

Public Hearing on
Resolution to adopt a Proposed Amendment to County Charter - Executive Branch –
Appointments

before

The Honorable Andrew Friedson
Council President
Montgomery County Council

July 16, 2024

Testimony of Aaron Droller
Silver Spring, Maryland

Good afternoon members of the Montgomery County Council (“Council”). My name is Aaron Droller and I live in Silver Spring. Thank you for the opportunity to submit testimony on the Resolution to adopt a Proposed Amendment to County Charter - Executive Branch – Appointments. I oppose this Charter amendment and urge the Council to reject it.

Like the federal and state government, our form of government in Montgomery County is premised on the crucial principle of separation of powers. The executive power is vested in the County Executive (CE), the legislative power is vested in the Council, and the judicial power is vested in the court system. This amendment would fundamentally alter the balance of power by granting nearly unfettered discretion to the County Executive to make appointments without affirmative Council consent. This, in turn, gives the public potentially no official opportunity to voice its views on a particular nominee. The Council should not relinquish its responsibility to affirmatively vote and approve non-merit appointments of the CE.

While our system correctly grants great discretion to the County Executive in choosing his appointments, that discretion is not unlimited. In 1968 and 1976, Montgomery County voters firmly established the premise that the public, through their elected representatives on the Council, should have input on Executive appointments. Council public hearings and affirmative votes are the mechanism through which the public may express its views on nominees. This process has served Montgomery County well for decades and should not be discarded through this amendment. A “deemed approved” standard as proposed in the charter amendment would permit the Council to avoid its essential responsibilities to thoroughly and publicly vet nominees.

While I am sympathetic to the efficient functioning of government, an automatic approval of nominations is inherently undemocratic as it almost completely removes the public from the process. Nominees should, at the very least, require a public hearing and an active vote of the

Council before being approved. It is to the ultimate advantage of the nominee to have the affirmative imprimatur of Council, which in turn can be taken as public consent to the nominee.

In the alternative, I am in favor of a charter amendment for an affirmative vote requirement within 60 days or the nominee would be deemed *disapproved*. This requirement which would accomplish the same goal articulated by the Charter Commission for appointees to be considered within a predictable timeframe, while preserving the Council's authority and the public's right to voice its views on nominees. A "deemed disapproved" standard would also encourage the Council to move expeditiously on nominees and for the County Executive to thoroughly vet his nominations before sending them to the Council for approval.

Please reject the proposed amendment. Thank you for your time and for your service to Montgomery County.