

APPROVED 10/16/03

CHARTER REVIEW COMMISSION

Thursday, September 18, 2003

8:00-10:00 a.m.

6th Floor Conference Room

Council Office Building

Minutes

Commission Members Present:

Kenneth Muir, Chairman
Barbara Smith Hawk, Vice Chair
Robert Skelton
Sylvia Brown Olivetti (via telephone)
Julie Davis
Shelton Skolnick

Mollie Habermeier (via telephone)
Michael McKeehan
Cheryl Kagan
Javier Miyares

Commission Members Absent:

Randy Scritchfield

Staff:

Sonya Healy, Legislative Analyst
Carol Edwards, Legislative Services Coordinator
Justina Ferber, Legislative Analyst
William Mooney, Assistant Chief
Administrative Officer
Marc P. Hansen, Chief, Division of General
Counsel, Office of the County Attorney

Guests:

Councilmember Marilyn Praisner
Councilmember Nancy Floreen
Councilmember George Leventhal

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

The Chair thanked Council staff for mailing the Commission background information and other related materials requested by Commission members.

Discussion with Councilmember Praisner

The Chairman asked Councilmember Praisner if she had any ideas for Charter changes or restructuring the Council, and whether Councilmember positions should be considered full-time or part-time jobs.

Charter Changes – Councilmember Praisner stated that she currently had no suggestions for Charter changes.

Restructuring the Council – Councilmember Praisner stated that the County Council model that is currently utilized is an effective government model because it combines both at-large and district members and because it means that every constituent votes for a majority of the Council. If the structure was solely based on districts, it would probably result in smaller districts, which might have some political benefit for certain groups. The goal, however, should be policy not politics. If you only have district Councilmembers then you are more likely to have individuals

with parochial views. Totally district Councils, such as the Prince George's County model, do not work as well as the combination model. If residents disagree with their district representative, they are potentially limited in seeking redress from other members of the Council. On the other hand, a combination model provides a resident with more than one representative.

Councilmember Praisner noted that she was skeptical about the current structure initially, but now she thinks that the balance works very well. She commended the individuals serving on the Charter Review Commission that had worked on this issue in the past.

Chairman Muir stated that previous Charter Review Commission reports on this subject had talked about the problem of individual districts because much of what the Council does has to do with zoning and other issues that would resonate in one district and create problems in another. He asked Councilmember Praisner if she thought that this was a sound assessment.

Councilmember Praisner commented that it is important to have a mix of Councilmembers because it creates more points of access for constituents. She also noted that election reform is really the issue. Campaign finance reform, limiting contributions, and providing some type of vehicle for everyone to get access to public financing for campaigns would help to resolve some on-going issues. Legislation was introduced which would have allowed Montgomery County to have more stringent campaign financing but it did not pass.

Barbara Smith Hawk asked if other jurisdictions had an interest in increasing the number of signatures required for Charter amendments in relation to referendum requirements.

Councilmember Praisner noted that given the population variations across counties it becomes challenging to craft something at the State level that works for everybody. Also, no other jurisdiction has had the level of experience with this issue that Montgomery County has experienced. She would support an increase in the number of signatures required to amend the Charter.

Shelton Skolnick brought up the issue of conforming Council districts to legislative districts.

Councilmember Praisner stated that she would not support this idea because each area has different requirements. She discussed the Prince George's County model where the State Senator traditionally controls the ticket. She stated that the citizens of Montgomery County are intelligent enough to know the difference between Council districts and legislative districts.

On the issue of adding more Councilmembers because of the increase in the County's population, Councilmember Praisner stated that the Commission should continue to look at this issue, but she does not think it is necessary at this point.

Full-time versus part-time positions – Councilmember Praisner considers herself a full-time Councilmember because of the amount of time she spends on Council business. She suggested that the Commission speak with other Councilmembers, specifically those that have outside employment, to determine the impact of their outside commitments on Council service. She

stated that there is a need for more staff in councilmember offices and more central staff. However, like other government agencies, Council staff has been reduced because of budget challenges.

Mollie Habermeier asked Councilmember Praisner if voters confuse their district and at-large representatives, and how constituents communicate with their Council representatives.

Councilmember Praisner commented that constituents tend to contact their Council representatives by phone and e-mail. Constituents often direct their issues to their district representative or to a particular Councilmember by virtue of the Committee that he or she serves on.

Shelton Skolnick asked Councilmember Praisner approximately how many hours a week she averages for Council work.

Councilmember Praisner responded that she works from 7 a.m. to 10 p.m. each weekday, and only 3 hours on Saturday and Sunday. She noted that this does not include the time she spends out in the community or her activities on the State and federal level. She is the current MACO president and is very involved at the federal level on public safety and telecommunications issues.

Barbara Smith Hawk asked Councilmember Praisner if she believed that nine Councilmembers are sufficient given the tremendous workload.

Councilmember Praisner stated that the Council needs more staff rather than more elected officials. Councilmembers' offices are based on a staffing model created by former Councilmember David Scull. Under this model each Councilmember's office is supposed to have one confidential aide (non-merit position), one office manager, and one additional person who works on special projects. This model does not work. Councilmember Praisner noted that she has been creative to structure her office with several part-time employees.

Shelton Skolnick referred to Councilmember Praisner's comments that she needs more eyes and ears to keep up with issues in the community. He asked if this is an argument that the Council needs to have more Councilmembers.

Councilmember Praisner did not agree and stated that what is needed is more Council and central staff to conduct in-depth analysis of the issues.

Shelton Skolnick asked Councilmember Praisner how many Committees existed on the Council.

Councilmember Praisner stated that the Council has six Committees with budgetary responsibilities plus the newly established Homeland Security Committee and ad hoc committees as needed, such as the Budget Savings Plan Committee. Each Councilmember sits on two committees.

Discussion with Councilmember Floreen

Charter Changes - Councilmember Floreen stated that she did not have any recommendations for Charter changes at this point.

Full-time versus part-time positions – Councilmember Floreen stated that it may be possible to be a Councilmember on a part-time basis, but it depends on the individual and how much time the Councilmember wants to put into it. She recommended continuing the full-time nature of the position, but stopped short of recommending limiting outside employment. Councilmember Floreen noted that she would not want to limit individuals from running for office because they could not have outside employment.

Restructuring the Council - Councilmember Floreen believes that increasing the number of Councilmembers would dilute the power of the Council. The balance of power would shift in favor of the Executive with a more fractured Council.

Councilmember Floreen stated that she has a global perspective and prefers to focus on countywide issues because of her background. This is why she chose to run for an at-large seat. She stated that there is also more flexibility for at-large members because they have a wider constituency.

Shelton Skolnick asked Councilmember Floreen why a larger Council would put more power into the hands of the County Executive.

Councilmember Floreen responded that having more Councilmembers would make it harder to come to an agreement, make decisions, and create new tensions. In addition, it is more difficult to have a unified message on important County issues.

Shelton Skolnick asked Councilmember Floreen how many hours she spends on Council business.

Councilmember Floreen responded that she spends more than 40 hours and most likely more than 60 hours per week on Council business.

Barbara Smith Hawk asked Councilmember Floreen about the Civic Federation's report, particularly on the impact of special interests on Council policy.

Councilmember Floreen did not agree with the Civic Federation's assessment that special interests have more influence on County policy. She continued that candidates naturally receive financial backing from friends and colleagues; however, this does not mean that contributions drive policy decisions. Councilmembers are held accountable for their actions in each election. She also did not favor the Civic Federation's recommendation to change the Council representation to nine single-member districts and none at-large.

Discussion with Councilmember Leventhal

Charter Changes - Councilmember Leventhal had no recommendations for Charter changes at this time.

Restructuring the Council - In regard to the Civic Federation's proposal about district versus at-large representation, Councilmember Leventhal stated that it is more difficult for Councilmembers to say no to individuals in their own district. Activists often drive issues at the district level, and these activists may not always represent a community's true interest on a particular issue. He also commented that the Civic Federation is an interest group and may not be representative of the will of the public on this issue.

Councilmember Leventhal stated that the County would lose something valuable if did not have at-large Councilmembers. He stated that Montgomery County is one of the best run County governments in the United States, and he does not think that wholesale change is necessary.

Councilmember Leventhal remarked that the role of the County Executive is to manage the day-to-day operations of County Government. The County Executive, however, should not be the only one with a global point of view. The Council needs to maintain a mix of at-large and district seats.

Shelton Skolnick discussed Council districts based on a State legislative model and the staffing levels of the Council.

Councilmember Leventhal stated that he does not think that increasing Councilmembers' staff is necessary, but he would agree that the Council needs more central staff.

Full-time versus part-time positions – Councilmember Leventhal thinks that Councilmembers positions should be considered a full-time job, but he would not want to limit outside employment for those who needed additional income.

Cheryl Kagan expressed concern that having a finite personnel staff budget for Councilmember offices may affect hiring decisions. This type of structure creates an incentive to hire individuals that do not need benefits and insurance. She also asked Councilmember Leventhal if he agreed that more Councilmembers would dilute the power of the Council.

Councilmember Leventhal stated that he would have difficulty voting to expand the current Council because of budget constraints; however, he was unsure if more Councilmembers would affect the Council's relationship with the Executive.

Julie Davis commented that certain individuals may not run for the Council if the Commission recommends limiting outside employment because some individuals may not be able to afford to be a Councilmember. This is a serious consideration that needs additional scrutiny.

Other Issues

Chairman Muir informed the Commission that he had written a letter and called Montgomery County Delegation Chair Charlie Barkley inviting him to a Commission meeting to discuss the legislative history behind the efforts in Annapolis related to the signature requirement for Charter amendments. At this point Mr. Barkley has not responded.

Cheryl Kagan suggested that the Commission invite Senator Ida Ruben instead of Mr. Barkley. The Commissioners agreed. Sylvia Brown Olivetti asked if the Commission would like her to invite Senator Ruben to the next meeting. Chairman Muir agreed to her suggestion and told Ms. Olivetti to notify him if she needed a formal invitation letter.

Shelton Skolnick commented that it appears that Councilmembers work more than 60 hours per week. He recommended that Councilmembers jobs be made full-time positions with an appropriate salary. He also recommended excluding most outside employment, with exceptions for professors, National Guard reservists, and the like.

Barbara Smith Hawk suggested that the Commission reinvoke the remaining Councilmembers, who have not spoken to the Commission to get their thoughts about the issue of full-time versus part-time employment. She also recommended specific questions related to outside employment. She noted that more information needed to be generated before any preliminary decision is made on any of the issues before the Commission.

Michael McKeehan agreed that the Commission needed to hear from Councilmembers who have outside employment to get additional input on this issue. He noted his experience on the Compensation Commission and the numerous hours of debate that occurred on this issue.

Chairman Muir stated that there were at least three issues for the Commission to review: (1) the structure of the Council; (2) full-time versus part-time Council employment; and (3) creating a prohibition on outside employment. At this time, the Commission is in the fact finding stage and no preliminary decisions should be made at this point.

Cheryl Kagan requested information on the attendance records of Councilmembers, so the Commission could compare the records of those that have outside employment to those that do not have outside employment. She also suggested that the Commission change the date for comments from the public from the October meeting to the November meeting.

The Commission agreed that if the County Executive and Senator Ruben agree to attend the October meeting, then the Commission could delay public comment until November; however, if the County Executive and Senator Ruben cannot attend the October meeting, the schedule will remain the same.

Cheryl Kagan also suggested that Council staff send out another press release to legislators, so they will know what issues the Commission is considering.

Sylvia Brown Olivetti suggested that the Commission find out if the County Executive is interested in speaking with the Commission.

Bill Mooney stated that he will check with the Executive.

Chairman Muir asked if there were any corrections to the August 5 meeting minutes. Amendments were made to the minutes and a motion to approve the amended minutes was made and seconded. The minutes were unanimously approved with amendments.

Javier Miyares stated that he was absent from the August 5 meeting and asked that the record reflect that if he had been present, he would have voted against restructuring the County Council.

The meeting adjourned at 10:00 a.m. The next meeting is scheduled for October 16 at 8:00 a.m.