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Political Notes: A closer look at the DRRA bill, charter review commission members

Steve Bohnel

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At Tuesday's County Council meeting, Councilman Steve McKay (R) emphasized that his and County Executive Jan Gardner's development, rights and responsibilities agreement (DRRA) bill was more than just tweaking the "headline numbers" associated with the measure.

When he introduced it on behalf of Gardner (D), the minimum number of units was 1,500 and the maximum term length was five years, with one five-year extension.

When the bill passed Tuesday, amendments had changed those figures to 900 units — 600 units for mixed-use developments — and eight-year terms, with a five-year extension.

There's another amendment, however, that states any amendment to a DRRA must be reviewed by the county Planning Commission, which then "recommends whether an amendment should require compliance with the current county code provisions, rules and regulations," according to the bill.

Those could include issues related to school capacity, adequate public facilities and forest conservation, among others.

Councilwoman Jessica Fitzwater (D) asked Assistant County Attorney Bryon Black on Tuesday how the bill would affect current DRRAs. Several of them are in McKay's district, which includes New Market, Monrovia and Urbana.

Black said Gardner and developers could sit down and negotiate amendments to those agreements. County Attorney John Mathias said that while those discussions could concern any part of the current agreement, they might fit under the current legislation. For instance, an amendment discussing term length would now have to be eight years or shorter, Mathias said.

There haven't been many amendments on the agreements so far, and those have focused on minor land use issues, Mathias said. But any discussions have to involve Gardner, as she is the main negotiator.

"The [county] council's got to vote on it, but the county executive's in the driving seat on these," he said.

McKay said after Tuesday's meeting that he anticipates developers would only undergo that amendment process if it benefits them in some way.

"Basically what an amendment is saying is the developer wants to unfreeze the terms of the contract, presumably for their benefit," McKay said. "And frankly, I think anytime that occurs, I would expect there would be a negotiation with the county executive's office."

Council President M.C. Keegan-Ayer (D), who voted yes on the bill, said she anticipates some developers — especially in McKay's district — will want to amend some part of their DRRAs.

"I think there may be some DRRAs that come back and amend, based on the fact some of those DRRAs were written very quickly to get in under the wire. ... I think they saw their time frame running out and the window closing," Keegan-Ayer said.

She declined to say what developers might amend the agreement.

Ultimately, McKay isn't concerned about any amendments that might come forward, because unlike the county commissioner system — 14 of the DRRAs were finalized under that system from 2010 to 2014 — there are more layers of procedure under the county executive-County Council system.

Instead of three out of five commissioner votes, it now has to be approved by the county executive, and four out of seven council members.

"Let's say a pro-development county executive comes in and in order for there to be new rules and regulations that would be more agreed to or supporting a developer coming in for an amendment, they would have first had to get that through the County Council," McKay said.

Six of seven charter review commission seats finalized

County Council members have seated six of the seven openings for the county's charter review commission.

That commission is tasked with reviewing the county charter, and offering suggested changes to council members. The council is then tasked with drafting charter amendments to be included on the 2020 general election ballot.

Each council member picked a person based on their district, except Kai Hagen (D) and Phil Dacey (R), who serve the entire county.

Council Vice President Michael Blue's (R) pick, April Miller (R), could not attend Tuesday's meeting, so she will be appointed May 28, pending the council's approval.

District 1 Councilman Jerry Donald (D) selected Paul Gilligan (D), former mayor of Burkittsville and an expert on local land use issues.

District 2 Councilman Steve McKay (R) selected Walter Olson (R). Olson is a political scholar and served on Gov. Larry Hogan's Emergency Commission on 6th District Gerrymandering.

County Council President M.C. Keegan-Ayer (D), who represents District 3, selected Stephen Slater (D), a lawyer in Frederick who ran for a state delegate seat in District 3B in 2014.

District 4 Councilwoman Jessica Fitzwater (D) selected John Daniels (D), who has served on several local government boards and ran for judge of the Frederick County Orphans' Court last year.

At-large Councilman Kai Hagen (D) selected Lisa Jarosinski (D). Jarosinski ran against McKay in last year's District 2 County Council race.

At-large Councilman Phil Dacey (R) selected Dylan Diggs (R). Diggs ran in the Republican primary against Kevin Grubb for the District 1 County Council seat.