

APPROVED 4/14/05

**CHARTER REVIEW COMMISSION
MEETING**

Thursday, March 3, 2005; 8:00 a.m.

**6th Floor Front Conference Room
Council Office Building**

Minutes

Commission Members Present:

Kenneth Muir, Chair
Barbara Smith Hawk, Vice Chair

Julie Davis
Mollie Habermeier
Cheryl Kagan
Michael McKeehan
Randy Scritchfield
Shelton Skolnick

Commission Members Absent:

Sylvia Brown Olivetti
Javier Miyares
Robert Skelton

Staff:

Sonya Healy, Legislative Analyst
Carol Edwards, Legislative Services
Coordinator
Marc Hansen, Chief, Division of General
Counsel, Office of the County Attorney
Joe Beach, Assistant Chief Administrative
Officer

Guests:

Dale Tibbitts, Montgomery County Civic
Federation
Peggy Denis

Chairman Muir called the meeting to order at 8:00 a.m.

I. Identify Potential Issues to Study

- Review of Public forum testimony

Chairman Muir asked the Commissioners to comment on the Charter Review Commission's public forum. The Commissioners were pleased with the attendance at the forum. They were impressed with the testimony and felt that the presenters were well informed on the issues. Most of the testimony focused on changing the size and composition of the Council and the number of signatures required to petition a County Charter amendment.

The Commissioners sensed that in the testimony presented, the trend seems to lean toward increasing the size of the Council. Several speakers testified that smaller districts would decrease the number of people Councilmembers represent, reduce the cost of running for the Council, and provide more opportunity for diversity. Former Councilmember Isiah Leggett submitted written testimony to the Commission. In his testimony, Mr. Leggett requested that the Commission consider his proposal to increase the size of the Council from nine to eleven members with three elected at-large members and eight district members.

Action: The Commissioners decided to invite Mr. Leggett to attend their next meeting to speak to the Commission about his recommendation to increase the size of the Council from 9 to 11 members with 3 Councilmembers elected at-large and 8 elected from districts. Current Councilmembers and the County Executive will also be invited to the next meeting to comment on the issues and make suggestions on the Commission's work plan.

Chairman Muir asked Commission members for proposals for the Commission's work plan. The Commission discussed reviewing the following issues:

- County's budget process – whether the Council's spending authority should be similar to what is done on the state level. Should the Executive have the same power as the Governor in dealing with the budget?
- Mr. Leggett's proposal to increase the size of the Council.
- Term Limits – The commissioners voted against addressing this issue.
- Number of signatures required to put a question on the ballot. The Commission decided to pursue this after the General Assembly takes action.
- Congruency of petition/ballot language
- Deadlines to exercise an Executive Veto (Charter Section 208) – The Commission agreed to resubmit this issue.
- Revisit the Commission's recommendation to designate membership on the Council as a full-time position for the purpose of determining the appropriate level of compensation. The Commission decided to ask the next Compensation Task Force to address this issue.

II. Update on Activities at the State Level

The Commission discussed the status of Senate Bill 561 and House Bill 648, Charter Counties-Proposed Charter Amendments-Number of Petition Signatures and Councilmember Leventhal's testimony in support of the State legislation. The Commission decided to put this issue aside until the General Assembly's legislative session is over. The Chair suggested that if the General Assembly passes the Bill, then the Commission should offer some guidance to the Executive and Council on what the signature requirement should be in Montgomery County.

Commission member McKeehan expressed concern about the Civic Federation's testimony that stressed the point that wording on citizen petitioned questions is often not the same as what actually appears on the ballot. The Civic Federation believes it was treated unfairly in the November election concerning the language in Question C. The Federation believes that the Council shouldn't have the ability to reword the language that goes from the petition document to the ballot. Marc Hansen commented that State law governs how the Council states ballot

issues. If the Civic Federation is interested in challenging the Council's action, there is an appeal process.

Action: The Commission asked Council staff to get the exact petition and ballot language along with the redline version of Question C.

Action: Marc Hansen was asked to review the State statute that governs the process for wording petition language and to present an orientation on the issue. The Commission also asked Mr. Hansen to provide a copy of the statute that applies to the appeal process for the next meeting.

Action: The Commission decided to give the Council a list of the Commission's recommendations to review after the Council's budget process is completed.

Action: The Chairman asked the Commissioners to review the Office of Legislative Oversight's (OLO) Budget Project report and be prepared to discuss it at a later date.

III. Administrative Items

The next meeting is scheduled for Thursday, April 14 at 8:00 a.m.

Chairman Muir asked for a motion to approve the December 9th meeting minutes and the February 17th Public Forum minutes. A motion was made and seconded to approve the December 9 and February 17 minutes.

The Commissioners discussed absenteeism at Charter Review Commission meetings. Commissioner Habermeier referenced Section 2-148. in the County Code, that states, "unless the law provides another method to remove members, a member of a committee who is absent from 25 percent or more of the schedule meetings or hearings during any 6 month period has resigned from the committee". The Chair will write letters to the Council and the County Executive concerning absenteeism of two members on the Commission. A motion was made and approved to enforce the attendance policy.

Meeting adjourned at 9:30 a.m.