

CHARTER REVIEW COMMISSION
Wednesday, September 9, 2009
6th Floor Conference Room
Council Office Building

Commission Members Present:

Nancy Soreng, Chair
Michael Cogan
Wilbur Friedman
Mollie Habermeier
Robert Shoenberg
Moshe Starkman
Judith Vandegriff
Anne Marie Vassallo

Staff:

Mike Faden, County Council
Justina Ferber, County Council
Marc Hansen, County Attorney's Office
Marie Jean-Paul, County Council
Amanda Mihill, County Council

Guests:

Dale Tibbitts, Office of Councilmember Elrich

Absent:

Alice Gresham Bullock, Vice-Chair*
Karen Czapanskiy
Charles Wolff

Commission Chair Nancy Soreng began the meeting at 8:10 a.m.

I. Approval of Minutes

The Commission approved the June 10 minutes. Motion made by Judith Vandegriff and seconded by Wilbur Friedman.

In favor: Michael Cogan, Wilbur Friedman, Mollie Habermeier, Robert Shoenberg,
Nancy Soreng, Moshe Starkman, Judith Vandegriff, Anne Marie Vassallo (8)

II. Report by Chair Soreng on meetings with Councilmembers Trachtenberg and Andrews

Chair Soreng reported to the Commission that she met with both Councilmember Trachtenberg and Council President Andrews regarding the potential meeting between the Legislative Branch, Executive Branch, and Parking and Planning posed at the June 10 Commission meeting. Ms. Soreng reported that Councilmember Trachtenberg thanked the Commission for its work and assured Ms. Soreng that these parties are communicating regarding these issues, particularly as it relates to the Growth Policy discussions that the Management and Fiscal Policy Committee will be having. Ms. Trachtenberg also cautioned that the Commission's role is that of advisor to the Council and Executive, not to facilitate meetings.

Ms. Soreng reported that Mr. Andrews also assured that the Council is engaged in these discussions, particularly the Management and Fiscal Policy, Transportation, Infrastructure, Energy & Environment, and Planning, Housing, and Economic Development Committees. Mr. Andrews

* Could not attend due to a death in the family.

expressed similar concerns that the Commission's role is to engage in independent fact-finding, not facilitate meetings and was concerned that such meetings would set a bad precedent.

III. Open Discussion of Study Issues

Ms. Soreng shared with the Commission the results of 2 Charter ballot question from 1998. The first question, which would have excluded special taxing districts from the §305 Charter limit, was rejected by voters 50.1% to 49.84%. Another ballot question, which would have replaced the supermajority requirements in §305 with simple majority requirements, was defeated by voters 57.5% to 42%. In the ensuing discussion, Mr. Cogan noted that a good indicator of a question's complexity would be to know how many voters voted on the questions.

The Commission reviewed a memorandum submitted by Mr. Friedman that advocated the following Charter amendments:

- Provide that if the Council funds additional fire stations, the money expended on this project would not be subject to the limits of §305.
- Provide that if the Council funds constructing an express bus service, the money expended on this project would not be subject to the limits of §305.
- Require the County to set aside money into a fund in more financially sound times so that it can be used in difficult financial times.

Responding to Commissioner questions, Mr. Hansen explained that Charter §310 limits the amount of surplus that can be budgeted. When faced with too much surplus, the County can either return it to the taxpayers or spend it through supplemental appropriations. The Commission discussed that one alternative the Commission could consider is amending §310 to allow the County to set aside additional surplus to be used when revenue collections are below what was anticipated when the budget was adopted. Commissioners generally discussed some benefits and drawbacks of this proposal.

The Commission took straw votes on the following question: should the Commission recommend excluding special taxing districts from the property tax limits of Charter §305.

In favor: Robert Shoenberg, Nancy Soreng (2)

Against: Michael Cogan, Wilbur Friedman, Mollie Habermeier, Judith Vandegriff,
Anne Marie Vassallo (5)

Abstain: Moshe Starkman (1)

In light of the Commission's decision to recommend not excluding special taxing districts from the §305 limit, Ms. Soreng requested that those members who voted against excluding those districts from the §305 limit to e-mail her with reasons why they did not support excluding those districts.

The Commission voted to consider issues raised by Mr. Friedman's recommendations regarding §310, including whether to recommend an amendment to give the County the option to set aside funding above the 5% limit to be used when revenue collections do not meet revenue projections.

In favor: Michael Cogan, Wilbur Friedman, Mollie Habermeier, Nancy Soreng, Moshe Starkman, Judith Vandegriff, Anne Marie Vassallo, (7)
Against: Robert Shoenberg (1)

In studying the issues raised by Mr. Friedman's memorandum and §310, the Commission requested to meet with Tim Firestine, Jennifer Barrett, Joe Beach, Steve Farber, and a representative from the Maryland Association of Counties or the National Association of Counties. The Commission was interested in understanding how revenue estimates are derived and what, if any, similar options other jurisdictions have.

The Commission discussed that November's meeting is currently scheduled for November 11, which is a County holiday. Therefore, they agreed to meet on November 18 instead of November 11.

The meeting was adjourned at 9:27 a.m.

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