

CHARTER REVIEW COMMISSION
Wednesday, April 10, 2013
6th Floor Conference Room
Council Office Building

Commission Members Present:

Mark Feinroth, Vice-Chair
Cherri Branson
Barry Cohen
Diane Nash Dillon
Guled Kassim
Thomas King
Albert Pearce
Shawn Sullivan

Staff:

Marc Hansen, County Attorney
Marie Jean-Paul, County Council Staff
Amanda Mihill, County Council Staff

Guests:

Connie Latham, Special Assistant to the County
Executive
Linda Lauer, Clerk of the Council

Commission Members Absent

Molly Mahoney Matthews, Chair
Jerry Cave

Commission Vice-Chair Mark Feinroth called the meeting to order at 8:12 a.m. Mr. Feinroth announced that Commissioner Wendell Holloway resigned.

I. Meeting with Connie Latham and Linda Lauer

The Commission met with Connie Latham and Linda Lauer. Ms. Latham is responsible for the Executive process to appoint people to boards, committees, and commissions (B/C/C), and Ms. Lauer is responsible for the Council process. Ms. Latham and Ms. Lauer explained the appointment process and the avenues that the Executive and Council use to recruit applicants to vacancies on a B/C/C.

Ms. Lauer explained that when there is a vacancy on a B/C/C that the Council recruits for, the Council develops a press release and sends that press release to the Council mailing list, which is over 700 individuals and organizations, including homeowner associations, condominium associations, and the Democratic and Republican Central Committees. The vacancy announcement is incorporated into the Council's weekly agenda, put on the Council's Facebook page, Twitter feed, distributed via Councilmember newsletters, and sent to the Regional Services Center Directors for further distribution. Ms. Lauer further explained that if the Council has a difficult time recruiting applicants, staff will contact the local newspapers to inquire as to whether they are interested in doing a news story.

Ms. Latham explained that the process for recruiting applicants for Executive B/C/Cs is similar. The Public Information Office sends a vacancy announcement to a mailing list that

contains over 2000 recipients, which includes the press, chambers of commerce, and homeowner and civic organizations, and to the County's e-subscribe list which includes over 600 recipients.

Mr. Feinroth asked Ms. Lauer and Ms. Latham how this process would be changed if there were a requirement that a B/C/C have members from each geographic region in the County. Ms. Lauer noted there was a County law already in effect that encourages geographic diversity and Ms. Latham noted that this information already goes on the announcements. Ms. Lauer and Ms. Latham both stated that if there was a mandate for geographic diversity, it would add to the complexity of the appointment process and could slow the process down because the pool of available applicants would be narrower. Ms. Lauer noted that there could also be a cost associated with mandating geographic diversity and that the rough cost for 1 mailing is \$700. Ms. Lauer and Ms. Latham noted that some PTAs and School Board members could be on the mailing lists if they expressed an interest in receiving these communications, but are not automatically on this list.

Responding to Commissioner questions about why it is sometimes difficult to get people to apply to vacancies, Ms. Latham noted that some boards are harder to fill than others and it takes a good deal of time to serve on some B/C/Cs. Ms. Lauer noted that there are some B/C/Cs that are prohibited from having more than a certain number of members from the same political party and these vacancies can be difficult to find the appropriate applicants.

II. Open Discussion of Issues

Composition of the Commission (Diversity)

Agreed to defer discussion of this topic until the next meeting.

Collective Bargaining

County Attorney Hansen gave a brief refresher on the history of collective bargaining in the County, reviewed the charter provisions authorizing collective bargaining for the police, firefighters, and general employees, and provided an update regarding the Court cases the County was involved in. Mr. Hansen explained that in 2011, the County Executive did not recommend full funding of the labor agreements that were recommended by arbitration because he felt that it was not in the public interest. The unions filed a prohibited practice charge on the ground that the Executive violated the collective bargaining law because he did not fully fund the agreements. The County lost before the labor relations administrator, but won in Circuit Court.

Mr. Hansen explained that while those cases were being appealed in the Court of Special Appeals, the Court of Appeals issued an opinion in a case from Anne Arundel County. In that case, the Anne Arundel charter required the Council to enact a collective bargaining law to be implemented as part of the following year's budget process. The Court of Appeals struck down a law that gave the Anne Arundel Council discretion to not fund an arbitration award.

After the Court of Appeals issued their opinion in the Anne Arundel case, the Court of Special Appeals issued its opinion in the County's cases and found that the Executive committed

an unfair labor practice. As a result, the Executive will be required, by law, to fully fund the collective bargaining agreements in his recommended operating budget and will be required to support full funding for the agreements.

Mr. Hansen noted that another County case was argued before the Court of Special Appeals in which the police union challenged the Council's authority to change provisions in the collective bargaining agreement relating to employee benefits. In this case, the County won in Circuit Court and is awaiting an opinion in the Court of Special Appeals.

Safety in Schools

Agreed to defer discussion of this topic until the next meeting.

Council President Term

Commission members heard from the subcommittee and agreed to defer discussion of this topic until the next meeting.

Executive Term Limits

Commissioners agreed to defer discussion of this topic.

III. Administrative Items

Commission members agreed to meet on May 8.

The Commission approved the minutes of the February meeting. Motion made by Barry Cohen and seconded by Diane Dillon. The minutes were approved unanimously among those present.

The meeting adjourned at 9:20 a.m.