

Mayor and City Council of Havre de  
Grace  
711 Pennington Avenue  
Havre de Grace, Maryland 21078

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CIRCUIT COURT  
FOR  
HARFORD COUNTY  
CASE NO. \_\_\_\_\_

And

William T. Martin  
302 Squaw Ct  
Havre de Grace, MD 21078

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C-12-CV-21-000738

Petitioners

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v.

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Patrick Vincenti  
Harford County Council President  
212 S. Bond Street  
2<sup>nd</sup> Floor  
Bel Air, MD 21014

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Curtis Beulah  
Harford County Council Member  
212 S. Bond Street  
2<sup>nd</sup> Floor  
Bel Air, MD 21014

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Tony Giangiordano  
Harford County Council Member  
212 S. Bond Street  
2<sup>nd</sup> Floor  
Bel Air, MD 21014

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Andre Johnson  
Harford County Council Member  
212 S. Bond Street  
2<sup>nd</sup> Floor  
Bel Air, MD 21014

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Chad Shrodes  
Harford County Council Member  
212 S. Bond Street  
2<sup>nd</sup> Floor  
Bel Air, MD 21014

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Robert Wagner

Harford County Council Member \*  
212 S. Bond Street \*  
2<sup>nd</sup> Floor \*  
Bel Air, MD 21014 \*

Joseph Woods \*  
Harford County Council Member \*  
212 S. Bond Street \*  
2<sup>nd</sup> Floor \*  
Bel Air, MD 21014 \*

Barry Glassman \*  
Harford County Executive, \*  
220 S. Main St. \*  
Bel Air, MD 21014 \*

and

Harford County  
220 S. Main St.  
Bel Air, MD 21014

Respondents

\* \* \* \* \*

**PETITION FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF**

The Mayor and City Council of Havre de Grace (“HdG” or the “City”), by and through its undersigned counsel, and William T. Martin, in proper person, file this Petition for Declaratory Judgment and Injunctive Relief and state:

**The Parties**

1. The City is a municipal corporation organized under the laws of Maryland.
2. William T. Martin is a resident, registered voter, and taxpayer of Harford County Maryland. He is the duly elected Mayor of the City of Havre de Grace, Maryland. (“Mayor Martin”).
3. Respondent Harford County is a home rule Charter County that acts through its legislative branch, the Harford County Council (“County Council”). The County Council

consists of seven Council members: six members representing six different districts (A through F) and the Council President being the seventh County Council member who is elected by the voters at large (collectively, “Council Members”).

4. Respondent Patrick Vincenti is the duly elected President of the Harford County Council (“Council President”).

5. Respondent Beulah is the duly elected member of the Harford County Council representing County Council District F.

6. Respondent Tony Giangordano is the duly elected member of the Harford County Council representing County Council District C.

7. Respondent Andre Johnson is the duly elected member of the Harford County Council representing County Council District A.

8. Respondent Chad Shrodes is the duly elected member of the Harford County Council representing County Council District D.

9. Respondent Robert Wagner is the duly elected member of the Harford County Council representing County Council District E.

10. Respondent Joseph Woods is the duly elected member of the Harford County Council representing County Council District B.

11. Respondent Barry Glassman is the duly elected Harford County Executive.

#### **County Charter 205 and the Bi-Partisan Commission**

12. According to the Harford County Charter (“Charter”) Article II, Section 205 (a) (“Section 205(a)”) the boundaries of the Councilmanic districts for six County Council member seats shall be “established in 1974 and re-established in 1982 and every tenth year thereafter.”

13. Under the current configuration, each of the municipalities is contained within a separate Councilmanic district.

14. The 2021 establishment of the Councilmanic districts will affect Council elections for the next ten years.

15. Section 205(a) provides for the appointment of a bipartisan commission to determine and recommend district boundaries. Specifically, whenever district boundaries are to be established, the Council:

shall appoint not later than February 15 of the year prior to the year in which redistricting is to be effective, a commission on redistricting, composed of two members from each political party chosen from a list of five names submitted by the governing body of each political party which polled at least fifteen percent of the total votes cast for all candidates for the Council in the immediately preceding regular election, or which had at least fifteen percent of the registered voters in the County on the date of that election.

16. In furtherance of its Charter duties, the County Council appointed the bipartisan Commission on Redistricting (“Commission”) on February 9, 2021, consisting of two members of each political party.

17. Under Section 205(a), the County Council is also required to appoint one additional member of the Commission, who shall not be a member of any of the political parties entitled to two members of the Commission and who shall also be a registered voter in Harford County. The County Council timely appointed the nonpartisan member to the Commission on February 9, 2021, in accordance with the Charter.

18. Under Charter Section 205(a), the Commission shall then select one of its members to serve as chair. The Commission selected the nonpartisan member to serve as chair of the Commission.

19. In furtherance of the bipartisan nature of the Commission, Charter Section 205(a) also requires that none of the appointed Commission members can hold any elected office. On information and belief, none of the Commission members held an elected office, although one of the Commission members is the campaign advisor for a candidate running for County Council District B.

20. On May 19, 2021, the Commission held its first meeting.

21. On June 30, 2021, the Commission invited municipal leaders to provide testimony and recommendations on the councilmanic redistricting.

22. On August 12, 2021, the United States census Bureau published the results of the 2020 census.

#### **The HdG-Aberdeen Plan**

23. The municipal boundaries of Havre de Grace are included in Councilmanic District F, which is the most gerrymandered district in the County. District F includes most of the area within Havre de Grace municipal limits and runs along Route 40 toward the Susquehanna River and Chesapeake Bay, avoids the City of Aberdeen by jumping a body of water, and extends southward along the Chesapeake Bay to include Aberdeen Proving Ground, Perryman and crossing over another body of water to connect to Belcamp and Abingdon which are unincorporated areas of Harford County.

24. The City of Aberdeen (“Aberdeen”) is included in District E with parts of the Aberdeen lying within District D.

25. The Town of Bel Air is included in District C, with parts of the town lying within District E.

26. In response to the Commission’s request for municipal input, representatives of HdG and Aberdeen proposed a redistricting map that would place the two municipalities in the same district (“HdG-Aberdeen Plan”). The HdG-Aberdeen Plan also proposed that the town limits of Bel Air all be contained within one district. The purpose of the HdG-Aberdeen Plan was to make each district more compact and contiguous, and to correct the gerrymandered boundaries of District F, keeping together neighboring communities with common interests.

27. The HdG-Aberdeen Plan complied with the County Charter 205(b) requirements that Councilmanic districts be “compact, contiguous and substantially equal in population.” Section 205 does not require municipalities to be contained within separate districts.

28. There is also no Charter requirement that the redistricting plan consider where incumbents live, or whether newly established districts might affect partisan interests of candidates who may have already declared their candidacy.

29. The Havre de Grace City Council approved Resolution 2021-14 on August 23, 2021, authorizing the Mayor to enter into a Memorandum of Understanding with the City of Aberdeen (“MOU”) to jointly support the proposed HdG-Aberdeen Plan.

30. The Aberdeen City Council approved Resolution No. 21-R-05 on September 13, 2021, authorizing support of the MOU proposing the newly configured HdG-Aberdeen Plan for District F.

31. On September 15, 2021, the HdG-Aberdeen Plan was presented to the Commission.

32. At the September 15, 2021 Commission meeting, a second proposed redistricting map was submitted by Councilmanic Commissioner Erik Robey (the “Robey Plan”). The Robey Plan would shift the entire City into Councilmanic District D, the most rural district in the

County. At least one citizen from outside of Havre de Grace objected to the Robey Plan due to Commissioner Robey's position as the current campaign advisor for a candidate running for County Council District B.

33. The Mayor of the Town of Bel Air submitted a letter of support for the HdG-Aberdeen Plan to the County Council on or about September 20, 2021.

### **The Commission Plan**

34. Between May 19 and September 30, 2021, the Commission held twelve public meetings, reviewed updated Census data, requested citizen and municipal input into the redistricting process, discussed the standards to consider when determining district boundaries, and then publicly deliberated the various options presented.

35. The Commission ultimately considered five different redistricting plans. The current Councilmanic district map was considered and designated as "Map 1". The remaining plans under consideration were as follows: the HdG-Aberdeen Plan ("Map 2"), the Robey Plan ("Map 3"), a modified version of the HdG-Aberdeen Plan ("HdG Plus Plan" or "Map 4"), and a fifth option submitted by a private citizen which was known as the Wilson Plan. ("Map 5")

36. The Commission did not vote on any other Councilmanic district plans other than these five maps.

37. On September 27, 2021, the Commission voted 3-2 to approve Map 4, the HdG Plus Plan. None of the other plans (designated as Maps 1, 2, 3 and 5) received a majority vote. The Commission presented the HdG Plus Plan (Map 4) to the County Council on October 1, 2021 (the "Commission Plan").

38. In accordance with the County Charter Section 205(b), the County Council then held a public hearing on October 19, 2021 to solicit public input on the Commission Plan.

39. The City presented the Commission with more than 300 citizen signatures in support of the Commission Plan. In addition, citizens attending the public October 19, 2021, public hearing and spoke in favor of the plan which kept HdG and Aberdeen in the same County council district as originally proposed by the City.

40. Council Member Beulah acknowledged at the October 19, 2021, hearing that District F was a gerrymandered district.

41. While several Council Members asked questions during the October 19, 2021 public hearing, no Council Members objected to the Commission Plan at that time.

### **The Council Plan**

42. The next public meeting was a regularly scheduled County Council meeting on November 2, 2021. At that meeting, six of the seven Council Members jointly introduced Bill No. 21-025 “in lieu of” the Commission Plan without any further discussion.

43. Bill No. 21-025 introduced a brand new Councilmanic district redistricting plan (“Council Plan”) that had six co-sponsors who did not meet publicly between October 19, 2021 and November 2, 2021 to discuss the Commission Plan, the Council Plan or any other redistricting plan.

44. No explanation was given as to how Bill No. 21-025 came to have six co-sponsors without any public deliberation of competing Councilmanic redistricting maps between the October 19, 2021, Commission hearing and the November 2, 2021, County Council meeting

45. The Council Plan is a slight reconfiguration of the current Councilmanic districts, which actually removes voters from the 21078 zip code and places them in



neighboring Council District D, disenfranchising HdG area voters even more than the current gerrymandered Council District F.

46. There was no public presentation of the Council Plan prior to its introduction.

47. Bill No. 21-025 does not amend the Commission Plan or act upon the Commission Plan.

### **The Private County Council Meetings**

48. On information and belief, at the request of the Council President, a quorum of the County Council conducted two or more meetings between October 29<sup>th</sup> and October 31<sup>st</sup> for the purpose of deliberating the configuration of the Councilmanic districts and to come to a consensus to present a competing redistricting plan preventing the Commission Plan from taking effect (“Private Meetings”).

49. At these Private Meetings, a quorum of Council Members deliberated the merits of the Commission Plan, reviewed and evaluated in excess of 20 maps representing potential Councilmanic redistricting scenarios, and came to a consensus on an alternate Councilmanic redistricting plan outside of the public view.

50. On information and belief, the plan created in the Private Meetings is reflected in Bill No. 21-025, which was introduced just two days after a quorum of Council Members met in private on October 31, 2021 to vote and approve the Council Plan. Six of the seven Council Members voted to move forward with the Council Plan and Council Member Johnson voted against the Council Plan.

51. The vote taken on October 31, 2021 was not taken at a public meeting.

52. The following facts indicate that at least two private meetings took place and/or a walking quorum was present and/or near contemporaneous communications were exchanged

between October 29, 2021 and the October 31, 2021, during which a quorum of Council Members deliberated and voted on public business:

- a. On October 28, 2021, Havre de Grace City Council member Jason Robertson was contacted by a County Council member who stated that the County Council members would be meeting the next day (on October 29, 2021) to discuss the Councilmanic redistricting.
- b. On October 29, 2021, Mayor Martin, received multiple telephone calls from the Council President. In the various telephone conversations, text messages, and/or emails throughout the day, the Council President told Mayor Martin that he was meeting with other Council Members about the Councilmanic redistricting maps and that some of those conversations were heated.
- c. Mayor Martin advised the Council President that he should allow the Commission Plan to go before the County Council, which was then free to accept or amend the Commission Plan as they deemed best. The Council President chose instead to continue meeting with the Council Members in one or more private meetings on October 29<sup>th</sup>.
- d. On the same day, the Council President also requested Mayor Martin to forward to him an alternate redistricting map as an alternative to the HdG-Aberdeen Plan.

- e. Another County Council member contacted the Mayor on October 29<sup>th</sup>, again stating that County Council members were meeting that day with the Council President and were looking at many maps.
- f. Based his conversations with Council President and the Council Member, Mayor Martin understood that at least four County Council members (Council President Vincenti, and Council Members Wagner, Beulah and Shrodes) were present in person or electronically during the October 29<sup>th</sup> meeting or meetings, and that they were reviewing Councilmanic redistricting maps.
- g. Later in the evening on October 29<sup>th</sup>, the County Council Member advised Mayor Martin that Council Member Beulah would be remaining in District F and that HdG and Aberdeen would not be included in the same District. In response to this last communication on October 29, 2021, Mayor Martin advised that he would continue to publicly oppose a gerrymandered District F if not fixed.
- h. At a public work session for the City of Aberdeen on November 15, 2021, a County Council Member stated in an open meeting that a meeting of County Council members took place on “Halloween night”. He stated that he tried to introduce a motion for approval of the HdG-Aberdeen Plan, but it was not acceptable to other County Council members, and he could not get a second on the motion. No public meeting of the County Council had been noticed for Halloween night.

53. The additional Councilmanic district maps reviewed by a quorum of Council members between October 29<sup>th</sup> and October 31<sup>st</sup> were not considered by the Commission and the public was not able to view the County Council's deliberations of those maps.

54. No public notice of a County Council meeting occurring between the October 29 and October 31<sup>st</sup> was published.

55. The public was not invited to any of meeting among a quorum of County Council members between October 29<sup>th</sup> and October 31<sup>st</sup>.

56. No agenda or minutes have been posted concerning any County Council meeting that occurred between October 29<sup>th</sup> and October 31<sup>st</sup>.

57. The fact that six of seven County Council members co-sponsored Bill No. 21-025 on November 2, 2021 indicates that a consensus was reached prior to that meeting. When combined with the communications noted above that a quorum of Council Members met between October 29, 2021 and October 31, 2021, it is apparent that deliberations on the merits of various redistricting proposals occurred outside of the public's view.

58. On December 7, 2021 a public hearing was held on Bill No. 21-025. Eighteen citizens signed up to speak, most of whom opposed the Council Plan. Of those who spoke in favor of Bill No. 21-025, several represented interests of current candidates seeking election to the County Council.

59. At Agenda Item 11 – Final Reading of Bills, the County Council approved five amendments to Bill No. 21-025 and moved for a final vote. Bill No. 21-025, was approved by a vote of 6-1 with Council Member Johnson voting against it.

60. During the County Council’s consideration of Bill No. 21-025, Council Members confirmed that one or more meetings occurred among a quorum of Council Members prior to the introduction of Bill No. 21-025 on November 2, 2021:

- a. Council Member Wagner stated the Council did look at the “first map” the Commission presented and then stated to Council Member Johnson that “you know as well as I do if you recall sitting in on those hours of meetings we had in front of that map.”
- b. Council Member Wagner stated “we” reviewed in excess of 20 maps and “we” struggled with the Havre de Grace problem for hours, to which Council President interjected - “days”.
- c. Council Member Beulah stated “I was there along with Councilman Johnson – we looked at every single map and every single council member presented maps.” He also stated that he “talked with my other council members” and that “everybody tried” but we “didn’t get the support”.
- d. Council Member Shrodes stated “I could have went with any one of the four maps that I created. At the end of the day it seemed like there was a map that was probably going to become the map. And then we started to refine that map.”
- e. Council Member Beulah then stated “it was a team effort. . . we all submitted maps. We all looked at every single possibility under the sun . . .”

61. Based on the comments of the Council Members made at the December 7, 2021 County Council meeting, the prior communications with City representatives on October 28<sup>th</sup> and 29<sup>th</sup>, and the public comments at the Aberdeen public work session on November 15<sup>th</sup>, it is

clear that deliberations on the Councilmanic redistricting maps were conducted by a quorum of Council Members outside of the public's view.

## **COUNT I**

### **OPEN MEETINGS ACT VIOLATION**

62. Petitioners repeat and reallege the allegations set forth in paragraphs 1 through 61 above as if fully set forth herein.

63. The Open Meetings Act ("OMA") is set forth in Title 3 of the General Provisions Article of the Md. Ann. Code.

64. Adopted in 1977, the legislative purpose of the OMA is expressly stated in §3-102 as follows:

It is essential to the maintenance of a democratic society that, except in special and appropriate circumstances, public business be conducted openly and publicly, and the public be allowed to observe the performance of public officials and the deliberations and decisions that the making of public policy involve.

65. Section 3-301 of the OMA requires that except as otherwise provided, a public body shall meet in public session when a quorum is present.

66. The County Council is a public body within the meaning of the OMA.

67. On information and belief, at least four County Council members constituting a quorum met on at least two times between October 29<sup>th</sup> and October 31<sup>st</sup> to conduct public business outside of the public view and/or engaged in near simultaneous communications constituting a meeting within the meaning of the OMA.

68. Four council members constitute a quorum of the County Council.

69. On October 29<sup>th</sup>, at least four Council Members were identified as deliberating “many maps” to determine the councilmanic district boundaries. This constitutes a quorum of the County Council.

70. At the November 15, 2021 Aberdeen Public Work session, it was stated by a County Council member that a meeting took place on “Halloween night” and that a motion was made, indicated that a quorum of County Council members was voting on public business outside of a public meeting.

71. Section 3-302 of the OMA requires a public body to give reasonable advance notice of its meeting and to make available an agenda.

72. Respondents did not post a notice of the October 29<sup>th</sup> or October 31<sup>st</sup> meetings, nor did they make available an agenda for either meeting.

73. Under §3-303 of the OMA, the public is entitled to attend a public session.

74. By holding the October 29<sup>th</sup> and October 31<sup>st</sup> meetings at undisclosed locations and without prior notice, Respondents prevented the public from attending the meetings to observe the deliberations on the Councilmanic redistricting proposals under consideration by the County Council.

75. Section 3-306 of the OMA requires the public body to post minutes after a meeting as soon as practicable.

76. Respondents have not posted any minutes of the October 29<sup>th</sup> and October 31<sup>st</sup> meetings.

77. The deliberations of the County Council on the determination of Councilmanic district boundaries are precisely the type of deliberations that should be in full view of the public as contemplated by the OMA.

78. No exception to the public meeting requirement applies.

79. Even if an exception to the OMA public meeting requirement applies which would permit the holding of a closed meeting, Respondents did not notice a public meeting so that the public could observe the vote to close the meeting. This too is a violation of the OMA.

80. Respondents failed to comply with §§3-301, 302, 303 and 306 of the OMA.

WHEREFORE, Petitioners request that the Court enter an order:

- a. Determining the applicability of §§3-301, 302, 303 and 306 of the OMA and finding Respondents in violation thereof; and
- b. Requiring the Respondents to comply with the §§3-301, 302, 303 and 306 of the OMA; and
- c. Voiding Bill 21-025 as introduced at the November 2, 2021 County Council meeting and as amended at the December 7, 2021 meeting as the County Council violated the OMA; and
- d. Awarding attorneys' fees and costs and such other relief as this Court deems just.

## **COUNT II**

### **WILLFUL VIOLATION OF OPEN MEETINGS ACT**

81. Petitioners repeat and reallege the allegations set forth in paragraphs 1 through 80 above as if fully set forth herein.

82. Respondents willfully failed to comply with §§3-301, 302, 303 and 306 of the OMA.

83. A quorum of Respondents willfully met on October 29, 2021 and October 31, 2021 with knowledge that the meeting was being held in violation of the OMA.



84. Unlike other bills, Bill No. 21-025 deals with councilmanic redistricting and such bills are not subject to referendum pursuant to County Charter Section 220(a)(3).

85. The harm resulting from Respondents' multiple violations of the OMA cannot be calculated in monetary damages.

86. Equitable and injunctive relief is requested as no other remedy is adequate.

WHEREFORE, Petitioners request that the Court enter an order:

a. Enjoining the Respondents, including County Executive Glassman, from taking any final action to enact Bill 21-025 into law; and

b. Declaring any and all action by the Respondents concerning Bill 21-025 as void and of no effect; and

c. Assessing civil penalties against the public body as provided under §3-402 of the OMA in the maximum amount of \$1,250.00; and

d. Awarding attorneys' fees and costs and such other relief as this Court deems just.

### **COUNT III**

#### **Declaratory Judgment Md. Ann. Code, Courts and Judicial Proceedings 3-406**

87. Petitioners repeat and reallege the allegations contained in paragraphs 1 through 86 as if fully set forth herein.

88. Section 3-406 of the Declaratory Judgment Act, Md. Ann. Code, Courts and Judicial Proceedings Article, provides that "any person. . . . whose rights, status or other legal relations are affected by a statute, municipal ordinance, administrative rule or regulation . . . may have determined any question of construction or validity arising under the instrument, statute,

ordinance, administrative rule or regulation . . . and obtain a declaration of rights, status, or other legal relations under it.”

89. Petitioners assert that their rights, status, or other legal relations are affected by County Charter Section 205.

90. Harford County Charter Section 205 sets up a procedure whereby a bi-partisan commission appointed by the County Council presents a Councilmanic redistricting plan to the County Council by October 1<sup>st</sup>.

91. In *Harford County v. Board*, 272 Md. 33 (1974), the Maryland Court of Appeals quoted with approval Harford Circuit Court Judge Close’ interpretation of the very County Charter provision at issue in this case:

If the framers of the Charter had intended to allow the Council to redraw the district lines by means of an ordinary bill, they would have provided so. The procedure set forth was not done for idle reasons. It was clearly designed in a bipartisan fashion to *prevent the unfortunate practice of “gerrymandering”* and the consequences which flow from it and to at least *partially remove the important task of redefining Councilmanic districts from the field of partisan politics*. Several protections are built into this procedure . . . It is true that the final decision on redistricting still rests with the Council, which is free to deal with the recommendations at it wishes within the seventy-day period from the submission of the commission’s report. *They may either accept it or change it*. This decision rightly rests in, the hands of the duly elected member of the Council *who must start with the recommendations of a non-partisan panel of citizens*. . . The Council had seventy days *to act on the plan* . . . [emphasis added]

92. Charter Section 205 thus requires the Council to start with the bipartisan Commission plan and either accept or change it.

93. Failure to act on the Commission’s plan within seventy days allows the bipartisan Commission plan to become law pursuant to Charter Section 205(b).

94. The bi-partisan Commission timely submitted a proposed plan, the HdG Plus Plan, to the County Council by October 1<sup>st</sup> and a hearing on the Commission Plan was set for October 19<sup>th</sup>.

95. After the October 19, 2021, public hearing on the Commission Plan, no further comment or amendment was deliberated on the merits of the Commission Plan at any open meeting.

96. Six County Council members and the County Council President then introduced Bill No. 21-025 as an original bill on November 2, 2021, without any public comment or explanation as to why they would not consider the merits of the Commission Plan.

97. Bill No. 21-025 does not accept the Commission Plan.

98. Bill No. 21-025 does no change or amend the Commission Plan.

99. Bill No. 21-025 does not start with the bipartisan Commission plan.

100. Bill No. 21-025 does not “act on” the Commission Plan.

101. Instead, Bill No. 21-025 presents a new plan crafted at private meetings of a quorum of County Council members in violation of the Open Meetings Act.

102. On information and belief, the private meetings that occurred between October 29 and October 31<sup>st</sup> were conducted to devise Councilmanic districts that would allow current incumbents to run in their current districts or to prevent intra-party primary competition within districts to make victory by one party more likely.

103. Respondents thus inserted partisan politics into the redistricting process, something that Charter Section 205 sought to remove.

104. A remedy for the current situation can be found in Section 205(b) of the County Charter which provides:

If within seventy calendar days following the presentation of the Commission's plan no other law establishing or re-establishing the boundaries of the Council districts has been enacted, then the plan, as submitted shall become law.

105. The seventy days set forth in Section 205(b) expires on December 10<sup>th</sup>.

106. The only purported law submitted by the County Council to establish boundaries of the Council districts is Bill No. 21-025, as amended, which was adopted based on consensus reached at private meetings in violation of the OMA and with complete disregard of the bipartisan process in Charter Section 205. Actions taken in violation of the OMA can be rendered void by the Circuit Court.

107. The public was not aware of the Council Members' private deliberations over more than twenty proposed redistricting maps prior to the December 7, 2021 hearing on Bill No. 21-025.

108. Charter Section 205, requires the County Council to start with the Commission Plan. Bill No. 21-025 did not start with the Commission Plan. Rather, it starts with the County Plan which was crafted in private meetings during deliberations among a quorum of County Council members that were outside of the public view.

109. The County Council vote on December 7, 2021 to adopt Bill No. 21-025, as amended, was by an ordinary bill, that ignored the bipartisan process contemplated under Charter Section 205, as well as the public meeting requirement of the Open Meetings Act.

110. As such, the vote on December 7, 2021, is also void and Bill No. 21-025 is rendered ineffective.

111. As Bill No. 21-025 is void, then the bipartisan Commission Plan will become law automatically after December 10, 2021, by virtue of Charter Section 205(b) because no other law

purporting to establish Council districts will have been validly enacted prior to expiration of the seventy days from the date the Commission Plan was presented to the County Council.

112. Under Md. Ann. Code, Courts and Judicial Proceedings Article, §3-406, Petitioners are entitled to seek from the court a declaration of rights, status or other legal relations concerning the construction of rights under Harford County Charter Section 205 concerning the establishment and re-establishment of Councilmanic districts:

WHEREFORE, Plaintiff requests that the Court enter an order declaring that:

- a. Charter Section 205 requires that the Council first start with redistricting plan recommended by the bipartisan Commission. To “start with the redistricting plan” means that the County Council must first either accept, amend, or reject the bipartisan Commission plan by express legislative action taken at a public meeting so that the public can observe the deliberations.
- b. The County Council has no Charter authority to craft its own Councilmanic redistricting boundaries until it first accepts, amends, or affirmatively rejects by legislative action the recommendation of the Councilmanic Commission.
- c. Charter Section 205 does not permit the County Council to independently adopt a Councilmanic redistricting plan by ordinary bill. Bill No. 21-025 is an attempt to adopt a Councilmanic redistricting plan by ordinary bill as it makes no reference to accept or amend the Commission Plan and ignores the bipartisan Commission recommendation without any express rejection, explanation, or deliberation of the Commission Plan at an open meeting prior to the introduction of an alternate plan.

- d. Any actions taken by Respondents to enact as law Bill No. 21-025 by ordinary bill after holding private meetings are deemed void as the acts of the Council Members failed to comply with both Charter Section 205 and the Open Meetings Act.
- e. The subsequent public hearing and vote on December 7, 2021, did not cure the OMA violations that the public view County Council deliberations of public business.
- f. The subsequent public hearing and vote on December 7, 2021 did not cure the County Council’s violation of Charter Section 205 because even “as amended” Bill 21-025 does not start with, amend, or expressly reject the Commission Plan, and is based on deliberations outside of the redistricting commission process outlined in the Charter.
- g. Since Bill No. 21-025 is void and rendered ineffective, the Commission Plan becomes the law after December 10, 2021, as provided under County Charter Section 205 since no other law on councilmanic redistricting has been validly adopted within seventy days of being presented to the County Council.
- h. Awarding costs and expenses to Petitioners.

/s/ April C. Ishak \_\_\_\_\_  
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Council of Havre de Grace

/s/ William T. Martin \_\_\_\_\_  
William T. Martin  
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In proper person (*pro se*)