 Authorizing the Issuance of a Purchase Order to RK&K for Task Order #4-Design of Spangler Lane Stormwater Management Facility Retrofit in Accordance With the Master Contract Approved on April 6, 2015; C) Approval of Resolution R-2-18 Adopting a Residential Bay Restoration Fee Exemption Program and a Water Pipe Renewal and Replacement Fee Exemption Program for City Residents Who Are Experiencing Substantial Financial Hardship, and Establishing a Grant Program in the General Fund of \$10,000 to Reimburse the Water and Sewer Fund for Credits Provided under the Water Pipe Renewal and Replacement Fee Exemption Program; D) Approval of Resolution R-3-18 Accepting a Bid Proposal for Engineering Consulting Services to Design Communication/Control Improvements for the Water Filtration Plant; E) Approval of Resolution R-4-18 Approving Deed of Adjustment of Common Line of Division Between Parcel 20 and Parcel 58 Located on the City Owned Entzian Property. Councilmember Marcos seconded the motion and it carried 6-0.

OLD BUSINESS:

A. Annexation Resolution R-62-17 – Mr. Joe Meinert, City Planning Director, summarized the staff report. This resolution proposes the annexation of the Bowie Ice Arena Site on Church Road (Parcel 78) and a portion of Parcel 22 owned by Consolidated Rail Corporation on Tax Map 54 and an adjacent, variable width strip (Approximately 8,000 feet long) of the US Route 50 right-of-way. Annexation will allow the City Police Department to serve the new ice arena and will provide for City control of stormwater management review, permitting and inspections.

Mr. Meinert also mentioned that a letter was received today from County Councilmember Derrick Leon Davis. Mr. Davis represents District 6 on the County Council, which this area is located in. He asked if Council would reconsider the annexation for the purpose of allowing additional public input. Copy of letter attached.

Public Hearing:

1. Michelle Jackson, Jordans Endeavor Dr. – Has concerns with the annexation of the property and what else will be developed on the property if only 20 acres are required for the ice arena and the annexation is for over 73 acres.

Since there were no more speakers signed up to speak, Mayor Robinson declared the public hearing to have been held.

Mayor Robinson commented that he is disappointed in having received a letter from Councilmember Davis 10 minutes before a meeting making such allegation that the City has not been

January 2, 2018

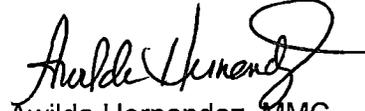
transparent with this annexation. The property has been publicly discussed numerous times in the last 3 years.

Mayor Pro Tem Gardner made a motion to approve Annexation Resolution R-62-17. Councilmember Marcos seconded the motion. Motion passed 6-0.

ADJOURNMENT:

Mayor Pro Tem Gardner moved to adjourn the City Council meeting. Councilmember Glass seconded the motion and it carried 6-0. The meeting adjourned at 8:26 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Awilda Hernandez". The signature is fluid and cursive, with a large loop at the end.

Awilda Hernandez, MMC
City Clerk

Section 6-16 of the Bowie City Code covers Challengers and Watchers.

Part A Reads as follows:

(a) Authorized. Each candidate or political committee shall have the right to designate a registered voter as a challenger and watcher at each place of registration and election. Such persons shall be assigned to such position near the judges, inside the registration or polling room, as to enable them to see each person as he offers to register or vote. The challengers and watchers shall be protected in the discharge of their duty by the judges and the police.

In Article 1 the city defines "Campaign Committee" as:

Any combination of two or more persons appointed by a candidate or any other person or formed in any other manner which assists or attempts to assist in any manner the promotion of the success or defeat of any candidate, Charter amendment, principle or proposition submitted to a vote at any municipal election.

Why then, did the City of Bowie purposefully prevent Challengers and Watchers at the December 19th Special Recall election?

The right to Challenge and Watch is outlined not only within the City Code – but Maryland State Election law, which supersedes that of the city.

Yet, despite Section 6.16 Part A of the Bowie City Code reading "challengers and watchers shall be protected in the discharge of their duty by the judges and the police" and there being NO section within the code demanding registration of such Challengers and Watchers:

Upon my attempt to present my challenger certificates – yes certificates plural – so that I may observe the voting process - the City Attorney and the City Board of Elections called the police on me, and despite reading through the entirety of the applicable code with Officers Gibson and Rose, they threatened my arrest for – and I quote – "some type of trespassing". They told me that they did not care what the city code said; they were under directive from the city of Bowie to have me removed and arrested for trespassing.

Free and open elections are a basic tenet of democracy. On December 19th, The City of Bowie closed the doors to Challengers and Watchers, and threatened absurd and unjust arrests of citizens attempting to carry out what is guaranteed to them not only in the City Code – but in the election law of the State of Maryland. The City has refused to provide us with an answer as to why my arrest was threatened.

It is time that our City Elections are managed independently – and an Election Board that is accountable to the Citizens of Bowie is formed.

THE CODE

Sec. 6-14. Conduct at polling places.

Each of the judges has the authority to keep the peace and to cause any person to be arrested for any breach of the peace, or for any breach of the election laws of the city, or any interference with the progress of an election, the canvass of ballots or the ascertainment and transcription of the votes recorded on the voting machines. It shall furthermore be unlawful for any person to canvass, electioneer or post any campaign material in a polling place or on public property within a certain radius from the entrance and exit of the building closest to that part of the building in which voting occurs. This radius shall be that established pursuant to Article 33, Section 24-23 of the Annotated Code of Maryland as amended from time to time.

This ordinance is not intended to prevent vehicles bearing campaign stickers or signs from using public thoroughfares that may be within the established radius. Nor is this ordinance intended to prevent canvassing, electioneering and posting of any campaign material outside of the prescribed limit.

It shall be the duty of all officers of the law present to obey the order of any election judge, and an officer making an arrest by the direction of any judge shall be protected in so doing fully as if a warrant had been issued to him to make such arrest.

(Sec. 6-14 amended by O-14-90, adopted 9/17/90, effective 10/17/90)

Sec. 6-15. Hours of voting.

Hours of voting shall be as provided for in section 31 of the City Charter.

Sec. 6-16. Challengers and watchers.

(a) Authorized. Each candidate or political committee shall have the right to designate a registered voter as a challenger and watcher at each place of registration and election. Such persons shall be assigned to such position near the judges, inside the registration or polling room, as to enable them to see each person as he offers to register or vote. The challengers and watchers shall be protected in the discharge of their duty by the judges and the police.

(b) Certificate as evidence of right to be present. A certificate signed by any candidate or chairman of a campaign committee shall be sufficient evidence of the right of such challenger and watcher to be present in the registration or polling room.

(c) Rights; unlawful acts. Each challenger or watcher shall have the right to remain in the polling place from the time the polls are opened until the returns are completed. It shall be unlawful for any such challenger and watcher to inquire or ascertain for what candidate any voter may intend to vote, or has voted, or to converse in the polling place or within 100 feet thereof with any voter or to assist him in the preparation of the voter's ballot or in the operation of the voting machine. Any challenger and watcher offering or attempting to do so shall lawfully be ejected by the judges and shall also be subject to the punishment provided in this Chapter.

(d) Removal. A challenger and watcher may be removed at any time by the same person who appointed the challenger or watcher.

(e) Other persons allowed in polling places. Persons other than accredited challengers and watchers who desire to challenge the vote of any person shall be permitted to enter the polling place for that purpose, but a majority of the judges may limit the number of persons to be allowed in the polling places at any one time for such purpose; and all such persons shall leave the polling place as soon as the right to vote of the person challenged by them has been decided.

(f) Form of certificate. The form for the certificate of a challenger and watcher shall be in the following form:

CHALLENGER'S AND WATCHER'S CERTIFICATE

City of Bowie, Maryland

Dec 13, 2017

To the Judges of Election:

This is to certify, That Fiona Modie a registered voter, has been designated by me to

act as Challenger and Watcher, for 2A/B Election District, during the Election to be held on:

Dec 19, 2017.

Respectfully submitted

.....
(Name of Candidate or Chairman of Campaign Committee)

LAURENCE C. SWANK

(Office) Bowie Citizens for Accountable Govt
Duties of Challengers and Watchers

"Each challenger and watcher shall have the right to remain in the polling room from the

time the polls are opened until they are closed, and after that time he shall be permitted to

remain until the returns are completed."

A Challenger and Watcher shall not converse with voters, assist a voter in voting, or operate

a voting machine.

Appendix A: Challenger and Watcher Certificate

Part I – Instructions and Information

Instructions to Designating Candidate or Entity: You may designate a Maryland registered voter as a challenger and watcher if you are: (a) a candidate; (b) a political party; or (c) any other group of voters supporting or opposing a candidate, principle, or proposition on the ballot. *(To be eligible, the group of voters must form a political committee under Election Law Article, section 13-207.)*

Before designating any individuals, please read the State Board of Elections' *Instructions and Information for Challengers, Watchers, and Other Election Observers* (available at elections.maryland.gov/get_involved/index.html). Please provide the State Board's instructions to any individual you designated as a challenger and watcher.

Instructions to Challenger and Watcher: Please read the State Board of Elections' *Instructions and Information for Challengers, Watchers, and Other Election Observers* (available from your designating candidate or entity or at the website listed above). You **must** have this certificate when you are acting as a challenger or watcher; you will not be permitted to remain in the voting area without a signed certificate. Give an extra copy of this signed certificate to the election judges when you arrive at an early voting center or polling place.

As a challenger and watcher, you have the right to:

- Enter the voting area at least (but no later than) 30 minutes before voting hours begin;
- Enter or be present in the voting area at any time during voting hours;
- Remain in the voting area until all post-voting tasks have been completed and the election judges leave the voting area;
- Maintain a list of registered voters who cast a ballot or individuals who cast provisional ballots;
- Enter and leave the voting area to take outside information that identifies individuals who cast ballots; and
- Be positioned near the election judges so that you may see and hear each voter as the voter checks in to vote.

You cannot attempt to: (a) determine how a voter voted or intends to vote; (b) talk with any voter in the voting area; (c) assist any voter in voting; or (d) physically handle an original election document or equipment.

You may be removed by an election judge if you do not follow an election judge's order or attempt a prohibited act.

Part II – Certificate Designating Challenger and Watcher

I/We certify that Bowie Citizens for Accountable Govt has designated From Modie a registered voter, to act as a challenger or watcher for the 20__ Primary Election OR 2017 General Election.
(check only one)

This individual will act in this capacity on election day (complete Part A) and/or during early voting (complete Part B).
(check all that apply)

Part A: I/We designate this individual as a Challenger or Watcher for the following precinct(s) on election day:

District/Precinct or Ward/Precinct	Name of County or Baltimore City

Part B: I/We designate this individual as a Challenger or Watcher on the following days and at the following early voting locations:

Early Voting Dates	Name of Early Voting Location	Name of County or Baltimore City

[Signature]
 Signature of Designating Candidate or Officer of Designating Entity

 Office Sought by Candidate

12/19/17
 Date