



## Takoma Park City Council Work Session – June 9, 2021 Agenda Item 5C

### **Voting Session**

Rescission of Resolutions 2020-12 and 2020-18 Regarding Quasi-Judicial Proceedings During the COVID-19 Emergency

### **Recommended Council Action**

Adopt the resolution rescinding Resolutions 2020-12 and 2020-18

### **Context with Key Issues**

On April 15, 2020, the Council adopted Resolution 2020-12 which suspended quasi-judicial proceedings by the City's boards, commissions and committees until thirty days after the expiration of the State of Emergency declared by Governor Hogan due to the COVID-19 pandemic. On July 29, 2020, the Council adopted Resolution 2020-18 that modified Resolution 2020-12 by permitting the City Manager to phase in virtual quasi-judicial proceedings when safety protocols and procedural legal requirements could be met through training, increased staff capacity and the use of technology.

With the availability of vaccinations, new guidance by the Centers for Disease Control and Prevention, actions by Governor Hogan easing mask requirements and capacity limits, and accommodations of the City government to revised health protocols, it is the sense of the Council that such limitations of quasi-judicial proceedings be lifted.

It should be noted that a number of the alternative processes that have been used during the pandemic may have benefits that should be retained in some form. The Council may wish to encourage boards, commissions and committees to review their hearing procedures and other processes and to consider adapting their processes based on lessons learned during the pandemic, such as the option of holding virtual or hybrid virtual/in-person hearings.

### **Council Priority**

Mitigate the Impact of COVID-19 on the Community and City Operations  
Engaged, Responsive, Service-Oriented Government

### **Environmental Considerations**

There is no environmental impact of the rescission of Resolutions 2020-12 and 2020-18, other than some meetings may be held in person again, which may involve travel and heating and cooling of meeting spaces.

### **Fiscal Considerations**

There is no fiscal impact of the rescission of Resolutions 2020-12 and 2020-18.

### **Racial Equity Considerations**

There may be a small race equity impact of the rescission of Resolutions 2020-12 and 2020-18, but the impact is unknown. Some persons find virtual meetings more favorable if they do not have easy access to transportation or child care; others may find in-person meetings more favorable if they do not have easy access to meeting technology.

### **Attachments and Links**

- Draft Resolution
- [Resolution 2020-12](#)
- [Resolution 2020-18](#)

1 Introduced By: \_\_\_\_\_  
2  
3

4 **CITY OF TAKOMA PARK**  
5 **MARYLAND**

6  
7 **RESOLUTION 2021-XX**

8  
9 **RESCINDING RESOLUTIONS 2020-12 AND 2020-18 REGARDING**  
10 **QUASI-JUDICIAL PROCEEDINGS BY THE CITY'S BOARDS,**  
11 **COMMISSIONS AND COMMITTEES.**

12  
13 **WHEREAS,** since March of 2020, the COVID-19 pandemic has required the City to alter the  
14 way in which it operates; and

15  
16 **WHEREAS,** on April 15, 2020, the Council adopted Resolution 2020-12, which suspended  
17 quasi-judicial proceedings by the City's boards, commissions and committees  
18 until thirty days after the expiration of the State of Emergency declared by  
19 Governor Lawrence J. Hogan, Jr., due to the COVID-19 pandemic; and

20  
21 **WHEREAS,** on July 29, 2020, the Council adopted Resolution 2020-18 that modified  
22 Resolution 2020-12 by permitting the City Manager to phase-in virtual quasi-  
23 judicial proceedings when safety protocols and procedural legal requirements  
24 could be met through training, increased staff capacity and the use of  
25 technology; and

26  
27 **WHEREAS,** the Chief Judge of the Court of Appeals of Maryland began a phased reopening  
28 of Maryland's Courts beginning June 5, 2020; and

29  
30 **WHEREAS,** since January of 2021, COVID-19 vaccinations have become widely available  
31 to which residents of the City have availed themselves; and

32  
33 **WHEREAS,** on May 13, 2021, the Centers for Disease Control and Prevention released  
34 guidance permitting fully vaccinated individuals to resume activities they  
35 engaged in prior to the pandemic and announced that fully vaccinated  
36 individuals are no longer required to wear masks, absent any law or rule to the  
37 contrary; and

38  
39 **WHEREAS,** on May 14, 2021, Governor Larry J. Hogan, Jr., ended the statewide mask  
40 mandate and lifted all capacity limits and restrictions, citing increased  
41 vaccinations and decreased cases of COVID-19 across the State; and

42  
43 **WHEREAS,** although Governor Hogan renewed the State of Emergency on May 12, 2021,  
44 it is the sense of the Council that City operations are returning to a level  
45 commensurate with that which existed prior to the pandemic; and  
46

47 **WHEREAS,** the Council desires that the limitations of quasi-judicial proceedings be lifted;  
48 and

49  
50 **WHEREAS,** the Council encourages the City's boards, commissions and committees to  
51 review their hearing procedures and other processes and to consider adapting  
52 their processes based on lessons learned during the pandemic, such as the option  
53 of holding virtual or hybrid virtual/in-person hearings.

54  
55 **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF**  
56 **TAKOMA PARK THAT** Resolutions 2020-12 and 2020-18 are rescinded.

57  
58 **AND, BE IT ADDITIONALLY RESOLVED THAT** the Council encourages the City's boards,  
59 commissions and committees to review their hearing and other processes and consider adapting  
60 their processes based on lessons learned during the pandemic, such as the option of holding virtual  
61 or hybrid virtual/in-person hearings

62  
63 **THIS RESOLUTION, WHICH IS EFFECTIVE IMMEDIATELY, IS ADOPTED BY THE**  
64 **COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THIS \_\_ DAY OF JUNE,**  
65 **2021, BY ROLL-CALL VOTE AS FOLLOWS:**

66  
67 **AYE:**  
68 **NAY:**  
69 **ABSTAIN:**  
70 **ABSENT:**

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