

The People's Voice, LLC

Ethics Ballot™

3205 B Corporate Court Ellicott City, MD 21042

March 5, 2018

2018 Howard County Candidate Questionnaire

– County Council

Thank you for taking the time to fill out The People's Voice (TPV) / Ethics Ballot 2018 Candidate Questionnaire which will be used in the TPV endorsement process.

Publication: Your answers are considered "on the record." They will be circulated to members and may be published on the [TPV website](#).

Endorsement Process: TPV will endorse in several local races for the Primary Election in 2018, and will likely add more races to The Ethics Ballot for the General Election. Go to www.ethicsballot.com, "Ethics Ballot" tab, and click on "Criteria/Logos", for further details on endorsement criteria.

Please return questionnaires via email to ethicsballot@gmail.com by **Monday, March 15, 2018 at 1:00PM**. We will acknowledge receipt of the returned questionnaire. Please email any questions you have and a Board Member will respond.

Candidate Information

Name	Liz Walsh
Phone	410.988.4619
Website	Coming soon!
Campaign Account Name	Committee to Elect Liz Walsh
Treasurer	Scott Erickson
Chairman	
Campaign Manager	
Funds Balance	≈\$2500

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Questionnaire - County Council Candidates

1. Why are you running for this office? What qualifications do you uniquely bring to hold this office?

The issues at stake in D1 were too important for me not to run: our schools' overcrowding and underfunding get worse every year; special interests dictate their terms to a compliant County government; and our green spaces, parks, forests and streams continue to decline. I will bring to this office an authentic determination to do what is right, for our schools, for our neighborhoods and for this County.

I am an engineer by education: I will relentlessly pursue solutions to our most complex problems, insistent upon verifiable, relevant input, data and analysis. I am an attorney by trade: I will fiercely advocate for what cannot be compromised. And I will challenge the constantly invoked contention, by lawyers and non-lawyers alike, that "the law says" something for the better can never be done. And, I am so vested: Like many of us here, I returned to my hometown to raise my own family. My two elementary-age children are districted (now) to attend the same high school I graduated from nearly thirty years ago. My parents and sisters live here, too. I cannot let this special place not be what it still should be, and can. I will not.

2. Describe why you feel you have a viable campaign.

Especially in the last year, this community has packed week after week of Council hearings, late into the night, tirelessly, earnestly supporting the values and priorities that matter to us most. I expect that this same engaged and energetic electorate will vote in droves during primary polling because, finally, their voices cannot be ignored. I am one of those same voices.

My campaign fund is not fat with Developer cash, and there is not a whole lot of time left in the primary. But my family and I have a long history and deep ties here that I will activate in force. I will leverage the existing infrastructure and resources of anyone and every group willing to share them. And we will run a lean, efficient, strategic campaign, day in day out, up to the last hour of voting on June 26th.

We will win the primary.

3. How do you believe one eliminates the appearance of conflicts regarding campaign contributions?

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No government official should take money from a corporate entity that is or will be requesting that the same government official enact legislation or decide land-use issues that directly, significantly benefit that private interest, to the exclusion or detriment of others or the community at large. Particularly where, as here, the County Council also sits as Zoning Board, there is not simply an “appearance” of conflict. The conflict is real.

4. If you are elected, or reelected, what are your top priorities for 2019?

- 1.) Restoring top-notch education for all of our County’s students: starting with bolstering funding—prioritizing our most vulnerable kids—and reducing the severe overcrowding (and use of portables) that now typifies particularly District 1’s schools.
- 2.) Wrestling control of further development in this County from special interests: mandating compliance with existing laws and passing new ones that better protect our rapidly vanishing green spaces and flooding watersheds.
- 3.) Refocusing County government back on serving the public good: incentivizing private investment in affordable housing for all ages and abilities, small business corridors, green infrastructure and a comprehensive bike/pedestrian network and mass transit, while preserving public ownership of dedicated parks, forests and other significant spaces and buildings.

5. How would you have voted on the APFO bills, and the amendments regarding roads tests, affordable housing, capacity limits, and categories to add to APFO? If seeking reelection please discuss your votes and reasons. In 2019, would you sponsor legislation to implement any positions you herein outlined, that differ from current law?

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I would have voted in favor of Jen Terrasa's versions of the APFO bill (twice)--in concert with the plainly stated position of the Board of Education and unanimous plea by every school's PTA in the County—to permit new construction in this County only where elementary, middle and high schools have available capacity. I would have voted in favor of Jen Terrasa's proposals (twice) to set capacity limits at all schools at 100% and to extend the "waiting period" after which Developers are permitted to build into schools regardless of whether capacity exists.

My preference is to eliminate the "waiting period" concept entirely. I see no reason why the County would waive set capacity requirements just because a Developer has "waited." I will seek to eliminate this and any other similar APFO exceptions entitling Developers to "wait into" or "buy into" any County school where capacity exceeds 100%.

I would have voted against Jon Weinstein's and Greg Fox's various proposed "adjacency" and "regional" test amendments--permitting Developers to build into overcapacity schools so long as schools at lower capacities are adjacent or nearby. These would have guaranteed accelerated redistricting.

In general, after the 2017 APFO vote was voided, I would have voted in favor of an identical, albeit even further delayed, bill to replace it. I would have voted against every amendment in the 2018 APFO re-do that had the effect of weakening the earlier APFO version. Specifically, I would have voted against Mary Kay Sigaty's Amendment No. 3, and I would have voted against Jon Weinstein's Amendment No. 5 to CB-2018, which had the effect of weakening of the prior roads test.

6. Did you seek the endorsement of the MD Builders Assn? Did you meet with the MD Builders Assn, wherein you noted how you would vote, or would have voted, on APFO Bills or amendments? If so, what positions did you communicate?

I do not take special interest money. I will not be seeking endorsement or financial contributions from the MBIA or any of its individual or corporate members. I have not met with any MBIA representatives.

7. Do you believe the HCPSS budget should have a lower level of increase, or be fully funded? If fully funded, where do you suggest the County budget cut elsewhere to accommodate? If lowered, where do you suggest the HCPSS budget be cut?

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We must fully fund our schools. We cannot continue to undercut the quality of our kids' education as we have been doing, year after year. No question, the students first and worst impacted by the ever-diminishing funding are our most vulnerable.

As to the current budgeting process, if I were on the County Council now, I would be challenging the bases for the revenue projections presented by the Spending and Affordability Task Force. For at least the last two years, its projections have undershot actual revenue, forcing cuts that, in retrospect, had not been necessary. We must be assured that the reasons for forcing cuts now are sound. If they are, as to what I would cut to restore this year's requested school budget funding, I cannot say specifically. My guideposts in reaching such a decision, however, would include: (1) prioritizing schools and other essential services (*e.g.*, fire and police); (2) testing unexplained "other expenses" categories in the budget report, particularly where significant in amount or in percent-change from the preceding year; (3) tracking down surpluses from prior years and reallocating appropriately (*i.e.*, are the schools' annual sacrifices being converted into asphalt at the end of each fiscal year?); and (4) inquiring into the extent of proposed spending pursuant to open-ended contract and salary commitments.

Going forward, we must identify and pursue additional, concrete revenue sources, independent of the amorphous more-development-will-pay-for-it theories. I see those schools-specific funding mechanisms as including: fair-value schools surcharge fees assessed against new development; Education Trust Fund contributions enhancing, not supplanting, existing education funding (where applicable); additional State funding for implementing the forthcoming Kirwan Commission recommendations; and a transfer tax increase.

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8. Do you believe developer fees should be increased in the County? Do you believe developers should be allowed to voluntarily pay increased school fees to proceed in closed school districts? If so, at what levels?

Developer fees must be increased, at a minimum, to fair market rates. Again, I will vigorously oppose any proposed measure, at the state or local level, that would entitle Developers to build into any over-capacity school.

9. Do you believe the current annual residential allocations unit maximums are too high, too low, or should be unchanged? If you believe they should be changed are you willing to sponsor legislation in 2019 to do so?

Current residential allocations are too high and have no meaningful effect on managing new development in the County. I am willing to sponsor and/or support legislation in 2019 to reduce residential allocations, particularly in District 1.

10. Do you believe there should be an increased number of Council Members? If so, how many, and how do you propose they be elected?

I am not convinced that more legislators will result in better legislation.

11. What is your position on TIF's, and specifically the TIF for Downtown Columbia/Howard Hughes? What is your position on how much affordable housing should be required by Howard Hughes (HH) on their own property? Many believe the norm being 10-15%, and HH is providing 4%, discuss.

I am opposed to the Columbia TIF: It diminishes the County's bonding capacity to finance other capital projects; it depletes annual revenues dollar-for-dollar as that debt incurred must be serviced for future decades; and it diverts public funds from legitimate and fundamental public purpose. I am not opposed to all TIFs, though. When used to incentivize development of a project or an area that is languishing and would not otherwise attract private investment, TIFs might make sense.

To achieve the stated aims of the Downtown Columbia Plan "to provide a full spectrum of housing into the future [as] an important social responsibility shared by all of us," this TIF-supported project should have been required to provide at least 15% affordable housing, maybe more.

12. What do you believe are the best methods to use to provide affordable housing? What do you see as any current difficulties in accomplishing those goals?

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Affordable housing requirements should be factored into the annual housing allocations granted, and should include affordable housing specific to our resident Baby Boomers. Developer entitlements to pay fees in lieu of providing necessary housing should be eliminated.

13. Do you believe Howard County should be a sanctuary County?

I believe this country should be a sanctuary. So should this state. And so should this county.

Depending on whether Calvin Ball is our next County Executive, Howard County's new Council may need only three members to enact legislation similar to what failed to pass last year as CB9-2017. I will be one of those votes.

14. Do you support allowing developers to build residences on parkland, whether by swap, gift or purchase?

I will not support allowing any developer to build into parkland, whether by swap, gift or purchase. I have no confidence that any such exchange could serve a legitimate public purpose. Seemingly, every exercise of discretion or judgment by the County's Department of Planning and Zoning inures to the benefit of Developers. In submitted plans, every regulatory minimum is barely complied with, every loophole exploited. Each of a series of worse yet developments becomes a frightening precedent for the very next proposed overreach. In and around parkland particularly, the effect of this constantly degrading standard is most destructive.

The Settlement at Savage Mill exemplifies the state of Developer entitlement in Howard County: Original plans submitted to DPZ assumed that local government would hand over parkland in a State-designated Targeted Ecological Area on the only five acres in the County zoned R-H-ED, such zone having just been created, in 2013, for the explicit purpose of better protecting the historic and environmental nature of the area.

15. Would you support restricted development in areas that the County has designated as part of the Green Infrastructure Network?

I will support restricting development in and around the County's Green Infrastructure Network. This might be accomplished by advancing laws to better protect the land from encroachment: by preventing development in and around the entirety of that network as part of governing zoning regulations and/or by offering some favorable tax treatment of the land to preclude, or at least discourage, new development or encroaching uses. Additionally, the County should prioritize placing the land itself into irrevocable conservation.

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16. Are you in favor of implementing the Development Regulations Assessment recommendations? What, if any, suggestions did you make during this process so far?

We need stronger, brighter-line rules governing development in this County.

I am in favor of the recommendations to, generally, streamline and clarify applicable rules and processes. I am in favor of better proscribing under what limited circumstances DPZ may grant waivers, or “alternative compliances,” and consolidating and enhancing descriptions of applicable appeals processes. (As is, I do not see how DPZ’s separately tracked, non-time-limited and unannounced grants of waivers can realistically be appealed.) I am in favor of incorporating stormwater management practices into enhanced buffer zones and holistic sidewalk and other pathway considerations into individual subdivision plans. I am in favor of any laws that better protect both our remaining forest canopy and individual large trees.

In general, I cannot support blanket grants to some future overseeing government agency to determine a given project’s compliance with only loosely described criteria, *e.g.*, the “creative development through flexible zoning” permitted under CEF zoning. The ambiguity is too subject to abuse.

I am near certain I participated in both of Clarion’s on-line surveys preceding release of the January 2018 report, voicing these same sorts of priorities and concerns.

17. Have you ever testified before the County Council? If so, describe some positions you have taken.

I was the only person who appeared at the public hearing to testify in regard to CB80-2016, on November 21, 2016. I supported the bill, but proposed that one single word be changed.

CB-80 purported to prevent DPZ from waiving certain environmental laws (none dealing with forest conservation) within the recently flooded Tiber-Hudson watershed. As proposed, the law would apply to any waivers *requested* on or before November 7, 2016. In my testimony, and in follow-up emails to Alan Kittleman and the County Council, I requested that the Council extend the law’s applicability to waivers not yet *received* by that same date. Plainly, Developers have no vested interest in a waiver from applicable law that has not yet been granted.

On December 5, 2016, the same day that the County Council voted to pass CB-80 without my requested change, DPZ granted waivers allowing a developer to clear-cut and regrade more than a quarter-acre of forested, steep slopes in the hills above old Ellicott City, in the Tiber-Hudson watershed.

I could swear I testified in support of the preceding “emergency measure” to temporarily halt new construction in the watershed, too. But I can find no evidence of that now.

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18. The Clarion Zoning study showed we have only 1% of land in Howard County in each of B1, B2, M1 and M2. There continues to be a push to place high density residential development. How would you balance the need to retain commercial zoning with the desire for residential development? Are there incentives you would consider to make sure we have enough commercial zoning in the future, as markets change?

I would not likely support high-density residential development in any of those commercial zones, and if the circumstances made sense I would have no qualms about extending those zones' boundaries or adding to them. Successful commercial zones create jobs and improve property values (*i.e.*, generate revenue) without making the same demands upon County services as do residential uses, particularly high-density homes. Conversely, were there to be plainly stated, comprehensive regulations permitting a B1-type streetscape under or next to high-density housing in a high-density residential zone, I would likely support commercial use there.

19. How would you expedite or improve the Ellicott City master plan, or other storm water management requirements/recommendations to further protect that area? Do you believe downtown Ellicott City could be made ADA compliant?

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Ellicott City is my hometown, I live here, I love it. But I was dismayed to see in December 2017 what still is being “master planned” for this old mill town’s revitalization. New buildings (largely parking decks and private retail/studio space) are crammed into the flood plain, along the stream banks. Buffers are encroached, who knows what happens to the additional stormwater produced by ever-more new impervious surfaces, and what little canopy remains at the bottom of the hill is proposed to be hacked away. Elsewhere, up the hills, more “infill development” is proposed, again to the detriment of the natural landscape and historic setting. The only mention of actually “preserving” anything is in regard to “long-term redevelopment opportunity” across the Patapsco River, at the working flour mill site. I know (now) how this works: private interests build even more into this fragile place, “to raise revenue,” while the necessary public projects that would actually mitigate or control upstream stormwater volumes continue to languish for lack of funding. This is not new, but it is unacceptable.

I will insist that the Ellicott City master plan recognize and maximize the unique and naturally occurring attributes that both its residents and recreational tourists adore: local and state parks and pathways on all sides, a confluence of rivers, one-of-a-kind buildings, shops, restaurants and art, scenic roads leading out to Oella, Catonsville and Ilchester, history and museums everywhere, and that hollowed-out basin in its heart, proven to be ideal for large-scale outdoor festivals and markets.

As far as improving stormwater management requirements I will say this: We are not doing enough to control what flows down into that town. My sense is that plenty of grandfathered-in projects still build into the watershed under woefully insufficient standards. I have no confidence that waivers aren’t continuing to issue. And, when heightened controls are actually incorporated into new designs, the result is singular massive ponds whose failure will be catastrophic (we know this) or a multitude of hidden mini reservoirs all of which must function perfectly, forever, to achieve the promised results. As far as I can tell, the County’s own massive parking lots and curbing are some of the worst contributors to recurring downstream damage.

In an attempt to better protect the Tiber-Hudson watershed, I will propose wider buffer zones between property lines and from streambeds, wetlands and roads. I will seek to add forest conservation to the list of waivers purportedly prohibited in the watershed and to enhance forest conservation and reforestation obligations generally. I will propose to curtail overall housing allocations, to only those areas where surrounding controls are compliant. But we will never catch up without also remedying old construction. I will demand that non-compliant County-owned land be remedied, whatever the date of construction. And I will seek legislation permitting credits and/or funding assistance programs for property owners, too, to voluntarily install compliant controls on their own private land. Maybe it exists, but I have yet to see the map that shows where among existing development in the watershed that money is best spent.

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Any new construction or major renovation, including streetscapes, should be ADA compliant. Existing property owners must be encouraged to incorporate ADA measures where possible through funding assistance programs.

20. Describe positions you have taken, or votes you have made which you feel are the most important with regard to the Council position. Describe how you championed these causes or how you publicized your position. Include information about any votes or positions you have made that you regret, or about which you feel differently.

Aside from schools, the issue most important to me is our green spaces. As is, uncontrolled development is destroying both, at an alarming pace. I have voiced my conviction as to this fact, loud and clear, week after week, for the last two years.

February 2016 is when I happened upon an application to the County's Historic Preservation Commission for permission to clear-cut acres of established forest, hundreds of trees, many of them ancient, in old Ellicott City, just down the road from my own home. As proposed, the development would violate all manner of state, county and historic district environmental requirements. Yet, incomprehensibly, DPZ had recommended approval of the clear-cutting request. I went to the Commission's hearing, only days later, still fuming, and testified against the application and in favor of involving anyone who had any actual expertise on the subject in the very consequential decision. The hearing was continued. In the interim, I retained an independent certified arborist to opine on the respective ages and survivability of the site's largest, oldest trees. I showed up at the next hearing with even more arguments and exhibits in tow. All to hardly any avail. As I followed this one, close-by project through the distinctly citizen-hostile process that is DPZ's rubber-stamping, I realized: this was no exception, this is the norm. DPZ simply acquiesces to anything and everything Developers put before it, laws and consequences no matter.

As "Save Church Road" on social media, I began to document my own and other neighborhoods' disheartening, identical experiences opposing wholly inappropriate development proposals. Not just the Lacey Property in old Ellicott City, but, most recently, Bethany Glen on Route 99 and the Maple Grove proposal off St. John's Lane. I advocated for stronger forest conservation and APFO laws, and higher school surcharge fees. I tracked down and reported amounts received by the same Council members being asked to change or waive plainly stated zoning regulations or law by the contributing Developers. I have no regrets. Our system is broken.

21. How much time do you think should pass before an elected official, according to Ethics Laws/Regulations, can be compensated by a private company that could have benefited from the decisions of the official?

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Eight years, maybe more.

By Authority, The People's Voice PAC, Lisa Markovitz, Treasurer

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Supplemental Question:

"Please state your views about CB21 (Mulching Bill) below."

<https://apps.howardcountymd.gov/olis/LegislationDetail.aspx?LegislationID=3016>

Response:

Last year, at the request of Allan Kittleman, the then-Chair of Howard County's Council introduced legislation proposing to change existing, comprehensive land-use laws to allow for-profit, industrial mulching and composting operations on farms and other rural land in the County, including land placed into state- or County-funded conservation easements.

Just like concurrently filed legislation to enhance the County's APFO regulations (CB-61), CB-60 followed extensive "task force" consideration of the subject, was tabled by the Council for some period of months after its introduction, and then drew volumes of constituents to several late-into-the-night public hearings, in this case, overwhelmingly to oppose the bill.

Just like the concurrently filed APFO legislation, this 2017 industrial mulching bill was finally voted on — on November 6, 2017, and passed. Three Council members voted in favor of allowing for-profit industrial mulching on this County's rural land: Greg Fox (D5), Mary Kay Sigaty (D4) and then-Chair Jon Weinstein (D1).

Just like the 2017 APFO vote, the 2017 industrial mulching vote was invalidated the next day, having taken place two days after the bill had expired.

This 2018 re-introduction of the industrial mulching bill is no better than its predecessor. Once again undisclosed private interest drives sweeping and consequential change to an overall land-use plan, to the detriment of adjoining, compliant properties and neighborhoods, surrounding roads, and downstream waterways.

I would have voted against CB-60 in 2017; I would vote against CB-21 now; I will vote against any future legislation which has the effect of permitting for-profit industrial mulching facilities on farms and other rural land in Howard County.