

APPROVED – 11/20/03

CHARTER REVIEW COMMISSION
Thursday, October 16, 2003 – 8:00 a.m.
6th Floor Conference Room
Council Office Building

Minutes

Commission Members Present:

Kenneth Muir, Chair
Barbara Smith Hawk, Vice Chair
Julie Davis
Mollie Habermeier
Michael McKeehan
Cheryl Kagan
Javier Miyares
Sylvia Brown Olivetti (via telephone)

Randy Scritchfield
Robert Skelton
Shelton Skolnick

Staff:

Sonya Healy, Legislative Analyst
Carol Edwards, Legislative Services Coordinator
Justina Ferber, Legislative Analyst

Guests:

Councilmember Knapp
Councilmember Silverman
Lou D'Ovidio, Confidential Aide to
Councilmember Subin

Commission Chair Kenneth Muir called the meeting to order at 8:00 a.m. The Chair informed the Commission that Councilmember Perez had a scheduling conflict and will attend the November meeting.

Discussion with Councilmember Silverman

Full-time versus part-time positions - Chairman Muir asked Councilmember Silverman to comment on the issue of compensation for Councilmembers as it pertains to full-time versus part time Council service.

Councilmember Silverman commented that this issue emerged when the Council met with the Compensation Commission last year. Some Commission members believed that higher compensation for Councilmembers was justified, but others believed that the Charter implied that the position is a part-time job, so no change was made. Councilmember Silverman commented that in reality being a Councilmember is a full-time position because constituents expect and should receive full-time service. Several Councilmembers spend more than 50 hours per week on Council business. Mr. Silverman noted that he practiced law before becoming a Councilmember, but quickly realized that he could not balance the two responsibilities. As a result, he has stopped practicing law. He also noted that the Council deals with a 3 billion dollar budget, which is a budget that is larger than half dozen states, and the County has a population of more than 900,000 people. These factors increase the demands of the job.

He encouraged the Commission to look at what is being done in other jurisdictions. Unless individuals are retired or have some other type of outside income it is difficult for many to get into public service. Compensation drives the issue in large part because of the perceived part-time nature of the job. In addition, the salary minimizes the ability to recruit qualified candidates. Councilmember Silverman noted that Councilmembers Perez, Subin, and Knapp all have outside employment and other may opt to do so as they become more familiar with their Council responsibilities.

Restructuring the Council - Chairman Muir asked Councilmember Silverman to discuss whether nine Councilmembers adequately represent the diversity of the County.

Councilmember Silverman responded that there is nothing magical about having nine Councilmembers; however, he believes that the Council has an adequate number of members. He also believes that the mix of district and at-large representatives provides the best of both worlds. District representation is important because residents have a particular point of contact on issues that affect their everyday lives. As an at-large representative of the Council, constituent work is less intense, but he has a more global perspective on County issues. At-large Councilmembers are accountable to all County residents. He does not think that the representation issue will be corrected by changing the size of the Council.

If you take away the current balance on the Council (five district and four at-large members) two things will happen: (1) it will take away a constituent's ability to influence five Councilmembers and (2) it will paralyze decision making. Prince George's County is a local jurisdiction that has all district representation. Under this system, there is a tremendous amount of pressure to trade votes to get particular projects in a representative's home district.

Councilmember Silverman recommended that the Commission stay with nine Councilmembers; however, if the Commission recommends expanding the number of Councilmembers to 11, he urged the Commission to maintain the current mix (five district representatives and four at-large representatives) to maintain balance on the Council.

Chairman Muir commented that some individuals argue for a larger number of members so the Council will reflect the County's diversity. Tom Perez is the first Hispanic Councilmember and Ike Leggett was the only African-American Councilmember on the last Council. He then asked Councilmember Silverman if increasing the number of seats would help address this problem.

Councilmember Silverman commented that there is a continual struggle to get nine qualified candidates to run for the Council. In a community that is 40 percent minority, there are a lot of qualified people out there who are qualified for the job, but who are not prepared to give up a career track for the salary or time commitment that accompanies being a councilmember. There was a concerted effort to identify and recruit individuals in the African-American, Asian, and Latino communities to run for the Council. Some of the individuals recruited decided to run for the State legislature because they found the timetable of the State legislative session to be more accommodating. He does not believe that more Council seats translates into more minority

participation. The issue really boils down to the level of participation in the electoral process. The County has only done a fraction of what it needs to do to increase voter participation.

Mr. Skolnick asked about the cost of running for election. It seems like if an individual is running for an at-large seat that it would cost more. If you have five or perhaps eight smaller districts this should encourage more minorities to run.

Councilmember Silverman commented that he does not think that this has anything to do with minority participation. The key to getting elected is what type of campaign you run. A combination of campaign finances and grass-roots support is required to get elected. As it relates to the minority community, the feedback he has gotten from minority candidates, whether they were running for the State legislature or County Council, is that there is sort of a “we all have to support this person” approach within the minority community. Many minority candidates are able to raise significant amounts of money.

Councilmember Silverman noted that campaign finance reform is directly related to promoting changes in the electoral process, not changing the structure of the Council. The Council has gone on record unanimously supporting State legislation dealing with campaign finance reform, which has failed twice.

Ms. Davis commented that we should pay Councilmembers what they deserve in terms of the level of effort they put into the job. If Councilmember positions become full-time jobs, this would encourage more people to serve. In terms of the size of the Council and whether you get new voices or new representation depends on the current members. Incumbency is very powerful. One reason to expand the size of the Council is that it would immediately create two new positions, which would open up the opportunity for new representation. If full-time pay and two additional positions were provided, this would provide substantial encouragement for new representation.

Councilmember Silverman stated that even if you increase representation, the real key is voter participation, not the size of the district. If the size of the district is reduced, and voter participation continues to be below 40 percent it creates the same problem.

Ms. Kagan disagreed with the idea that creating more Council seats is required to bring in new representatives. Several incumbents lost their jobs on the Council because on Election Day their constituents chose a different candidate. Over time, there have been several elections that have resulted in Council incumbents losing their seats to challengers. This happened as recently as 2002.

Ms. Olivetti commented that she is concerned about the fiscal implications of creating more Council seats especially during this tight budget environment. She asked Mr. Silverman his opinion on term limits.

Councilmember Silverman responded that the County has a \$3 billion budget and the fiscal implications should not drive the Commission’s policy decisions. He reminded the Commission

that it took at least 10 years or longer to get district representation. The Commission should do what it is charged to do, which is whatever is in the best interest of County Government.

Councilmember Silverman believes that there is no need for term limits for a legislative body. He stated that term limits enable interest groups and paid staff to drive the decisions being made by the legislative body. However, he does not object to term limits for the Executive Branch because he believes that it has a different set of dynamics.

Chairman Muir asked Councilmember Subin's Aide, Lou D'Ovidio, if he had any views he would like to share on behalf of Councilmember Subin.

Mr. D'Ovidio suggested that the Commission talk to members of the Redistricting Commission about diversity in the County. The 2001 Redistricting Commission and the Redistricting Commission he served on in 1991 looked carefully at the districts and attempted to see if there was a minority district, if there is any such thing, in the County. Unfortunately or fortunately, the housing pattern in the County, partially because of housing policies, has the minority population spread out in large areas of the County, except in the western area and the far north east.

Restructuring the Council - On the issue of at-large versus district representation, Mr. D'Ovidio commented that it is important to maintain the mix we have now because you have a group of individuals who have to run countywide. This generally results in a leadership group who has a countywide perspective rather than a district respective. You need a mechanism for developing this type of perspective, if you want to cultivate future County leaders. If the Commission moves away from at-large seats, the County would be losing a valuable asset. He also suggested that the Commission may want to look at the background of individuals who served as County Executive to see what type of experience they had before being elected.

Mr. Miyares commented that in regard to demographics, the Commission may be trying to solve a problem with the wrong solution. He thinks that the County is fortunate that it does not have a housing pattern that creates a minority district. Perhaps other issues like campaign finance reform would open up greater opportunities for minorities to serve on the Council.

Mr. Skolnick asked Mr. D'Ovidio how much time Councilmember Subin spends on constituent services.

Ms. Kagan asked Mr. Skolnick to define what he means by constituent service.

Mr. Skolnick responded that his would include one-on-one service as well as community outreach efforts.

Mr. D'Ovidio responded that the Subin office spends a large amount of time on constituent service, especially this year because Mr. Subin is also Council President. In past years, he would agree that more constituents go directly to their district office representative rather than to at-large representatives. Although, most constituents know that they need five votes and will reach out to at-large Councilmembers for their votes.

Discussion of Charter and Administrative Issues

Ms. Olivetti informed the Commission that Senator Ruben was not available for this meeting, but would like to attend the November meeting at 9:30 a.m. Ms. Olivetti also recommended that the Commission invite former Delegate Helen Koss to the next meeting to discuss the number of signatures required to petition a Charter Amendment. Ms. Koss has dealt with constitutional issues and has some views on changing the number of signatures for Charter amendments. The Commission agreed to invite Delegate Koss to the next meeting; or, if she cannot attend, ask for written comments.

Mr. Skolnick suggested that when the Commission sends a letter to Ms. Koss to also ask her opinion on which referendum takes precedence if two referendums pass, but are in conflict with one another. There has been some controversy on this issue and there appears to be no clear answer.

Ms. Kagan asked about the status of the discussion with the County Executive and the general public.

Council Staff informed the Commission that they will continue to work with the Executive's Assistant Chief Executive Officer, William Mooney to schedule a meeting with the County Executive.

At this point in the meeting, the Commission discussed the time frame for holding discussions with the remaining elected officials and the general public in relation to the timeline for its final report. Commissioners were concerned whether specific issues had to be more concrete before presenting them to the general public for comment, and whether a special meeting or more than one public hearing should be held. Several Commissioners expressed the view that there should be at least one, but possibly more public hearings to get feedback from the community.

Mr. Scritchfield commented that the previous Commission held three meetings with the general public, but there was a longer period of time before the report was submitted to the Council. The previous Commission ended up with a full spectrum of ideas but no concrete recommendations. He also commented that he believed that a public forum seems to get better results than a public hearing.

Council Staff explained how the public forums were set up last year and suggested that the Commission gauge community response before scheduling several meetings because of the tight time schedule. If new issues arise late in the process, there may not be adequate time to do the necessary research before the report is due to the Council.

Discussion with Councilmember Knapp

Restructuring the Council - Chairman Muir asked Councilmember Knapp to comment on the at-large versus district mix of Councilmembers and whether or not expanding the Council would result in increased diversity.

Councilmember Knapp responded that he likes the five-four split because it gives a quasi-Senate/House of Representatives perspective in the same legislative body. For a County the size of Montgomery County this mix is important. One of the challenges he has found, especially with the growth in the Upcounty, is that it has happened so quickly that other Councilmembers have not had the opportunity to see and experience it. One of the challenges he faces as a district representative is to reach out and educate other Councilmembers about the issues in the Upcounty.

From a district perspective, an individual runs to address the issues in a specific area of the County. While everyone wants to be knowledgeable about the issues in every district, it is difficult. At-large members have a greater opportunity to reach out to all areas of the County. One of the things he has done is to coordinate district swaps where one Councilmember visits another's district to experience issues in a particular district on a firsthand basis.

Councilmember Knapp believes that expanding the Council would increase bureaucracy and increase costs. From a diversity perspective, more seats do not necessarily equal more minority representation on the Council. The County needs to develop ways to reach out to specific communities that are under represented to identify and cultivate candidates. He is not necessarily sure that creating more districts solves the problem.

Chairman Muir asked Councilmember Knapp to talk about the process and costs associated with getting elected.

Councilmember Knapp commented that the cost of an election depends on various dynamics, not just whether you are running from a district or Countywide. He stated that he raised nearly four times more money than the incumbent had raised in any other the election and twice as much as both the incumbent and the challenger had raised in the preceding election. He stated that the perception is that more money is spent running at-large than for running for a district; however, the most effective strategy was grass roots campaigning.

Full-time versus part-time positions - Chairman Muir asked Councilmember Knapp to comment on the issue of full-time versus part-time employment as a Councilmember.

Councilmember Knapp stated that he supports either allowing outside employment or having a salary that is commensurate with a full-time position. This would provide more of an opportunity for a wider range of individuals to participate.

Mr. Skolnick asked Councilmember Knapp how much time he spends on constituent service (working on problems either for individuals or for groups), as compared to oversight issues.

Councilmember Knapp responded that he probably spends 50 to 70 percent of his time on constituent services either in a reactive or proactive manner.

Ms. Kagan asked if Councilmember Knapp believed that serving as an at-large Councilmember would change this percentage.

Councilmember Knapp did not think this percentage would change, but the perspective is that at-large members spend more time working on legislation and solving countywide issues.

Ms. Hawk asked Councilmember Knapp if he encountered any surprises since being elected.

Councilmember Knapp responded that the one issue that surprised him is the role of Council staff (5th floor) versus Councilmembers' staffs (6th floor) and how the roles are defined and who drives policy decisions.

Mr. Skolnick asked Councilmember Knapp about his thoughts on term limits.

Councilmember Knapp responded that in his opinion individuals tend to stay in jobs too long and agrees with a three-term limit.

Mr. Skolnick asked Councilmember Knapp if he sees any difference in having Council term limits versus term limits for the County Executive.

Councilmember Knapp responded that he did not see any difference.

Other Issues

The Chairman reminded the Commissioners about the timeline for submitting the final report to the Council. Commissioners discussed whether they should have a public hearing, the format for such a meeting, and administrative issues with scheduling a meeting. Several Commissioners also expressed concern that they have not finished their meetings with public officials.

Mr. Skelton suggested that the Commission ask the public to provide comments on the specific issues the Commission had identified, instead of also including outside referendums that may or may not go anywhere.

Ms. Olivetti suggested that the public could comment on these issues, but that this should not be the main focus of the discussion.

Ms. Hawk agreed and commented that if the petition came up during the public discussion that the Commission should address it.

The Commission decided to hold a public forum on December 3 from 7:00 to 9:00 p.m. in the Council Office Building.

Ms. Kagan asked to have an electronic copy of the press release sent to Commissioners so they could forward the final version to their community contacts.

Chairman Muir suggested that the Commission may schedule a second hearing on Monday, January 12 from 7:00 to 9:00 p.m. depending on the demand. He also suggested that the press

release state that people are invited to send their comments in writing. The press release will ask for an RSVP with a cutoff time.

Ms. Kagan suggested that the press release should be written in a broader sense and ask if the public has any additional issues they may want addressed.

The Commission agreed to invite Senator Ruben, former Delegate Koss, Councilmember Perez, and the County Executive to the November 20 meeting. Council staff agreed and noted that the remaining Councilmembers that have not spoken to the Commission would also be invited.

Chairman Muir asked if there were any comments or corrections to the September 18 minutes. Ms. Kagan made one correction to the minutes concerning the amount of time Mrs. Praisner spends on Council business. A motion was made to accept the correction, the motion was seconded and the minutes were approved.

The date for the April meeting was scheduled for the 16th at 8:00 a.m.

Council Staff distributed and explained the materials on Councilmembers' attendance records as requested at the last meeting.

Mr. Skolnick requested that staff obtain two maps from the Board of Elections--one map showing the five Council districts and the other showing the eight legislative districts.

The meeting adjourned at 10:00 a.m. The next meeting is scheduled for November 20 at 8:00 a.m.