

May 9, 2015

Mrs. Maria Broadbent  
Director, Dept. of Neighborhood & Environmental Programs  
145 Gorman Street  
Annapolis, MD 21401



**Subject: Transparency in City Government and AEC Minutes**

Dear Mrs. Broadbent,

This responds to your letter dated May 5, 2015, regarding the January minutes of the Annapolis Environmental Commission (AEC).

Your first concern is that you believe that the AEC is not supposed to include statements or quotes attributed to staff or others in our meeting minutes. We feel that including quotes can be helpful when they are important statements in response to direct questions by the public regarding City policy. Nevertheless, we will endeavor to use phrases such as "DNEP indicated" rather than "Mrs. Broadbent said..." in those cases where the essence can be preserved.

Your second concern is that changes to the January minutes suggested by an AEC member were inappropriate and/or taken out of context. We disagree. Our inclusion of information you provided was fully appropriate to the discussion that occurred on the City's Forest Conservation Act review process. Several members suggested that we and DNEP review the audio file of January meeting, to verify the suggested edits. Three AEC members have since done so and were disappointed that you refused to join us in this simple step to settle the matter.

Indeed, transparency is quite important. Although our procedure for handling minutes has varied under different chairpersons, we always provide time for discussion among AEC members and city staff prior to a final vote to adopt the minutes. To minimize any confusion and to save time, from now on I will endeavor to harmonize AEC member comments so that I arrive at each meeting with a single draft for discussion and final vote. We hope this procedure will be helpful to both DNEP and to Ms. Hook.

We believe that AEC efforts, and their documentation, can help the city in its objective of clearly communicating its environmental policies and procedures. Our minutes must be more than a bare agenda, with substance of value to the public in communicating what actually happened.

We have noted frustration among residents attending AEC meetings when they have questions about DNEP policy and procedures but cannot obtain clear answers. Some have been advised by DNEP to go to another city department for answers, and to the city attorney. We feel that citizens would face less frustration if DNEP would assimilate relevant input from other departments and the city attorney, and then provide direct, correct and coherent answers to such public inquiries. By working together the city can better serve the residents of the City of Annapolis with clear and correct answers to questions regarding city environmental policy and procedures.

Thank you for interest, support, and for raising issues that we share an interest in addressing productively. We will, of course, attach both your letter and this response to the January 2015 minutes.

Sincerely,

Paul Murphy, Chairman  
Annapolis Environmental Commission

cc:  
Annapolis Environmental Commission  
Tom Andrews, City Manager  
Michael Leahy, City Attorney  
Jared Littmann, Chairman Environmental Matters Committee



City of Annapolis

DEPARTMENT OF NEIGHBORHOOD & ENVIRONMENTAL PROGRAMS

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May 5, 2015

Paul Murphy, Chair,  
Annapolis Environment Commission  
Via email

RE: Concerns about changes to AEC minutes of January 2015.

Dear Paul,

I am writing to express my concern about the inappropriate amending of the Annapolis Environment Commission, AEC, minutes of the January 2015 meeting.

On February 2, recorder Tami Hook distributed via email, the draft January 7, AEC minutes to the AEC members and to the staff who had attended the meeting. Below is language related to the Reserve at Quiet Waters project included in those draft minutes:

**"Reserve at Quiet Waters Appeals**

Ms. Butler reported that the Court of Special Appeals upheld the Circuit Court decisions and plans will be submitted to the Planning Commission for final approval. She followed up on questions from the public regarding when the forest conservation act issues are going to be addressed as it was her understanding that the Building Board of Appeals was going to schedule a meeting to address these concerns. Ms. Broadbent suggested that she contact the Law Office. It was reported that the Forest Conservation Act ordinance will be heard at the next Planning Commission meeting scheduled for January 21, 2015 at 7:00pm in Council Chambers. Mr. Biba responded to question from Mr. Weber."

Before the meeting, Commissioner Butler made the changes to the draft minutes shown below:

**"Reserve at Quiet Waters Appeals**

Ms. Butler reported that **according to Mr. Biba's development updates** the Court of Special Appeals upheld the Circuit Court decisions and plans will be submitted to the Planning Commission for final approval. She followed up on questions from the public regarding when the forest conservation act issues are going to be addressed as it was her understanding that the Building Board of Appeals was going to schedule a meeting to address these concerns. Ms. Broadbent **indicated that it was her understanding that no more appeals could be taken and** suggested that she contacted the Law Office **for more information on appeal issue**. It was reported that the Forest Conservation Act ordinance will be heard at the next Planning Commission meeting scheduled for

January 21, 2015 at 7:00pm in Council Chambers. Mr. Biba responded to questions from Mr. Weber."

When Commissioner Butler sent her changes to Tami Hook, before the meeting, she removed the email addresses of staff so that staff did not see the changes she had made until they were shown to us at the meeting by Ms. Hook, after there was a motion to approve them.

My concerns are threefold:

The AEC was told by Hilary Raftovich, the then Boards and Commissions Coordinator, at the AEC's July 2, 2014 meeting that minutes were to reflect general topics discussed at the meetings and any motions that were made by the commissioners. They were not to reflect statements or quotes to be attributed to staff or others. The City Attorney and the City Clerk met with AEC chairman and members of the commission in March, 2015 to discuss this and other procedural issues. I am concerned that despite the AEC being given information on the proper preparation of meeting minutes, some members continue to insist that the minutes be changed to reflect quotes or in this case "understandings" reportedly expressed by staff.

At two AEC meetings I have disagreed with the changes made by Commissioner Butler to the January 2015 minutes. Not only were the changes to attribute thoughts to staff inappropriate, the comments included were taken out of context. At two meetings, I expressed my concerns that the minutes should not be approved as changed by Commissioner Butler, and at both meetings she insisted that the minutes be approved as she had changed them. As these minutes become an official record of these meetings and the comments refer to a project under appeal, I continue to object to the changes.

I am further concerned, that the changes to the minutes were made with a lack of transparency. In the past, when changes were made to the minutes, the changes were shared with everyone included on Ms. Hook's email of the draft minutes, both commissioners and staff. Rather than replying to all to share her changes, Commissioner Butler sent her changes directly to Ms. Hook, so when a motion was made to approve the minutes, staff had no indication that the minutes had been changed.

Thank you in advance for taking these concerns into consideration. I ask that this letter be included as an attachment to the May 2015 minutes.

Sincerely,



Maria T. Broadbent  
Director, DNEP

cc: Annapolis Environment Commission  
Tom Andrews, City Manager  
Michael Leahy, City Attorney